

(2016) 10 KAR CK 0051

KARNATAKA HIGH COURT

Case No: Criminal Petition No. 2207 of 2013.

R. Shrinivasareddi and
another - Petitioners
@HASH Smt. Anusha
and another

APPELLANT

Vs

RESPONDENT

Date of Decision: Oct. 7, 2016

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 498A

Citation: (2016) 4 Crimes 460

Hon'ble Judges: Anand Byrareddy, J.

Bench: Single Bench

Advocate: Shri C.N. Raju, Advocate, for the Petitioners; Shri Uday Urs., Advocate, for the Respondent No. 1; Shri Chetan Desai, Government Pleader, for the Respondent No. 2

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Anand Byrareddy, J. - Shri Uday Urs enters appearance for the first respondent.

2. It transpires that the son of the petitioners was married to the complainant - first respondent. There was marital discord between the respondent and the son of the petitioners. Consequently, they had been living separately. The son of the petitioners had filed a petition for divorce, which was pending. In the meanwhile, the respondent had instituted multiple cases for 25-30, November, 2016 offences punishable under Section 498-A of the Indian Penal Code, 1860 Sections 3 and 4 of the Dowry Prohibition Act, 1961 and also under the provisions of the Protection of Women from Domestic Violence Act, 2005.

It then transpires that the matrimonial proceedings was referred to mediation and it was amicably settled and the parties have entered into a settlement agreement, whereby they have agreed to a divorce by mutual consent and it was also undertaken that the criminal proceedings would not be pressed.

However, since the offences alleged are non-compoundable, the petitioners were not able have it compounded. Hence, the present petition.

3. Since the law as laid down by the Supreme Court in the case of Gian Singh v. State of Punjab and Another (2012) 10 SCC 303 permit that such proceedings could be quashed in order to enable the parties to live in amity, the present petition is allowed. The proceedings pending in C.C.No. 22259/2012 on the file of the II Additional Chief Metropolitan Magistrate Bangalore, stands quashed.

4. It is also placed on record that in terms of the settlements, the petitioner's son was to pay a sum of Rs. 11,50,000/- (Rupees Eleven lakh fifty thousand only) to the first respondent, which has been duly paid and acknowledged.