

**(2018) 02 KAR CK 0063**  
**In the Karnataka High Court**  
**Case No : 1151 of 2018**

PRAMOD SUVARNA

APPELLANT

Vs

THE STATE OF KARNATAKA & ANR

RESPONDENT

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**Date of Decision :** 15-02-2018

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 482](#) - Saving of inherent powers of High Court  
[Indian Penal Code, 1860](#), [Section 34](#), [Section 307](#), [Section 17](#)

**Citation :** (2018) 02 KAR CK 0063

**Hon'ble Judges :** K. N. Phaneendra

**Bench :** Single Bench

**Advocate :** DINESHKUMAR K. RAO, R. B. DESHPANDE, S. RACHAIAH, POOJA KATTIMANI

**Final Decision :** Allowed

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## Judgement

1. Petitioner and the 2nd respondent are present before the court.
2. Smt. Pooja Kathimani, Advocate, files vakalath for Respondent No.2.
3. Both the parties filed a joint compromise petition before this court seeking quashing of the entire proceedings in Crime No. 448/2017 against the petitioner herein.
4. The factual aspects of the case reveal that the 2nd respondent lodged a complaint stating that her husband has taken loan of Rs.2,50,000/- from the petitioner. During his lifetime, the deceased was paying Rs.25,000/- interest regularly. It is also stated that the petitioner in view of the loan transaction, has also sold a car belonging to the deceased and also demanding more interest from the deceased etc. It is also alleged that the

petitioner has been sending some messages to the daughter of the deceased. The deceased being frustrated in the life has committed suicide on

25.11.2017 by jumping into Netravathi River and due to drowning, he died. Alleging that because of the petitioner had been demanding more

interest and also demanding back the loan amount, being frustrated in the life, the husband of the complainant committed suicide, the 2nd

respondent lodged the complaint before the jurisdictional Police and the respondent-Police have registered a case in Crime No. 449/2017 under

Sections 306 r/w. 34 of IPC and investigated the matter.

5. On perusal of the above factual aspects, it is noticed that there are no special allegations against the petitioner that, with an intention to drive the

deceased to commit suicide, he has demanded more interest or principal amount from him. In the absence of any such material, it is very difficult to

draw any inference with regard to commission of suicide by the deceased at the instance of the petitioner.

6. Under the above said circumstances, attraction of Section 306 of IPC itself is doubtful. So far as other offences are concerned, they are all

compoundable in nature. In the above circumstances, I do not find any strong reasons to reject the compromise petition.

7. Depending upon the facts and circumstances, this court has ample power to quash the proceedings, since the parties have compromised the

matter. In this context, it is worth to mention here a decision of the Hon''ble Apex Court reported in (2014) 6 SCC 466 [Narinder Singh & Ors

Vs. State of Punjab and Anr.], wherein certain guidelines have been laid down in respect of accepting the compromise entered into between the

parties pertaining to offence under Section 307 of IPC. The court under the peculiar circumstances of the case has observed that, depending upon

the factual aspects of each case, if the court is of the opinion that such compromise can be recorded, then there is no embargo under Section 482

of Cr.P.C. to quash such compromise in the interest of justice.

8. Even in another decision in Gian Singh Vs. State of Punjab and Another [ (2012) 10 SCC 303], the Hon''ble Apex Court has given certain

guidelines with regard to quashing of the proceedings whenever the parties have entered into compromise. The relevant portion of the said decision

reads thus:- .

Held -Power of High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different

from power of a criminal court of compounding offences under S. 320 - Cases where power to quash criminal proceedings may be exercised

where the parties have settled their dispute, held, depends on facts and circumstances of each case - Before exercise of inherent quashment power

under S.482, High Court must have due regard to nature and gravity of the crime and its societal impact. ....

Thus, held, heinous and serious offences of mental depravity, murder, rape, dacoity, etc., or under special statutes like Prevention of Corruption

Act or offences committed by public servants, cannot be quashed even though victim or victim's family and offender have settled the dispute -

Such offences are not private in nature and have a serious impact on society.

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But criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing - Offences arising from commercial

financial, mercantile, civil, partnership or like transactions or offences arising out of matrimony relating to dowry, etc. or family disputes where the

wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may quash criminal proceedings - High

Court, in such cases, must consider whether it would be unfair or contrary to interest of justice to continue with the criminal proceeding or

continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between parties and whether

to secure ends of justice, it is appropriate the criminal case it put to an end. If such question(s) are answered in the affirmative, High Court shall be

well within its jurisdiction to quash the criminal proceedings...

9. On perusal of the above said factual aspects of the case it is noticed that, the issue involved in this case is a financial transaction between the

deceased and the petitioner, which perhaps frustrated the deceased to commit suicide. Under the said circumstances, when the facts are hazy and

not at this stage sufficient to draw a definite conclusion that because of the ill-treatment and harassment, the deceased committed suicide and that

the petitioner has compromised the matter and the wife of the deceased (complainant) herself has stated before the court by means of a joint memo

that she has no objection to quash the proceedings, it goes without saying that she may not support the case of the prosecution any more in future.

Therefore, in the above circumstances, the following order is passed:

ORDER

10. The petition is allowed. Consequently, Crime No. 448/2017 of Kanakanady Town Police Station, Mangaluru City and consequent registration of the FIR before the Court of JMFC-III, Mangaluru, for the offence punishable under Sections.306 r/w. 34 of IPC and all further proceedings therein are hereby quashed.