



CNR: KAHC010218462018

NC: 2026:KHC:47263
CRL.A No. 2004 of 2018
C/W CRL.A No. 817 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 2004 OF 2018 (A)

C/W

CRIMINAL APPEAL NO. 817 OF 2018

IN CRL.A No. 2004/2018

BETWEEN:

1. S. N. MAHADEVA,
S/O LATE NANJUNDAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT SHINGATAGERE
VILLAGE, MADDUR TALUK,
MANDYA DISTRICT – 571 428.

...APPELLANT

(BY SRI. RAJU C. N., ADVOCATE)

AND:

1. N. SHIVANANAJAPPA,



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S/O LATE NANJUNDAPPA,
AGED ABOUT 53 YEARS,
RESIDING AT SHINGATAGERE
VILLAGE, MADDUR TALUK,
MANDYA DISTRICT – 571 428.

2. STATE BY K. M. DODDI POLICE,
MANDYA.
REPRESENTED BY SPP.,
HIGH COURT OF KARNATAKA
AT BANGALORE – 560 001.

...RESPONDENTS

(BY SRI. DIWAKARA MADDUR., HCGP FOR R2;
J. V. S. MADHUKAR., ADVOCATE FOR R1)

THIS CRL.A IS FILED U/S.372 CR.P.C BY THE ADVOCATE
FOR THE APPELLANT/S PRAYING TO SET ASIDE THE JUDGMENT
OF ACQUITTAL DATED 25.04.2018, PASSED BY THE PRINCIPAL
SESSIONS JUDGE, MANDYA IN S.C.NO.101/2015, ACQUITTING
THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 323
AND 506 OF IPC.



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IN CRL.A NO. 817/2018

BETWEEN:

1. S. M. MAHADEVA,
S/O NANJUNDAPPA,
AGRICULTURIST,
AGED ABOUT 50 YEARS,
RESIDING AT SHINGATAGERE
VILLAGE, MADDUR TALUK,
MANDYA DISTRICT – 571 428.

2. BOREGOWDA @ BORA,
S/O SIDDARAMEGOWDA
@ SIDDARAJU,
AGED ABOUT 33 YEARS,
AGRICULTURIST,
RESIDING AT MADARAHALLI
VILLAGE, MADDUR TALUK,
MANDYA DISTRICT – 571 428.

...APPELLANTS

(BY SRI. RAJU C. N., ADVOCATE)

AND:

1. STATE BY K. M. DODDI POLICE,



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MANDYA.
REPRESENTED BY SPP.,
HIGH COURT OF KARNATAKA
AT BANGALORE – 560 001.

...RESPONDENT

(BY SRI. DIWAKARA MADDUR., HCGP)

THIS CRL.A IS FILED U/S.374(2) CR.P.C BY THE
ADVOCATE FOR THE APPELLANT/S PRAYING TO SET ASIDE
THE JUDGMENT OF CONVICTION DATED 25.04.2018,
PASSED BY THE PRINCIPAL SESSIONS JUDGE AT MANDYA,
IN S.C.NO.139/2014, CONVICTING THE
APPELLANT/ACCUSED NO.1 AND 2 FOR THE OFFENCE
P/U/S 307 R/W 34 OF IPC.

THESE APPEALS, 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 Sri. Raju C.N., learned counsel for the appellants, Sri. Diwakara Maddur, learned HCGP for respondent – State in both the appeal and Sri. J.V.S. Madhukar, learned counsel for respondent No. 1 in Crl.A.No.2004/2018.
2. Crl.A.No.2004/2018 is filed by the appellant seeking to set aside the judgment of acquittal dated 25.04.2018 in S.C.No.101/2015 passed by the learned Prl. Sessions Judge, Mandya for the offences punishable under Sections 323 and 506 of IPC.
3. Crl.A.No.817/2018 is filed by the appellants seeking to set aside the judgment of conviction dated 25.04.2018 passed in S.C.No.139/2014 by the learned Prl. Sessions Judge, Mandya for the offence punishable under Section 307 read with Section 34 of IPC.
4. Learned counsel for the respective parties filed a joint memos for compromise in both the cases under Section



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482 read with Section 320(2) of Cr.P.C., and the same are taken on record.

5. The averments of the joint memo in Crl.A.No.2004/2018 reads as under:

"The Appellant & respondent No.1 above named humbly begs to state as follows:-

- 1. The Respondent police have filed the charge sheet for the offence p/u 323 and 506 of IPC. In crime No. 164/2013.*
- 2. It is submitted that the appellant has lodged the complainant against the Respondent No.1 before the complainant police on 23/05/2013 in Crime No.164/2013 for the offence p/u 323, 324, 506 r/w 34 of IPC at about 5.30 pm after lodging the complaint by the appellant Respondent No.1 lodged the complainant against the appellant on the same day at About 7.30 pm for the offence P/u 307 r/w 34 of IPC. There was a case and counter case between the parties.*
- 3. It is submitted that there was a case and counter case and both the cases were tried before the same court appellant case in S.C.No.139/2014 and the Respondent case in S.C.No.101/2015. Trial court convicted the appellant for the offence P/u 307 of IPC. And acquitted the Respondent No.1. against the judgment of acquittal the appellant has field this appeal, against the respondent No.1 before this Hon'ble court.*
- 4. It is submitted that the Appellants and the injured/victim have settled their dispute amicably out of Court, at the intervention of*



