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Mr. Shailesh. B vs State of Karnataka

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Court : Karnataka

Decided On : Apr-25-2024

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/3393/2024

Appellant : Mr. Shailesh. B

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2024 BEFORE THE HON'BLE MR. JUSTICE S. VISHWAJITH SHETTY CRIMINAL PETITION NO.3393 OF 2024 BETWEEN:

1. MR. SHAILESH .B S/O LATE MR. BASAVARAJ AGED ABOUT 35 YEARS R/O NO.376/2, SARARGOKUL APARTMENTS FLAT NO.201, 10TH MAIN ROAD VIDHYAPEETA, BANASHANKARI 3RD STAGE BANGALORE-85.

2. MRS. CHINNAMMA .B

Digitally signed W/O LATE MR. BASAVARAJUby RUPA V

BENGALURU-85.

3. MR. B. MAHESH S/O LATE MR. BASAVARAJ AGED ABOUT 36 YEARS R/O NO.24 3RD FLOOR, 5TH MAIN ROAD TATA SILK FORM, BASAVANAGUDI BANGALORE-560094.

4. MRS. B. PRIYA

AGED ABOUT 31 YEARS, W/O DEEPAK R/O NO.340/C, 5HT MAIN ROAD 9TH BLOCK, VINAYAKA BADAVANE -2- NAGARBHAVI BANGALORE-560072. PETITIONERS (BY SRI. MOHD. USMAN SHAIKH, ADV.,) AND:

1. STATE OF KARNATAKA BY RAJAJINAGAR POLICE II BLOCK, RAJAJINAGAR BANGALORE BY STATE PROSECUTOR.

2. SMT. SWETHA .S AGED ABOUT 31 YEARS W/O MR. SHAILESH RESIDENT OF NO.293, 52ND CROSS 4TH BLOCK, RAJAJINAGAR BANGALORE-560010. RESPONDENTS (BY SMT. K.P. YASHODA, HCGP FOR R1 SRI. R.V. SHIVANANDA REDDY DEV, ADV., FOR R2) --- THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING

TO QUASH ENTIRE PROCEEDINGS PENDING IN THE COURT OF XXXIX ADDL. CMM AT BANGALORE IN C.C.NO.36250/2023 (CR.NO.91/2022 OF RAJAJINAGAR POLICE BANGALORE) FOR THE OFFENCE P/U/S 498A, 504 AND 506 OF IPC AGAINST THE PETITIONERS. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -3-

ORDER

Sri.R.V.Shivananda Reddy, learned counsel has filed vakalath on behalf of respondent No.2 along with affidavit of respondent No.2 stating that respondent No.2 has no objection to quash the entire proceedings as against the petitioners

herein. The vakalath and affidavit are taken on record.

2. Accused Nos.1 to 4 are before this Court under

Section 482 of the Criminal Procedure Code, 1973 seeking to quash the entire proceedings in C.C.No.36250/2023 pending before the XXXIX Addl. Chief Metropolitan Magistrate Court at Bangalore arising out of Crime No.91/2022 registered by Rajajinagar police station for the offences punishable under Sections 498A, 504, 506 read with 34 of Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Learned counsel for the petitioners and learned

counsel for the respondent No.2 jointly submit that the -4- dispute between the parties is settled and in view of the settlement arrived between the parties, the marriage of accused No.1 with respondent No.2 has been already dissolved. The memorandum of settlement which was entered into between the parties on 01.04.2024 and submitted before the jurisdictional Family Court in M.C. No.471/2024 on the basis of which the marriage of petitioner No.1 with respondent No.2 has been dissolved, is produced before this Court along with a memo. The same is also taken on record.

4. In paragraphs 2 to 6 of the memorandum of settlement dated 01.04.2024, the parties have stated as follows:

> "2. The parties state and admit that the marriage has not been consummated due to the ascetic life of the respondent. Therefore they are living separately since March 2022. The efforts made by the elders, friends and well wishers to resolve the differences between the parties did not yield any fruits. There is absolutely no chance of a reunion between them. The petitioner and the respondent -5-

know that their marriage is irretrievably broken down and there are no chances of reunion to lead a happy married life. Hence, the petitioner and the respondent have decided to get the marriage dissolved by a decree of divorce.

3. The petitioner has not claimed any permanent alimony/maintenance from the respondent, they have no further claims of whatsoever manner against each other either past, present or future.

4. In view of the settlement the petitioner

undertakes to withdraw Crl.Misc.81/2023 pending before MMTC-V, Bengaluru filed against the respondent and also agreed to co-operate to quash/close the C.C.36250/2022 filed under 498-A pending before 39th ACMM, Bengaluru.

5. Both the parties state that they have no further claims over the movable or immovable properties either existing at present or to be acquired in future.

6. Both the parties herein state that there is no undue influence, force or coercion in entering into this agreement from any one or anything."

5. In paragraphs 2 and 3 of the affidavit filed by respondent No.2 before this Court, she has stated as follows: -6-

> "2. I state that, I have filed the above complaint against my husband and in-laws and same is pending before the 39th ACMM, Bengaluru in C.C.No.36250/2022 for the offence punishable under Sections 498-A of IPC. At the intervention of well-wishers, elders, friends and both family members, the petitioners and myself were settled the dispute amicably before the Mediation Centre as per mediation report dated 01.04.2024.

3. I state that, I have no objection to quash the entire proceedings against the petitioners in C.C.No.36250/2022, pending on the file of the Hon'ble 39th ACMM, Bengaluru."

6. The parties are close relatives and they have now

resolved their dispute between themselves and they intend to give quietus to the disputes between them. The alleged offences are compoundable in nature. Considering the nature of allegation, gravity of offence and the nature of settlement arrived at between the parties, I am of the opinion that the prayer made

in the petition is required to be granted. -7-

7. Accordingly, petition is allowed. The entire

proceedings in C.C.No.36250/2023 pending before the XXXIX Addl. Chief Metropolitan Magistrate Court at Bangalore arising out of Crime No.91/2022 registered by Rajajinagar police station for the offences punishable under Sections 498A, 504, 506 read with 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act is quashed. Sd/- JUDGE RV List No.: 1 Sl No.: 16

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