

(2013) 09 KAR CK 0202
In the Karnataka High Court
Case No : Criminal Petition No. 5411 of 2013

Syed Ibrahim Badhusha and Others

APPELLANT

Vs

Meharaj Banu and State

RESPONDENT

Date of Decision : 11-09-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 34, 498-A, 506

Citation : (2013) 09 KAR CK 0202

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

Bench : Single Bench

Advocate : S. Shankarappa, for the Appellant; B. Raja Subramanya Bhat, HCGP for R-2 and Sri. K.R. Nagaraja, Advocate for R-1, for the Respondent

Final Decision : Allowed

Judgement

K.N. Keshavanarayana, J.—In this petition filed u/s 482 of Cr.P.C., the petitioners have sought for quashing the prosecution launched against them in C.C. No. 27230/2011 on the file of the VI-ACMM, Bangalore, for the offences punishable under Sections 498-A, 506 r/w. 34 IPC and Sections 3 & 4 of the Dowry Prohibition Act (for short "D.P. Act"). On the basis of the report lodged by Respondent No. 1, Respondent No. 2-Police registered case in Crime No. 118/2011 and after the investigation, filed charge sheet against the petitioners for the aforesaid offences.

2. Quashing of the prosecution is sought on the ground that, subsequent to filing of the report and the charge sheet, the matrimonial dispute between the 1st petitioner and Respondent No. 1 has been amicably settled; that they are residing together happily with their minor child in Chennai arm in this view of the matter, Respondent No. 1 does not wish to pursue the prosecution launched against the petitioners on the basis of the report lodged by her.

3. Upon service of notice of this petition, Respondent No. 1 has appeared

through her counsel.

4. Today, the 1st petitioner as well as Respondent No. 1 are present-in-person before this court with their counsels. A Joint Memo duly signed by all the parties to this petition and their counsels is filed. In the joint memo, Respondent No. 1 has reiterated the fact that, subsequently at the intervention of the well-wishers, the matrimonial dispute between her and the 1st petitioner has been settled amicably and that she has been residing with the 1st petitioner in Chennai. She has also stated that in view of the settlement, she does not wish to pursue the prosecution launched against the petitioners.

5. From the above, it is clear that the matrimonial dispute between the 1st petitioner and Respondent No. 1 has been amicably settled and pursuant to such settlement, Respondent No. 1 has been residing with the 1st petitioner in Chennai and they are leading happy married life.

6. Perusal of the charge sheet papers prima facie indicates that the matrimonial dispute between the 1st petitioner and Respondent No. 1 was the root-cause for Respondent No. 1 lodging report before the jurisdictional police, which ultimately ended in police filing the charge sheet. In view of the fact that the matrimonial dispute between them has been amicably settled and since the couple are residing together, no useful purpose would be served by continuing the prosecution launched against the petitioners. Continuance of the prosecution would not only result in wastage of precious public time of the court, but also result in embarrassment and harassment to the parties. In this view of the matter, I am of the opinion that this is a fit matter to exercise power u/s 482 of Cr.P.C. to quash the prosecution. In the result, the petition is allowed. The prosecution launched against the petitioners in C.C. No. 27230/2011 on the file of the VI-ACMM, Bangalore, is hereby quashed.