

(2010) 04 KAR CK 0255
In the Karnataka High Court
Case No : Criminal Petition No. 950 of 2010

Arul Raj Prem Sagar and Another

APPELLANT

Vs

State and Another

RESPONDENT

Date of Decision : 23-04-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 498A, 506

Citation : (2010) 4 KarLJ 330 : (2011) 7 RCR(Criminal) 1671

Hon'ble Judges : Arali Nagaraj, J

Bench : Single Bench

Advocate : Shiju Abraham Verghis, for the Appellant; Vijayakumar Majage, High Court Government Pleader for N. Udayakumar Associates, for the Respondent

Final Decision : Allowed

Judgement

Arali Nagaraj, J.—The learned High Court Government Pleader is directed to take notice on behalf of the 1st respondent-State.

2. Petitioner 1 herein is the husband of 2nd respondent and petitioner 2 is her mother-in-law. He has sought for quashing of entire proceedings in C.C. No. 24833 of 2008 pending on the file of the XI Additional Chief Metropolitan Magistrate, Bangalore, for the offences punishable under Sections 498A and 506 of the Indian Penal Code, 1860.

3. Though this matter is listed today for admission, having regard to the nature of the relief sought for in the petition and also in view of the fact that 1st petitioner-accused-husband and the 2nd respondent-wife have filed joint affidavit stating that they have got their matrimonial dispute settled between themselves, it is taken for final disposal and submissions of Sri Shiju Abraham Verghis, the learned Counsel for the petitioner, Sri N. Udayakumar, the learned Counsel for the 2nd respondent and Sri Vijayakumar Majage, the learned High Court Government Pleader for 1st respondent-State are heard. Perused the joint affidavit.

4. Petitioners 1 and 2 and also 2nd respondent are present in the open Court. 1st petitioner and 2nd respondent have filed a joint affidavit stating that they have got their matrimonial dispute settled and therefore, the present petition may be allowed. They admit the contents of the joint affidavit sworn to by the 1st petitioner and 2nd respondent and submit that they have got the dispute settled between themselves.

5. Since the petitioners on the one side and the 2nd respondent on the other, have got their matrimonial dispute settled amicably no purpose would be served. In the case of B.S. Joshi and Others Vs. State of Haryana and Another, , Hon''ble Supreme Court has laid down that where both the parties to a matrimonial dispute approach the High Court and file a petition jointly praying for quashing the FIR, High Court would be justified in quashing the FIR in exercise of its inherent powers u/s 482 of the Criminal Procedure Code, 1973, even though the offences are not compoundable. It is observed at para 8 that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 of the Cr.P.C. would not be a bar to the exercise of power of quashing, having regard to the facts and circumstances of the case.

6. Following the above decision, I am of the opinion that since the petitioners-accused on the one side and the 2nd respondent-complainant on the other, have got their matrimonial dispute settled amicably no purpose would be served in allowing the proceedings in the said case to continue. Hence the following:

ORDER

The present petition filed u/s 482 of the Cr.P.C. is hereby allowed and all further proceedings in C.C. No. 24833 of 2008, pending on the file of the learned Additional Chief Metropolitan Magistrate-XI, Bangalore City are hereby quashed.