



CNR: KAHC010361352012

NC: 2026:KHC:42889
CRL.A No. 902 of 2012

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 12TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE S RACHAIAH
CRIMINAL APPEAL NO. 902 OF 2012 (C)

BETWEEN:

1. T. P. THAMMAIAH,
S/O. CHANGAPPA,
AGED 55 YEARS,
AGRICULTURIST,
R/AT MUKKODLU VILLAGE,
MADIKERI TALUK,
KODAGU DISTRICT.
(A-1 IS DISMISSED AS ABATED
V/O DATED 19.08.2024)
2. T. M. ERAPPA,
S/O. MOTAIAH,
AGED 32 YEARS,
AGRICULTURIST,
R/AT MUKKODLU VILLAGE,
MADIKERI TALUK,
KODAGU DISTRICT.
3. T. M. KUTTAPPA,
S/O. MOTAIAH,
AGED 32 YEARS,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of Karnataka



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AGRICULTURIST,
R/AT MUKKODLU VILLAGE,
MADIKERI TALUK, KODAGU DISTRICT.

...APPELLANTS

(BY SRI. C. R. GOPALASWAMY., SENIOT ADVOCATE FOR
SRI. K. M. SOMASHEKARA AND SMT. NANDINI.,
ADVOCATES FOR A2 AND A3)

AND:

1. THE STATE OF KARNATAKA
BY MADIKERI RURAL POLICE,
MADIKERI, KODAGU DISTRICT – 571 201.

...RESPONDENT

(BY SRI. DIVAKARMADDUR., HCGP)

THIS CRL.A IS FILED U/S.374(2) CR.P.C BY THE APPELLANTS/ACCUSED NO.2, 3 & 4 PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF CONVICTION DATED 31.07.2012 AND SENTENCE DATED 04.08.2012, PASSED BY THE P.O., F.T.C., KODAGU AT MADIKERI IN S.C.NO.32/2002, CONVICTING THE APPELLANTS/ACCUSED FOR THE OFFENCE P/U/S 307 R/W SEC.34 OF IPC AND 3 R/W SEC.25 OF ARMS ACT.

THIS APPEAL IS, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. Heard Sri. C.R.Gopalaswamy, learned Senior Counsel for Sri. K.M. Somashekara and Smt. Nandini, learned counsel for the appellants/accused Nos.2 and 3 and Sri. Divakarmaddur, learned HCGP for respondent No.1-State.
2. This appeal is filed by the appellants /accused Nos.3 and 4 seeking to set aside the judgment of conviction dated 31.07.2012 and order on sentence dated 04.08.2012 passed in S.C.No.32/2002, arising out of Cr.No.16/2000 of respondent police, on the file of the Fast Track Court, Kodagu, Madikeri for the offences punishable under Sections 143, 147, 148, 324, 307 read with Section 149 of IPC and Section 25 of Arms Act.
3. Today, the respective parties are present before this Court and filed an application filed under Section 320 (2) of Cr.P.C., for compounding the offences punishable under Section 307 read with Section 34 of IPC and Section 3 read with Section 25 of Indian Arms Act. The



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application and the joint affidavit are duly signed by the learned counsel for the appellants and the respective parties.

4. The averments of the joint affidavit reads as under:

1. "We state that the Deponent Nos. 1 and 2 are the Appellant Nos.2 and 3/Accused Nos.3 and 4 respectively in the above Criminal Appeal and the Deponent No.3 is the son and legal heir of the deceased Complainant/PW-15. We are well acquainted with the facts and circumstances of the case and are competent to swear to this affidavit.
2. We state that the above Criminal Appeal has been preferred against the Judgment of Conviction and Order on Sentence passed by the learned Fast Track Court, Kodagu at Madikeri, in S.C.No.32/2002, whereby Appellant Nos.2 and 2 were convicted and sentenced for the offences alleged against them.
3. We state that during the pendency of the above Criminal Appeal, Appellant No.1/Accused No.2, Sri. T.P. Thammaiah, passed away on 15.12.2020, and the appeal insofar as he is concerned has abated.
4. We further state that the original Complainant/PW-15, who was the injured person involved in the occurrence and had personal grievance in relation to the incident, has also unfortunately passed away during the pendency of the proceedings.
5. Deponent No.3 states that he is the son and legal heir of the deceased Complainant/PW-15 and is fully aware of the facts and circumstances of the case and the pendency of the present Criminal Appeal before this Hon'ble Court.



