



CNR: KAHC010367702016

NC: 2026:KHC:36169
CRL.A No. 1381 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1381 OF 2016 (C)

BETWEEN:

SRI. SOMASHEKAR,
S/O. GUTHIGAIAH BALAIAH,
AGED ABOUT 29 YEARS,
R/AT MADENOOR
BHOVI HATTI COLONY,
(GARDEN HOUSE) TIPTUR,
TIPTUR TALUK,
TUMKUR DISTRICT – 572 201.

...APPELLANT

(BY SRI. D. L. JAGADEESH., SENIOR COUNSEL FOR
SRI. RAKSHITHA D. J., ADVOCATE)

AND:

1. STATE BY TOWN POLICE
ARASIKERE,
REPRESENTED BY THE



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STATE PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT OF KARNATAKA BUILDING,
BANGALORE – 560 001.

2. PUSHPAVATHI,
AGED MAJOR,
R/AT NAGARAHALLI,
HASSAN DISTRICT – 573 164.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA., HCGP FOR R1;
SRI. KUMAR R., ADVOCATE FOR
DEFACTO COMPLAINANT)

THIS CRL.A IS FILED U/S.374(2) CR.P.C., BY THE
ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE
JUDGEMENT AND ORDER DATED 11.07.2016, PASSED BY THE
PRL. SESSIONS JUDGE AT HASSAN, IN S.C.NO.182/2012,
CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCES
P/U/S 366(A) AND 376 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. Heard Mr. D.L. Jagadeesh, learned Senior Counsel for Sri. Rakshitha D.J., learned counsel for the appellant and Sri. Channappa Erppa, learned HCGP for respondent No.1 and Sri. Kumar R, learned counsel for respondent No.2.
2. This Criminal Appeal is filed by the appellant seeking to set aside the judgment of conviction and order on sentence dated 11.07.2016 in S.C.No.182/2012 passed by the learned Prl. Sessions Judge, Hassan.
3. The appellant and the respondent are present and are identified by their respective counsels. The joint memo for settlement is duly signed by the appellant, the respondent and their respective counsels. The same is perused.
4. Learned counsel for the respective parties submit that the appellant and the respondent have settled the dispute amicably and filed an application under Section



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320 of Cr.P.C., along with joint memo for settlement and the same are taken on record.

5. The joint affidavit filed by the respective parties reads as under:

- i. We state that, we are appellant and victim respectively in the above case. We know the facts and circumstances of the case. Hence we are swearing to this joint affidavit.*
- ii. We state that, the averments made in the Appeal may kindly be read as part and parcel of this affidavit in order to avoid the repetition of facts.*
- iii. We state that the Appellant filed the present appeal for setting aside the Judgment and Order of Conviction and Sentence dated 11.07.2016 passed in S.C. No.182/2012 on the file of the Principal Sessions Judge, Hassan registered by the Arasikere Police in Crime No.103/2012 for the offence punishable under Section 366-A and 376 of Indian Penal Code and consequently acquit the accused/appellant from all the charges leveled against him.*
- iv. We state the Victim married to one Doreswamy in the year 2017 and 2 daughters were born out of wedlock and living happily with the marital home. And further state that the Accused also married in the year 2018*



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to one Kalavathi and one son & one daughter are born out of wedlock.

- v. We state that, we are both married and living the life with our respective spouses and children. The Accused is an agriculturist and has 2 minor children and is the only earning member of the family. We further state that, as advised by our elders and well-wishers, we are entering into a compromise and amicable settlement to avoid differences and disputes between both families to lead a peaceful life without misunderstanding and more particularly to have peace and tranquility between both our family members. & also victim has been duly compensated.*
- vi. We state that, we declare that, we have resolved all our disputes and differences arose between us and in pursuance of the compromise and amicable settlement we herein withdraw all the allegation.*
- vii. We state that, we are entering in to the joint affidavit with free will and consent without any force, threat or coercion or undue influence.*
- viii. We state that, the averments made out in the Interim Application and this affidavit para No. 1 to 9 are true and correct to the best of our knowledge, information and belief.*



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ix. *We state that, no prejudice or harm would be caused to the respondent if this application is allowed, but on the other hand if this application is not allowed they will be put to severe hardship and injury which cannot be compensated in any other terms."*

5. On going through the contents of the joint affidavit, it appears that the victim had married one Doreswamy in the year 2017 and two daughters were born out of the wedlock. The accused also married one Kalavathi in the year 2018 and has two children with her. As per the averments in the affidavit, both parties were living amicably with their respective spouses and children.

6. Having considered the changed circumstances and also on considering the amicable settlement arrived between the parties, though it is settled principle of law that offences of rape and cruelty against the woman are not amenable for settlement, in order to maintain quiet between the parties and to secure the ends of justice, it is appropriate to record the settlement. Accordingly, I proceed to pass the following:



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ORDER

- i. The Criminal Appeal stands *disposed of* in terms of the compromise between the respective parties.
- ii. The judgment of conviction and order on sentence dated 11.07.2016 in S.C.No.182/2012 passed by the learned Prl. Sessions Judge, Hassan is set aside.
- iii. The appellant is acquitted for the offences punishable under Sections 366-A and 376 of IPC.
- iv. Bail bond executed, if any, stands cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**

JS/-
List No.: 1 Sl No.: 38