

(2014) 03 KAR CK 0252
In the Karnataka High Court
Case No : Crl. P. No. 885/2010

G. Parasuraman and Smt. R. Hamsaveni	APPELLANT
Vs	
State and P. Kiruthika	RESPONDENT

Date of Decision : 11-03-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 89
Criminal Procedure Code, 1973 (CrPC) — Section 482
Hindu Marriage Act, 1955 — Section 13(1)(ia)
Penal Code, 1860 (IPC) — Section 498A

Citation : (2014) 03 KAR CK 0252

Hon'ble Judges : S.N. Satyanarayana, J

Bench : Single Bench

Advocate : Ramaswamy Manjunatha, Advocate for the Appellant; B.J. Eshwarappa, HCGP for R1 and Sri H.N.C. Kumare Gowda, Advocate for R2, Advocate for the Respondent

Final Decision : Allowed

Judgement

S.N. Satyanarayana, J.—Accused Nos. 2 and 3 in C.C. No. 22155/2009 on the file of X Addl. Chief Metropolitan Magistrate, Bangalore, has come up in this petition seeking quashing of the said complaint registered for the offence punishable u/s 498A of Indian Penal Code.

2. Admittedly, petitioners 1 and 2, who are accused Nos. 2 and 3 in C.C. No. 22155/2009 are the parents-in-law of 2nd respondent, Smt. P. Kiruthika. The aforesaid complaint is registered at her instance against petitioners as well as their son, who is husband of 2nd respondent herein. Subsequent to filing of criminal complaint by 2nd respondent, petition for decree of divorce is filed by her husband seeking dissolution of his marriage with 2nd respondent under the provisions of Section 13(1)(ia) of Hindu Marriage Act, 1955. In the said proceedings, the dispute between the parties was referred to mediation before Bangalore Mediation Centre, wherein a settlement is arrived at between the parties, which is recorded u/s 89 of the CPC read with Rules 24 and 25 of the

Karnataka Civil Procedure (Mediation) Rules, 2005 and filed before the Mediators on 18.09.2010 It is further stated that pursuant to the settlement arrived at between the parties, the marriage between the petitioners' son and 2nd respondent - complainant is dissolved.

3. A reading of memorandum of settlement would indicate that 2nd respondent herein has agreed before Mediators that she will withdraw the criminal case initiated by her in C.C. No. 22155/2009 and pending on the file of X Addl. Chief Metropolitan Magistrate, in view of the settlement reached between the parties. In view of the fact that the settlement is arrived at between the parties in the aforesaid terms, certified copy of the said compromise, which is now produced along with memo, is taken on record.

4. Though the settlement is arrived at between the parties, since the offence alleged against petitioners 1 and 2 and their son in Crime No. 2/2008 registered by Byappanahalli police and subsequently, converted into C.C. No. 22155/2009 pending on the file of X Addl. Chief Metropolitan Magistrate, Bangalore, is in respect of offence u/s 498A of I.P.C., which is non-compoundable in nature, which cannot be compounded in normal circumstances. However, in view of the judgment of the Apex Court in the matter of Gian Singh Vs. State of Punjab and Another, , wherein it is held that in the event of dispute between the parties, which is in the nature of matrimonial dispute or financial dispute and not falling under any of the heinous offences like rape, murder and dacoity, is settled, the High Court, in exercise of its inherent power u/s 482 Cr.P.C., can quash the said proceedings in the light of the aforesaid observations made by the Apex Court.

5. In the instance case, in view of the settlement arrived at between the parties, the proceeding initiated in C.C. No. 22155/2009 on the file of X Addl. Chief Metropolitan Magistrate, Bangalore, pursuant to Crime No. 2/2008 registered by Byappanahalli Police Station, Bangalore, is hereby quashed. Accordingly, petition is allowed.