

(2015) 03 KAR CK 0181

In the Karnataka High Court

Case No : Criminal Petition No. 1418/2015

Ghouse Mohiuddin and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 11-03-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 498(A), 506

Citation : (2015) 03 KAR CK 0181

Hon'ble Judges : A.N. Venugopal Gowda, J.

Bench : Single Bench

**Advocate : A.S. Kulkarni, for the Appellant; Vijaykumar Majage, HCGP,
Advocates for the Respondent**

Final Decision : Allowed

Judgement

A.N. Venugopal Gowda, J.—Marriage of petitioner No. 1 and respondent No. 2 was solemnized on 10.09.2000. Petitioner No. 2 is the brother of petitioner No. 1. Out of the wedlock, two children having been born are in the care and custody of respondent No. 2 - mother.

2. On a complaint dated 22.01.2013 of respondent No. 2, a case in Crime No. 20/2013 was registered against the petitioners for the offences punishable under Sections 498(A) and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act. Charge sheet having been filed against the petitioners for the said offences, cognizance was taken and C.C. No. 17396/2014 was registered by the VI Additional Chief Metropolitan Magistrate, Bengaluru. To quash the proceedings of the said case, this petition was filed.

3. The marriage of petitioner No. 1 and respondent No. 2 has stood dissolved by execution of "Khula-Nama" on 03.03.2015.

4. Learned advocates appearing for the petitioners and respondent No. 2

presented a joint memo, signed by both parties. Both petitioners and respondent No. 2 are present before the Court and were identified by their learned advocates. Parties submitted that they have entered into a settlement in terms of the joint memo.

5. Learned advocates appearing for the parties submitted that in view of the settlement of the matrimonial disputes, the offences in respect of which C.C. No. 17396/2014 was registered, being in respect of the matrimonial disputes, the parties may be permitted to compound the offences.

6. Respondent No. 2, who is literate and employed as a Teacher and accompanied by her brother, when questioned as to whether there is any pressure on her, not to prosecute the petitioners herein, in C.C. No. 17396/2014, pending on the file of the VI Additional Chief Metropolitan Magistrate, Bengaluru, submitted that she has willingly consented for amicable settlement of the matrimonial disputes including those stated in the complaint filed on 22.01.2015 before respondent No. 1 and that she has no interest to prosecute the petitioners in the said case.

7. Perused the petition and the joint memo and considered the submissions made by the parties and their learned advocates.

8. On account of matrimonial disputes, complaint dated 22.01.2013 was filed by respondent No. 2 before respondent No. 1 and after investigation, charge sheet was filed against the petitioners. The cognizance was taken and C.C. No. 17396/2014 was registered by the VI Additional Chief Metropolitan Magistrate, Bengaluru.

9. Since the offences in question pertain to matrimonial disputes and in view of amicable settlement of the disputes, in terms of the joint memo filed, keeping in view the decision of the Apex Court in the case of Jitendra Raghuvanshi and Others Vs. Babita Raghuvanshi and Another, , wherein, Apex Court has held that, criminal proceedings or FIR or complaint can be quashed under Section 482 Cr.P.C., in appropriate cases, in order to meet the ends of justice and that Section 320 of Cr.P.C. does not limit or affect the powers of the Court even in non-compoundable offences pertaining to matrimonial disputes, where the Court is satisfied that the parties have settled the disputes amicably and without any pressure, the parties can be permitted to compound the offences, this petition can be allowed.

In the result, joint memo is placed on record and the parties are permitted to compound the offences. Consequently, proceedings in C.C. No. 17396/2014, on the file of the VI Additional Chief Metropolitan Magistrate, Bengaluru is quashed.