

(2013) 07 KAR CK 0006

In the Karnataka High Court

Case No : Criminal Petition No. 3720 of 2013

Mr. Venkata Vasu Chakkera, Mr. Venkata Krishna Chakra and
Mr. Chakkera Ramachandra Charyulu

APPELLANT

Vs

The State of Karnataka and Mrs. Sripriya

RESPONDENT

Date of Decision : 02-07-2013

Acts Referred:

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

Citation : (2013) 07 KAR CK 0006

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

Bench : Single Bench

**Advocate : B.M. Shyam Prasad, for the Appellant; K. Dilip Kumar, Government
Pleader for R-1 and Smt. R. Sunitha, Advocate for R-2, for the Respondent**

Final Decision : Allowed

Judgement

K.N. Keshavanarayana, J.—In this petition filed u/s 482 of Cr.P.C. the petitioners arraigned as Accused Nos. 1 to 3 in C.C. No. 5908/2009 on the file of IV Additional C.M.M., Bangalore, registered for the offences punishable under Sections 498-A of IPC and Sections 3 & 4 of Dowry Prohibition Act (for short "D.P. Act"), have sought for quashing the prosecution launched against them inter alia on the ground that the materials produced along with the charge sheet does not make-out prima facie case against these petitioners for any of the offences alleged, therefore, the prosecution is required to be quashed. Today, the 1st petitioner as well as Respondent No. 2, who are present before the Court along with their counsel, reported that the matrimonial dispute between them resulted in the 2nd respondent filing petition for a divorce in M.C. No. 2828/2010 on the file of the Principal Judge, Family Court, Bangalore, and the said matter was referred to mediation; that during mediation, the parties reached a settlement, whereunder all the disputes were settled and the terms of the settlement were reduced into a Memorandum of Agreement duly signed by the

parties before the mediator; that accepting the said settlement, the family court by order dated 26.06.2013, has allowed the petition and ordered dissolution of their marriage by a decree of divorce. According to the petitioners, in the light of the said settlement, the 2nd respondent agreed to withdraw the prosecution launched against these petitioners on the basis of the complaint lodged by her and agreed to co-operate with the petitioners in seeking quashing of the prosecution. Learned counsel for 2nd respondent submits that in view of the settlement of the matrimonial dispute, no purpose would be served in continuing the prosecution and therefore, the 2nd respondent has no objection for quashing the prosecution launched against the petitioners.

2. Perusal of the petition and other materials produced along with the petition indicates that the matrimonial dispute between the 1st petitioner and the 2nd respondent was the basis for filing the complaint before the jurisdictional police, based on which the police registered the case, investigated the matter and filed the charge sheet against the petitioners.

3. Having regard to the fact that, now the matrimonial dispute between the 1st petitioner and the 2nd respondent has been settled amicably, no useful purpose would be served in continuing the prosecution launched against the petitioners for the offences punishable under Sections 498A of IPC and Sections 3 & 4 of the D.P. Act. This court is convinced that the continuance of the prosecution would be sheer waste of public time of the court and it would also result in hardship to the parties.

4. In terms of the settlement, today the 1st petitioner tendered a Demand Draft dated 22.06.2013 issued by Axis Bank Ltd., for a sum of Rs. 4,25,000/- in favour of the 2nd respondent. Learned counsel for the 2nd respondent acknowledged the receipt of the Demand Draft.

5. 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 Cr.P.C. could quash such prosecution.

6. In the light of the above, the prosecution launched against the petitioners is liable to be quashed. In the result, the petition is allowed. The prosecution launched against the petitioners in C.C. No. 5908/2009 on the file of the IV-Additional C.M.M., Bangalore, is hereby quashed.