



CNR: KAHC010347862026

NC: 2026:KHC:52465
CRL.P No. 7416 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 7416 OF 2026

BETWEEN:

1. SRI. SUKUMAR J.
S/O LATE JAYAVELU S.,
AGED ABOUT 71 YEARS,
2. SRI. SUSHANTH S.
S/O SUKUMAR J.
AGED ABOUT 32 YEARS,

PETITIONERS NO.1 AND 2 ARE
RESIDING AT NO.23, PADMA NIVAS,
NEAR ANJANEYA TEMPLE STREET,
Y.G. PALYA, BENGALURU - 560 047.

...PETITIONERS

(BY SRI. USHA M.V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY WILSON GARDEN POLICE STATION,
HALASURGATE SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECTOR
HIGH COURT OF KARNATAKA AT BENGALURU
DR. AMBEDKAR ROAD,
BENGALURU - 560 001
2. SMT. S.M. SUPRIYA
W/O S. SUSHANTH,





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D/O MANIMARAN,
AGED ABOUT 32 YEARS,
RESIDING AT NO.217, ROAD NO.05,
DEFENCE LAYOUT,
VIDYARANYAPURA,
BENGALURU - 560 097

...RESPONDENTS

(BY SMT. DEEPTI ALVA, HCGP FOR R1

NOTICE TO R2 IS SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 CR.P.C. (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.37682/2025 PENDING ON THE FILE OF XLVIII ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT BENGALURU FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 74, 115(2), 352, 351(2), 3 (5) OF BNSS VIDE AT ANNEXURE-D.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Captioned petition is filed by the father-in-law and husband of respondent No.2/complainant, invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the proceedings pending in C.C.No.37682/2025 for the offences



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punishable under Sections 74, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned counsel appearing for the petitioners has placed on record a copy of the Mediation Settlement Agreement entered into between the parties in M.C.No.6153/2023.

3. Though respondent No.2/complainant has been duly served, she has remained unrepresented and has not chosen to contest the present petition.

4. Perused the material on record. It is not in dispute that the dispute between the parties arises out of a matrimonial relationship between petitioner No.2/husband and respondent No.2/wife. In the course of the matrimonial proceedings, the parties were referred to mediation and, upon intervention of the Mediator, the parties have arrived at an amicable settlement. The terms of settlement have been reduced into writing in the form of a Memorandum of Agreement.

5. Under the terms of the settlement, petitioner No.2/husband has agreed to pay a sum of Rs.80,00,000/- to respondent No.2 towards permanent alimony. The marriage



between petitioner No.2 and respondent No.2 has thereafter been dissolved in terms of the settlement. Clause 9 of the Memorandum of Agreement records the undertaking/consent of respondent No.2 to cooperate in bringing to an end the criminal proceedings arising out of the matrimonial dispute, including by consenting to quashing of the proceedings pending before this Court.

6. The offences alleged against the petitioners include offences which are non-compoundable. However, the mere fact that an offence is non-compoundable would not, by itself, denude this Court of its inherent jurisdiction to examine whether continuation of the criminal proceedings, in the peculiar facts and circumstances of the case, would amount to an abuse of the process of law. The jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is required to be exercised to secure the ends of justice.

7. In the present case, the criminal proceedings admittedly emanate from a matrimonial dispute. The matrimonial dispute between the husband and wife has been amicably resolved through mediation. The marriage itself has



been dissolved pursuant to the settlement and respondent No.2 has received a sum of Rs.80,00,000/- towards permanent alimony. More importantly, respondent No.2, who is the complainant, has consciously agreed under the terms of the settlement to cooperate for bringing the criminal proceedings to an end and, despite service of notice in the present proceedings, has not opposed the prayer for quashing.

8. In the aforesaid factual backdrop, continuation of the criminal proceedings, notwithstanding the settlement of the matrimonial dispute and dissolution of the marriage, would serve no meaningful purpose and would result in continuation of proceedings arising out of a dispute which the parties themselves have amicably resolved. This Court is, therefore, of the considered view that continuation of the proceedings would amount to an abuse of the process of law. The fact that some of the offences are non-compoundable would not preclude this Court, in the peculiar circumstances noticed above, from exercising its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to secure the ends of justice.



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9. Having regard to the nature of the dispute, the settlement arrived at between the parties, dissolution of the matrimonial relationship, payment of Rs.80,00,000/- towards permanent alimony and the express consent of respondent No.2 for bringing the criminal proceedings to an end, this Court deems it appropriate to exercise its inherent jurisdiction and give a quietus to the litigation between the parties.

10. For the foregoing reasons, the following:

ORDER

- i. The petition is **allowed**.
- ii. The proceedings pending in C.C.No.37682/2025, insofar as the petitioners are concerned, for the offences punishable under Sections 74, 115(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, are hereby quashed.
- iii. Consequently, all proceedings arising therefrom stand terminated.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

HDK