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6. We state that the parties are closely related to each other and that the dispute which resulted in the criminal proceedings arose out of certain personal and family differences between the parties.
7. We further state that, apart from the criminal proceedings, there were certain disputes between the parties in respect of their family and property interests. The said civil dispute has subsequently been amicably settled between the parties, and the parties have resolved their differences in respect thereof.
8. In view of the aforesaid settlement and the subsequent developments, Deponent Nos.1 and 2 and Deponent No.3 have voluntarily agreed to settle the remaining personal disputes and differences between them and to bring an end to the long-standing disputes and litigation.
9. Deponent No.3 states that, being the son and legal heir of the deceased Complainant/PW-15, he has no subsisting personal grievance against them in respect of the dispute which is the subject matter of the present proceedings.
10. Deponent Nos.1 and 2 state that they have also voluntarily agreed to the settlement and have no objection to the compromise being placed before this Hon'ble Court for consideration in accordance with law.
11. We state that the compromise/settlement between the parties has been arrived at voluntarily and out of our free will and consent, without any force, threat, coercion, undue influence, fraud or misrepresentation from any person.
12. We state that the dispute between the parties is essentially private and personal in nature and arose out of family differences. In view of the settlement arrived at between the parties, we are desirous of maintaining peace and harmony and bringing the long-pending litigation to an end.



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13. We state that the present Criminal Appeal has been pending since the year 2012 and, having regard to the considerable passage of time, the death of Appellant No.1 and the deceased Complainant/PW-15, the relationship between the parties and the settlement of the connected civil dispute, the parties have consciously decided to resolve their remaining differences.
14. Deponent No.3 states that he has no objection if this Hon'ble Court takes the compromise/settlement on record and grants appropriate relief to Appellant Nos.2 and 3, including such relief in respect of their conviction and sentence.
15. Deponent Nos.1 and 2 respectfully submit that, insofar as any the offences are legally compoundable, this Hon'ble Court may kindly permit the parties to compound the same in accordance with law.
16. Without prejudice to the above, in respect of any offence which may be held to be non-compoundable, the parties respectfully submit that this Hon'ble Court may kindly take into consideration the subsequent compromise, the private and personal nature of the dispute, the relationship between the parties, the settlement of the connected civil dispute and other subsequent circumstances of the case, and may be pleased to grant such appropriate relief to Appellant Nos.2 and 3 in respect of their conviction and sentence as may be permissible in law.
17. We state that the compromise/settlement is bona fide and is intended to bring quietus to the long-standing dispute between the parties. We undertake to abide by any order that may be passed by this Hon'ble Court in accordance with law.
18. We therefore respectfully submit that this Hon'ble Court may kindly take the compromise/settlement arrived at between the parties on record and pass



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appropriate orders in the above Criminal Appeal, in the interest of justice and equity.

19. We state that the contents of this affidavit are true and correct to the best of our respective knowledge, information and belief.

WHEREFORE, we respectfully pray that this Hon'ble Court may be pleased to take this affidavit and the compromise/settlement arrived at between the parties on record and pass appropriate orders in the above Criminal Appeal and Permit compounding of the offences, in the interest of justice and equity."

5. Considering the averments made in the said application, and in view of the judgment of the Hon'ble Supreme Court in the case of ***GIAN SINGH V. STATE OF PUNJAB***¹, it is appropriate to record the compromise in order to maintain quietus between the parties.

6. Accordingly, I proceed to pass the following:

ORDER

- (i) The Criminal Appeal stands *disposed of* in terms of the compromise.

¹(2012) 10 SCC 303



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- (ii) The judgment of conviction dated 31.07.2012 and order on sentence dated 04.08.2012 passed in S.C.No.32/2002, arising out of Cr.No.16/2000 of respondent police, on the file of the Fast Track Court, Kodagu, Madikeri for the offences punishable under Sections 307 read with Section 34 of IPC and Section 3 read with Section 25 of Arms Act is set aside.
- (iii) The appellants/accused Nos. 3 and 4 (Sri. T.M. Erappa and Sri. T.M.Kuttappa respectively) are acquitted for the offences punishable under Sections 307 read with Section 34 of IPC and Section 3 read with Section 25 of Indian Arms Act.
- (iv) Bail bonds executed, if any, stand cancelled.

Sd/-
(S RACHAIAH)
JUDGE