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elders and well-wishers. The complainant/injured has expressed that he has no objection for compound the offence. In S.C.No.139/2014 on the file of Principal district & sessions judge Mandya,. For the offence P/u 323 & 506 of IPC

- 5. It is submitted that the parties, namely, the Appellants and the Respondent No.1/accused in the above case have filed this joint memo before this Hon'ble court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition today.*
- 6. It is submitted that dispute between the parties have been compromised with the intervention of the villagers and complainant/victim appellants are agreed for compromise and they were decided not to quarrel each other and make allegations against each other.*
- 7. It is submitted that the Appellant/ respondent No.1 have filed this Application for compound the offence, the Complainant/accused has, on his own free will, without any compulsion, entered into a compromise and he has no objection for compound the offence with the appellants.*
- 8. It is submitted that the Appellant and complainant are residing in the same village. They are brothers, they were decided not quarrel each other.*

PRAYER

Wherefore the appellant and Respondent No.1/Accused most humbly submit that this Hon'ble court may be pleased to permit them to compound the offence in S.C.No.101/2015 Dated: 25/04/2018 on the file of Principal Sessions Judge at Mandya. For the offence P/u 323 & 506 of IPC. By allowing this Criminal Appeal in the interest of justice."



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6. The averments of the joint memo in Crl.A.No.817/2018

reads as under:

"The Appellants & injured/victim above named humbly begs to state as follows: -

- 1. The Respondent police have filed the charge sheet for the offence p/u 307 r/w 34 of IPC. And convicted the appellants to undergo R.I For 7 years and to pay fine of Rs.25,000/-. And this Hon'ble court suspend the sentence,*
- 2. It is submitted that the appellant has lodged the complainant against the Respondent No.1 before the complainant police on 23/05/2013 in Crime No.1 164/2013 for the offence p/u 323, 324, 506 r/w 34 of IPC at about 5.30 pm after lodging the complaint by the appellant Respondent No.1 has lodged the complainant against the appellant on the same day at About 7.30 pm for the offence P/u 307 r/w 34 of IPC. There was a case and counter case between the parties.*
- 3. It is submitted that there was a case and counter case between the appellants and the Complainant, and both the cases were tried before the same court appellant case in S.C.No.139/2014 and the Respondent case in S.C.No.101/2015. Trial court convicted the appellants for the offence P/u 307 of IPC. And acquitted the Complainant against the judgment of acquittal, the appellant has filed this appeal, against the respondent No.1 before this Hon'ble court. The respondent No.1 has sustained the simple injury. There was a civil dispute between the parties.*
- 4. It is submitted that the Appellants and the injured/victim have settled their dispute amicably out of Court, at the intervention of elders and well-wishers. The complainant/injured has expressed that he has no objection for compound the offence. In*



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S.C.No.139/2014 on the file of Principal district & sessions judge Mandya,. For the offence P/u 307 r/w 34 of IPC.

- 5. It is submitted that the parties, namely, the Appellants and the Complainant/injured in the above case have filed this joint memo before this Hon'ble court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own free will and volition today.*
- 6. It is submitted that dispute between the parties have been compromised with the intervention of the villagers and complainant/victim and appellants are agreed for compromise and they were decided not to quarrel each other and make allegations against each other.*
- 7. It is submitted that the Appellants/ respondent No. 1 have filed this Application for compound the offence, the Complainant/injured has, on her own free will, without any compulsion, entered into a compromise and he has no objection for compound the offence with the appellants.*
- 8. It is submitted that the Appellants and injured/victim are residing in the same village. They are brothers, they were decided not quarrel each other.*

PRAYER

Wherefore the appellants and injured/victim most humbly submit that this Hon'ble court may be pleased to permit them to compound the offence in in S.C.No.139/2014 Dated: 25/04/2018on the file of Principal Sessions Judge at Mandya. For the offence P/u 307 r/w 34 of IPC. By allowing this Criminal Appeal in the interest of justice."



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7. On going through the contents of the joint affidavits, it appears that both the parties have settled their disputes amicably. Having considered the nature and also gravity of the offences, the compromise can be recorded in view of the judgment of the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Panjab and another***¹ it is appropriate to record the compromise in order to maintain the quietus between the parties. Accordingly, I proceed to pass the following:

ORDER

- i. The Criminal Appeals stand *disposed of* in terms of the compromise between the respective parties.
- ii. In Crl.A.No.2004/2018, the judgment of acquittal dated 25.04.2018 in S.C.No.101/2015 passed by the learned Prl. District and Sessions Judge, Mandya is confirmed.

¹ (2012) 10 SCC 303



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iii. In Crl.A.No.817/2018, the judgment of conviction dated 25.04.2018 passed in S.C.No.139/2014 by the learned Prl. Sessions Judge, Mandya is set aside.

iv. The appellants are acquitted for the offence punishable under Section 307 read with sections 34 of IPC.

v. Bail bonds executed, if any, stand cancelled.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 Sl No.: 47