

(2013) 02 KAR CK 0125

In the Karnataka High Court

Case No : Criminal Petition No. 7681 of 2012

A.K. Muralidhar and Others

APPELLANT

Vs

State of Karnataka and Another

RESPONDENT

Date of Decision : 12-02-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 34, 498-A, 506

Citation : (2013) 2 KarLJ 574 : (2013) 3 KCCR 2088

Hon'ble Judges : K.N. Keshavanarayana, J

Bench : Single Bench

Advocate : Girish S. Hegde, for the Appellant; Sriyuths Satish R. Girji, High Court Government Pleader and Ambaji Rao Najre, for the Respondent

Final Decision : Allowed

Judgement

K.N. Keshavanarayana, J.—Pursuant to the order dated 8-2-2013, today the learned Counsel for the petitioners filed a memo along with a Banker's cheque issued by Dhanalaxmi Bank Limited, in favour of respondent 2-Smt. G.S. Asha for a sum of Rs. 25,50,000/-. Respondent 2 is present-in-person before the Court and in terms of the affidavit filed by her on the previous date of hearing, she submitted that she has no objection for quashing the prosecution launched against the petitioner in C.C. No. 22134 of 2008 pending before the V Additional C.M.M., Bangalore. Heard the learned Counsel for the petitioners as well as respondent 2, who is present before the Court in person. Perused the affidavit filed by the 2nd respondent on the previous date of hearing as also the copy of the memorandum of agreement entered into between the 1st petitioner and the 2nd respondent before the mediator on 16-6-2012. As per the terms of settlement, respondent 2 has undertaken to withdraw all the criminal prosecutions launched on the basis of the complaints lodged by her.

2. Perusal of the allegations in the charge-sheet and other materials prima facie

indicates that the accusation made against these petitioners is essentially based on matrimonial dispute. The matrimonial dispute between the 1st petitioner and the 2nd respondent has been now amicably settled between the parties. The 1st petitioner agreed to pay and the 2nd respondent agreed to receive a sum of Rs. 51,00,000/- (Rupees Fifty-one Lakhs) towards the maintenance and alimony, out of which the 2nd respondent has already received a sum of Rs. 25,50,000/- (Rupees Twenty-five Lakhs and Fifty thousand only) and towards the balance amount the 1st petitioner has today tendered the Banker's Cheque as noticed supra. As per the terms of the settlement between the parties, the balance amount of Rs. 25,50,000/- shall be paid to the 2nd respondent at the time of passing the final order on the consent petition filed by them u/s 13-B of the Hindu Marriage Act, 1955 in M.C. No. 2551 of 2012 pending before the Principal Judge, Family Court, Bangalore.

3. Having regard to the fact that the matrimonial dispute between the 1st petitioner and respondent 2 has been amicably settled, no useful purpose would be served by continuing the prosecution launched against these petitioners in C.C. No. 22134 of 2008 for the offences punishable under Sections 498-A and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The continuance of the prosecution is sheer waste of precious public time of the Court and also it would cause unnecessary hardship to the petitioners who have been arraigned as accused.

4. The Apex Court in the case of Gian Singh Vs. State of Punjab and Another, has held that where the dispute is predominantly civil in nature or in relation to matrimonial dispute, and if it is reported that the parties have amicably settled their dispute, the prosecution though launched for non-compoundable offence, the High Court in exercise of its powers u/s 482 of the Criminal Procedure Code, 1973 could quash such prosecution.

5. In view of the above, the prosecution launched against these petitioners is liable to be quashed.

6. In the result, the petition is allowed. The prosecution launched against these petitioners in C.C. No. 22134 of 2008 on the file of the V Additional Chief Metropolitan Magistrate, Bangalore, is hereby quashed. The Registrar (Judicial) of this Court is directed to send the Banker's Cheque in a sealed cover to the Principal Judge, Family Court, Bangalore, where M.C. No. 2551 of 2012 is pending with a direction that the said Banker's Cheque shall be handed over to respondent 2 herein Smt. G.S. Asha at the time of passing the final order in M.C. No. 2551 of 2010.