



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 2400 OF 2024 (482)

BETWEEN:

1. RICKY VINCENT,
S/O LATE VINCENT CARLOSE,
AGED ABOUT 30 YEARS,
2. RIYA VINCENT,
D/O VINCENT CARLOSE,
AGED ABOUT 27 YEARS,
3. LIGI MARY VINCENT,
W/O VINCENT CARLOSE,
AGED ABOUT 60 YEARS,

ALL ARE RESIDING AT FLAT
E - 0023, TOWER E, EDEM BLOCK,
BRIGADE CORENERSTONE
UTOPIA, VARTHUR GUNJUR MAIN
ROAD, VARTHUR,
BANGALORE - 560 087.

...PETITIONERS

(BY SRI. KISHAN G S.,ADVOCATE)

AND:

1. STATE BY VARTHUR POLICE STATION,
VARTHUR, BANGALORE,
REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT BUILDING,
BANGALORE.





2. SMT. DR. NEERAJA S.J.,
W/O RICKY VINCENT,
D/O SURENDRAN N.,
AGED ABOUT 29 YEARS,
RESIDING AT NO.107,
PATTANDUR AGARHARA MAIN ROAD,
NEAR BRAHMASHREE BAKERY,
ITPL BACK GATE - 3,
BANGALORE - 562 125.

...RESPONDENTS

(BY SMT.SOUMYA R., HCGP FOR R1
SRI.NAGELLA SAIRAM.,ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO CALL FOR THE RECORDS IN CRIME NO.38/2024 (REGISTERED BY VARTHUR POLICE STATION) PENDING BEFORE THE HON'BLE COURT OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE AND QUASH THE FIR IN CRIME NO.38/2024 (ANNEXURE - B HEREIN) REGISTERED BY VARTHUR POLICE STATION UNDER SECTION 3 AND 4 OF DOWRY PROHIBITION ACT, 1961 AND UNDER SECTION 498-A OF IPC, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:



ORDER

Heard Sri. Kishan G S, learned counsel for the petitioners and Smt. Sowmya R, the learned High Court Government Pleader for respondent No.1 and Sri. Nagella Sairam, the learned counsel for respondent No.2.

2. Criminal petition under Section 482 of Cr.P.C., with the following prayer:

Wherefore, the petitioners pray that this Hon'ble Court may be pleased to call for the records in Crime No.38/2024 (registered by Varthur Police Station) pending before the Hon'ble Court of Additional Chief Judicial magistrate and quash the FIR in Crime No.38/2024 (Annexure – B herein) registered by Varthur Police Station U/s 3 and 4 of Dowry Prohibition Act, 1961 and U/s 498 – A of IPC, in the interest of justice and equity.

3. Parties are present before the Court.

4. Complainant is the wife and petitioners are the husband and his family members. Marriage between the complainant and accused No.1 took place on 04.02.2023 as per the rituals of the Christian community and thereafter, there was serious differences in the matrimonial life resulting in lodging a complaint under Section 498-A of I.P.C. and under Section 3 and 4 of the Dowry Prohibition



Act, which was registered in Crime No.38/2024 by the Varthur Police Station, Bangalore City on 18.01.2024.

5. Subsequently, at the intervention of the elders and well wishers, parties have sat together and settled the matter amicably. Marital tie has also come to an end by decree of divorce by the competent Court.

6. One of the grounds of settlement was to bring to the logical end the pending criminal case.

7. The complainant who appeared before the Court through video conferencing submits that she has no objection to quash the complaint and bringing the criminal complaint to a logical end is part of the compromise talks.

8. Having perused the material on record in the above factual aspects of the matter, this Court is satisfied that the trivial issue has resulted in filing a complaint under Section 498-A of I.P.C., and under Section 3 and 4 of the Dowry Prohibition Act, which are non-compoundable in nature.

9. However, in a matter of this nature, the powers of this Court under Section 482 of Cr.P.C., are not limited. In a given case if the parties have amicably settled the



matter, which is in privy to the parties and not affecting the public at large, the Court can exercise the power under Section 482 of Cr.P.C., and quash the pending criminal case.

10 The view of this Court is supported by the judgment of the Hon'ble Apex Court in the case of ***Ramgopal and another Vs. State of Madya Pradesh*** reported in ***(2022)14 SCC 531***.

Accordingly, the following:

ORDER

- (i) The criminal petition is **allowed**.
- (ii) Pending criminal proceeding in Criminal No.38/2024 on the file of the Additional Chief Judicial Magistrate, Bangalore Rural District is hereby quashed.

**Sd/-
JUDGE**

PHM
List No.: 1 Sl No.: 51