

Shakeel Pasha vs State by

Shakeel Pasha vs State by

SooperKanoon Citation : sooperkanoon.com/1900687

Court : Karnataka Orders

Decided On : Jul-29-2024

Judge : M.Nagaprasanna

Appeal No. : CRL.P/3690/2024

Appellant : Shakeel Pasha

Respondent : State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2024 BEFORE THE HON'BLE
MR JUSTICE M.NAGAPRASANNA CRIMINAL PETITION NO. 3690 OF
2024 BETWEEN:

1. SHAKEEL PASHA S/O MEHABOOB PASHA, AGED ABOUT 29
YEARS,
2. MEHABOOB PASHA S/O MOHAMMED IBRAHIM, AGED ABOUT 58
YEARS,

3. SALMA KOUSAR W/O MEHABOOB PASHA, AGED ABOUT 45 YEARS,

4. SUHEL PASHA S/O MEHABOOB PASHA, AGED ABOUT 30 YEARS,

Digitally signed 5. FARHEEN TAJby NAGAVENI

S/O M

COURT OF KARNATAKA

6. FASIHA KHANAM W/O SUHEL PASHA, AGED ABOUT 29 YEARS, PETITIONERS NO.1 TO 6 ARE R/AT NO.18, 1ST CROSS, AJJAPPA BLOCK DINNUR MAIN ROAD R.T. NAGAR BANGALORE - 32. -2-

7. SAMEER PASHA S/O MEHABOOB PASHA, AGED ABOUT 27 YEARS, R/AT NO.292, 2ND CROSS, REHMATH NAGAR, R.T. NAGAR, BANGALORE - 32. PETITIONERS (BY SRI. MUZAFFAR AHMED, ADVOCATE) AND:

1. STATE BY R.T. NAGAR POLICE STATION, REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, BENGALURU - 560 001

2. SMT. SHAISTA SULTANA W/O SHAKEEL PASHA, D/O ABDUL MAJEED R/AT NO.35, 2ND FLOOR I CROSS, AJJAPPA BLOCK DINNUR, R.T. NAGAR BENGALURU - 32. RESPONDENTS (BY SMT. SOWMYA R., HCGP FOR R1) THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1328/2017 (C.C.NO.22985/2017) PENDING ON THE FILE OF THE LEARNED LXXI ADDITIONAL CITY CIVIL AND

SESSIONS JUDGE BENGALURU REGISTERED BY THE R.T.NAGAR POLICE IN CR.NO.82/2017 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 323, 498A, 504, 506, 313 READ WITH SECTION 511 OF IPC AND SECTIONS 3, 4 OF DOWRY PROHIBITION ACT. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

-3- CORAM: HON'BLE MR JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioners/accused Nos.1 to 7 are before this Court calling in question the proceedings in SC.No.1328/2017 (C.C.No.22985/2017) registered against them for the offences punishable under Section 323, 498A, 504, 506, 313 r/w 511 I.P.C and Sections 3 and 4 of Dowry Prohibition Act. The parties were before the Family Court as well, where they have resolved the dispute by drawing of certain terms of settlement. The terms of settlement so drawn read as follows:

" 1. It is submitted that the complainant/respondent No.2 has approached the jurisdictional police on 19/03/2017 with the complaint against these petitioners. The respondent police have registered the FIR for the offences u/s 323, 498A, 504, 506, 313 r/w 511 IPC and section 3 & 4 DP Act. Thereafter the respondent No.1 set the law into motion. After completion of investigation the respondent No. 1 filed a charge sheet against all the above petitioners for the alleged offences u/s 323, 498A, 504, 506, 313 r/w 511 IPC and section 3 & 4 DP Act. The case was committed to LXXI Addl. Sessions judge sitting in CCH-72 Court hall in S.C.NO.1328/2017 for disposal -4-

according to law. Ever since the petitioners are appearing before the learned sessions judge as of now case is posted for evidence of CW-1 to 5.

2. The Petitioners are being aggrieved by the registration of Crime No.82/2021 by the Respondent Police on u/s 323, 498A, 504, 506, 313 r/w 511 IPC and section 3 & 4 DP Act.

3. It is submitted that due to misconception between both

the parties, a complaint has been registered by the complainant/Respondent No.2 against the Petitioners Now both the parties have settled the issue among

themselves on the advice of elders and well-wishers.

4. It is submitted that further both the Respondent No.2

and had filed a GNWC No. 09/2024 before the family court. Bangalore and the Petitioner No.1 had filed an O.S No. 82/2017 for restitution of conjugal rights before The Hon'ble. Prl. Judge, Family Court at Bangalore and both the cases were settled among the parties before the mediation centre Bangalore. The parties have amicably agreed to cooperate to withdraw the following cases:

a) E.P 88/2022 and E.P. 89/2022 both are pending before the Learned 2nd Addl. Family Court, Bangalore. b) Cri.misc No.8/2018 filed under DP Act pending before the Learned 6th ACMM, Bangalore. -5- e) Cri. Apl. No.3/2018 and Cri.Apl.No 16/2018 pending before CCH-63 and S.C. No. 1328/2017 before CCH-72 sessions court, Bangalore d) Cri.Pet.No. 2450/2018 and W.P. No. 35608/2019 pending before Hon'ble High court of Karnataka. e) C.C. No. 29311/2017 pending before the Learned 56th ACMM, Bangalore filed under section 323 and 324 of IPC.

f) Any other litigations initiated by both the parties against each other their relatives in connection with their matrimonial relationship

5. The Complainant and Accused submit that there is no other case pending against Petitioners/Accused. The Complainant undertakes to close the issue by way of compromise.

6. There is no coercion or threat from any other person, this settlement is voluntary and on the advice of elders and well wishers of both the parties.

7. The Complainant/ Respondent No.2 and

accused/Petitioners have agreed to settle the issue. If the permission is granted by this Hon'ble Court both the parties are ready and willing to settle the issue by compounding the same.

8. There is no coercion or threat from any other person. The settlement is voluntary. On the advice of elders and well-wishers of both the parties, the

Respondent No.2 and Petitioners have agreed to settle the issue. -6- WHEREFORE, the Petitioners and Respondent No.2 prays that this Hon'ble court may be pleased to:

a) Permit the Petitioners and Respondent No.2 to compound the offence punishable under section u/s 323, 498A, 504, 506, 313 r/w 511 IPC and section 3 & 4 of Dowry Prohibition Act, 1961 registered by the Respondent Police on 19/03/2017 in Crime No.82/2021, S.C. No.

b) To close the case as settled out of court and discharge the Accused/Petitioners from all charges in Crime No.82/2021 and S.C.No.1328/2017 for the offence punishable under Section 323, 498A, 504, 506, 313 r/w 511 IPC and section 3 & 4 of Dowry Prohibition Act, 1961 registered by the Respondent Police on 19/03/2017 in the interest of justice and equity."

In terms of the settlement, filed an application under Section 320 (2) of Cr.P.C. is filed seeking compounding of the offences. Since the offences alleged are the one punishable under Sections 323, 498A, 504, 506, 313 r/w 511 I.P.C and Sections 3 and 4 of Dowry Prohibition Act cannot be against the State, I deem it appropriate to accept the settlement and compound the offences against these petitioners. -7- For the aforesaid reasons, petition is disposed of. The proceedings in S.C.No.1328/2017 (C.C.No.22985/2017) on the file of LXXI Addl.City Civil and Sessions Judge, Bengaluru (CCH-72) against petitioners/accused Nos.1 to 7 is quashed. Sd/- JUDGE RR List No.: 1 SI No.: 220

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com