



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 1085 OF 2023 (C)

BETWEEN:

SHIVAKUMAR,
S/O. LATE VENKATASWAMY,
AGED 28 YEARS,
R/AT THORANAHALLI VILLAGE,
MALUR TALUK,
KOLAR DISTRICT - 563 130.

...APPELLANT

(BY SRI. K RAVISHANKAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY
NANDAGUDI POLICE,
BENGALURU DISTRICT - 562 122.
REP BY S.P.P.,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.



2. MAHADEVAMMA,
W/O GOVINDAPPA,
AGED ABOUT 42 YEARS,
R/AT SHIVANAPURA VILLAGE,
NANDAGUDI HOBLI,
HOSAKOTE TALUK,
BENGALURU RURAL
DISTRICT – 560 0067.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA., HCGP FOR R1;
SRI. SHARATH KUMAR H. N., ADVOCATE FOR R2)

THIS CRL.A FILED U/S.374(2) CR.P.C BY THE ADVOCATE
FOR THE APPELLANT PRAYING TO SET ASIDE THE JUDGMENT
SENTENCE AND ORDER OF CONVICTION DATED 07.03.2023,
IN SPECIAL CASE NO.586/2021, PASSED BY THE ADDITIONAL
DISTRICT AND SESSIONS JUDGE, FTSC-I AT BENGALURU
RURAL DISTRICT, BENGALURU. WHEREIN THE APPELLANT WAS
CONVICTED FOR THE OFFENCE P/U/S.6 OF POCSO ACT 2012
AND ETC.,

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

1. Learned counsel for the respective parties has filed an application dated 24.06.2026 for compounding the offence under Section 320(2) of Code of Criminal Procedure along with joint affidavit of the respective parties.

2. Learned counsel for the respective parties has identified the parties who are present before this Court. The content of the joint affidavit reads as under:

"3. I state that this Hon'ble court by its order dated 03/07/2024 has allowed I.A.No.III/2023 and granted bail to facilitate our marriage during the 1st week of September 2024 by its further order dated 04/07/2024. We state that pursuant to the above said order the 1st deponent has released on bail and we have married on 07/09/2024 and the said marriage is registered on 12/09/20024. The copies of the marriage invitation card and the certificate of marriage registration dated 12/09/2024 are produced herewith and marked as Document No.1 & 2.

4. We state that we have got a child by name Dhanush who is presently aged about 5 years and we are leading happy life and the copy of the birth certificate dated 12/09/2024 is produced herewith and marked as Document No.3. I the second deponent state that the appellant in the above said case is looking after me and my son very well. I state that I being the victim has no objection to



compound the offence and acquit the appellant who is my husband in order to lead our life out of social stigma and also by closing the present case. I state that this affidavit is sworn voluntarily without any coercion or any undue influence by anyone. We state that the continuation of the case is a social stigma and by considering the judgment passed by this Hon'ble court in Crl.A.No.388/2019 by its order dated 20/12/2023 at para 10 of the said judgement has taken the mitigating and subsequent event of the marriage and has set aside the order of conviction. We state that if the offence is not compounded we will be put to great hardship & injury and on the other hand if the application is allowed no prejudice will be caused to the respondent state. Hence it is just and necessary to allow the application as prayed for."

3. Having considered the averments of the joint affidavit filed by the respective parties in exercise of the power vested under Section 482 of Cr.P.C inherent power vested to the Court, it is necessary to do the complete justice and the said power has to be exercised sparingly with due regard to the peculiar facts of the present case.

4. Parties have submitted the marriage invitation card and also marriage registration certificate and also both have agreed and admitted that they are living together. Therefore, considering the peculiar facts and circumstances of the case, I proceed to pass the following:



ORDER

- i. IA.No.1/2026 is ***allowed***.
- ii. The judgment and order of conviction dated 07.03.2023 passed in Spl.C.No.586/2021 on the file of Additional District and Sessions Judge, FTSC-I, Bengaluru Rural District, Bengaluru, for the offences punishable under Section 235 of Cr.P.C and under Section 6 of POCSO Act, is hereby, set aside.
- iii. The appellant is acquitted for the offences stated *supra*.
- iv. Bail bonds executed if any stands cancelled.

Sd/-
(S RACHAIAH)
JUDGE

NM/-