IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 13^{TH} DAY OF JANUARY, 2022 BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION No.5473 OF 2021

BETWEEN:

- 1. VIJAY A R.,
 AGED ABOUT 31 YEARS,
 S/O RAMAKRISHNA RAO A.V.
 R/AT NO.1, 7TH CROSS,
 NEAR SARVODAYA PUBLIC SCHOOL,
 VIDYAMANANAGARA,
 ANDRAHALLI, VISWANEEDAM POST,
 BENGALURU 91.
- 2. SMT.A.S.LOKAMBA,
 AGED ABOUT 59 YEARS,
 W/O RAMAKRISHNA RAO,
 R/AT NO.1, 7TH CROSS,
 NEAR SARVODAYA PUBLIC SCHOOL,
 VIDYAMANANAGARA,
 ANDRAHALLI, VISWANEEDAM POST,
 BENGALURU 91.
- 3. RAMAKRISHNA RAO A.V.,
 AGED ABOUT 64 YEARS,
 S/O LATE C.S.VASUDEVAIAH,
 R/AT NO.1, 7TH CROSS,
 NEAR SARVODAYA PUBLIC SCHOOL,
 VIDYAMANANAGARA,

ANDRAHALLI, VISWANEEDAM POST, BENGALURU - 91.

4. SANJAY A.R.,
AGED ABOUT 37 YEARS,
S/O RAMAKRISHNA RAO,
R/AT NO.1, 7TH CROSS,
NEAR SARVODAYA PUBLIC SCHOOL,
VIDYAMANANAGARA,
ANDRAHALLI, VISWANEEDAM POST,
BENGALURU - 91.

...PETITIONERS

(BY SRI.VENKATARAMANA P.M., ADVOCATE)

AND:

- 1. STATE OF KARNATAKA, REPRESENTED BY THE SHO, BYADARAHALLI POLICE STATION, BANGALORE - 19.
- 2. SMT.SWATHI.K.,
 AGED ABOUT 29 YEARS,
 D/O S.KESHAVAMURTHY,
 NO.22, 1ST MAIN, 7TH CROSS,
 RAGHAVENDRANAGAR LAYOUT,
 NEAR ANDRAHALLI MAIN ROAD,
 VISHWANEEDAM POST,
 BENGALURU 91.

...RESPONDENTS

(BY SRI. MAHESH SHETTY, HCGP FOR R1; R2 IS SERVED AND UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE CHARGE SHEET/CHARGES IN C.C.NO.11197/2019

WHICH IS PENDING BEFORE THE COURT OF C.J.M. (RURAL COURT), BENGALURU (VIDE ANNEXURE - B) BY ALLOWING THIS CRL.P..

THIS CRIMINAL PETITION COMING ON FOR ADMISSION, THIS DAY THROUGH VIDEO CONFERENCING, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioner/accused Nos.1 to 4 under Section 482 of Cr.P.C. for quashing proceedings in C.C.No.11197/2019 the criminal pending on the file of Chief Judicial Magistrate, Rural Court, Bengaluru for the offences punishable under Sections 498A, 506, 504 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 registered by the Byadarahalli Police in Cr.No.478/2018.

2. Heard the learned counsel for the petitioners and learned HCGP for respondent No.1-State.

Respondent No.2 served and unrepresented.

3. The case of the prosecution that on the complaint of respondent No.2-Swathi, who is the wife of petitioner No.1, the Police on 15.08.2018 registered a case in Cr.No.478/2018, wherein she has alleged that accused No.1 married her and subsequently, all the accused harassed her for dowry in spite of having given dowry and Rs.10 Lakhs being spent towards marriage expenses. Subsequent to the filing of the complaint, respondent No.2 also filed a matrimonial case before the Senior Civil Judge, Bengaluru Rural District in M.C.No.157/2019 and the said case was referred to the Bengaluru Mediation Centre, which was settled between the parties by way of memorandum of settlement. While settling the dispute between the parties, at paragraph 4 of the memorandum of settlement, it has been stated that respondent No.2 has agreed to close the criminal proceedings in CC.No.11197/2019 and the divorce has been granted by the Trial Court based upon the settlement and withdrawing all other pending cases against the petitioners herein. In spite of the settlement between the parties, respondent No.2 has not chosen to co-operate with the petitioners for closing the matter in criminal cases. Therefore, the petitioners are before this Court.

4. Having heard the arguments of the learned counsel for the parties especially on perusal of the memorandum of settlement executed between the parties before the Mediation Center in respect of M.C.No.157/2019 dated 26.03.2021, wherein it is clearly mentioned that respondent No.2 shall cooperate for closing of the criminal matter. In view of the settlement between the parties, the respondent No.2 is not co-operating with the petitioners for closing the proceedings. Once the matter has been settled between the parties and divorce has been granted, continuing the proceedings in criminal case would

amount to abuse of process of law and in view of the judgment of the Hon'ble Supreme Court in the case of *Gian Singh Vs. State Of Punjab & Another* reported in *2012 Crl.LJ 4934*, the criminal proceedings shall have to be quashed. Accordingly, I pass the following;

ORDER

The petition is **allowed**.

The criminal proceedings in C.C.No.11197/2019 pending on the file of Chief Judicial Magistrate, Rural Court, Bengaluru is hereby quashed.

Sd/-JUDGE