

Mohammed Muzamil vs State of Karnataka

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Court : Karnataka Orders

Decided On : May-30-2024

Judge : M.Nagaprasanna

Appeal No. : CRL.P/1324/2023

Appellant : Mohammed Muzamil

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF MAY, 2024 BEFORE THE HON'BLE
MR JUSTICE M.NAGAPRASANNA CRIMINAL PETITION NO. 1324 OF
2023 BETWEEN:

1. MOHAMMED MUZAMIL S/O MOHAMMED HANEEF AGED ABOUT 33 YEARS.
2. ASHRAF UNNISA W/O MOHAMMED HANEEF AGED ABOUT 58 YEARS.

3. TABASUM JABINA S/O NAYEEM SHANIF AGED ABOUT 35 YEARS.

4. UMMESADIYA Digitally signed by NAGAVENI D/O MOHAMMED HANEEF Location: HIGH AGED ABOUT 27 YEARS. COURT OF KARNATAKA 5. NAYEEM SHARIF S/O MUNEER SHARIF AGED ABOUT 48 YEARS.

6. MOHAMMED MUDASIR

S/O MOHAMMED HANEEF AGED ABOUT 33 YEARS. R/AT 316, SHREE GARNET PARK APARTMENT WHITEFIELD ROAD, HOODI -2- BENGALUR - 560 048. PETITIONERS (BY SRI. MOHAMMED MOIN ULLA, ADVOCATE) AND:

1. STATE OF KARNATAKA BY MAHADEVAPURA POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR CITY CIVIL AND SESSIONS JUDGE BENGALUR - 560 001.

2. SMT. TABASSUM FATIMA W/O MOHAMMED MUJAMILL AGED ABOUT 24 YEARS NO.316 SHREE GARNET PARK APARTMENT WHITEFIELD MAIN ROAD MAHADEVAPURA POST HOODI BENGALURU - 560 048. RESPONDENTS (BY SRI P.THEJESH, HCGP FOR R-1; SRI PRASANNA KUMAR P.DAROJI, ADVOCATE FOR R2) THIS CRIMINAL PETITION IS FILED UNDER SECTION 482

OF CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING ON THE FILE OF THE LEARNED 29th ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU IN CR.NO.302/2022. THIS CRIMINAL PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -3-

ORDER

Petitioners are before this Court calling in question the proceedings in Crime No.302 of 2022 registered for offences punishable under Sections 498A, 504, 506 r/w Section 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act.

2. During the pendency of the petition, the 1st petitioner-

husband and the 2nd respondent- wife have settled the dispute amicably and have decided to live together. A Joint Memo is also filed by them to that effect. The Joint Memo reads as follows: The undersigned counsel for the Petitioners and Respondent No.2 most humbly submits that, at the intervention of elders and well-wishers, the Petitioner No.1 (husband) and Respondent No.2 (wife/Complaint) and other Petitioners being family members have amicably resolved their dispute inter se. The Petitioner No.1 and Respondent No.2 have reunited by forgetting all the past events and have decided live together to lead life along with their children. As such, the Respondent No.2 do not wish to prosecute case against her husband and family members. Under the aforesaid circumstances, it is prayed that, this Honble Court may be pleased to disposed off the above petition by quashing the FIR in Crime No.302/2022 now as CC No.50350/2023 pending on the file of -4-29th Addl Chief Metropolitan Magistrate at Bengaluru, in the interest of justice. The affidavit filed by the 2nd respondent reads as follows: Page 6 and 7. I, Tabassum Fatima W/o Mohammed Muzammil, aged about 26 years, R/at:No.316, Shree Garnet Park Apartment, Whitefield Main Road, Mahadevapura Post Hoodi, Bengaluru-560 048 do hereby solemnly affirm and state on oath as under:

1. I state that, I am the Respondent No.2/complainant in the above case, I know the facts of the case. Hence, am deposing to this affidavit.

2. I state that, at the intervention of elders and well-wishers

and considering the welfare of my children, I have decided to withdraw all the pending court cases initiated as against my husband (Respondent No.1) and other family members. Likewise in Crime No.302/2023 now as CC No.50351/2023 pending on the file of 29th Addl Chief Metropolitan Magistrate at Bengaluru.

3. I state that, after realization and understanding the

mistakes committed by each other, without any threat or coercion of anyone, I have decided to reunite forgetting all the past events and live life with my husband along with my children together. As such, I do not wish to prosecute case against

my husband and family members. WHEREFORE, it is prayed that, this Honble Court may be pleased to accept this affidavit and dispose off the petition as prayed for, in the interest of justice. I the deponent do hereby verify and state that, what is stated above is true to the best of my knowledge, belief and information. This is my name and signature. -5-

3. In the light of the offences being the one punishable

under Section 498A of the IPC and also the couple deciding to live together, I deem it appropriate to accept the Joint Memo and close the proceedings against the petitioner.

4. For the aforesaid reasons, the following:

ORDER

(i) Criminal Petition is disposed.

(ii) Proceedings pending in Crime No.302 of 2022

pending before the 29th Additional Chief Metropolitan Magistrate, Bengaluru stands quashed. Consequently, I.A.No.1 of 2023 also stands disposed. Sd/-
JUDGE BKP List No.: 1 SI No.: 38

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