



CNR: KAHC010484832026

NC: 2026:KHC:45250
CRL.P No. 10563 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10563 OF 2026

BETWEEN:

SRI. MAHESH @ NARESH,
S/O NARASIMHAPPA,
AGED ABOUT 29 YEARS,
R/A PEDDURU TALUK, BAGEPALLI,
CHIKKABALLAPURA DISTRICT-561207

...PETITIONER

(BY SRI. DEVENDRA N, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY PATHPALYA POLICE STATION,
CHIKKABALLAPUR,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. SMT. JYOTHI,
W/O SHIVA KUMAR,
AGED ABOUT 38 YEARS,
R/A THOLLAPALLI VILLAGE,
BAGEPALLI,
CHIKKABALLAPURA-561207.

...RESPONDENTS

(BY SMT. DEEPTHI ALVA, HCGP FOR R1;
SRI. SRINATHA B.V., ADVOCATE FOR R2)

Digitally signed
by
PADMAVATHI B
K
Location: High
Court of
Karnataka





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THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR IN CRIME NO.18/2024 LATER REGISTERED AS SPL.SC NO.71/2024 ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE AND FTSC-1 (POCSO), CHIKKABALLAPUR FOR THE OFFENCES P/U/S 376(2)(n) OF IPC AND SECTIONS 4, 5(L), 5(J) (ii) AND 6 OF POCSO ACT BY PATHPALYA POLICE STATION, CHIKKABALLAPUR (1ST RESPONDENT) AT ANNEXURE-A COUPLED WITH GRANT SUCH GRANT SUCH OTHER RELIEF/S AS THIS HON'BLE COURT MAY DEEM FIT TO GRANT IN THE INTEREST OF JUSTICE.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court seeking the following prayer:

"Wherefore the Petitioner requests this Hon'ble Court to quash the FIR in Crime No. 18 / 2024 later registered as Spl. SC No. 71 / 2024 on the file of Additional District and Sessions Judge & FTSC 1 [POCSO], Chikkaballapur for the offences punishable under Section 376 (2) (n) of IPC and Section 4, 5 (L), 5 (J) (ii) and 6 of Protection of Children From Sexual Offenses Act by Pathpalya Police Station, Chikkaballapur (1st respondent) at Annexure – A coupled with grant such other relief/s as this Hon'ble Court may deem fit to grant in the interest of justice."

2. Heard Sri. Devendra N, learned counsel appearing for the petitioner, Smt. Deepthi Alva, learned HCGP appearing



for respondent No.1, Sri.Srinatha B.V, learned counsel appearing for respondent No.2 and have perused the material on record.

3. The petitioner and respondent No.2 are accused and the mother of the victim. They are before the Court seeking quashment of the proceedings on the score of that the petitioner and the victim are married and are living happily. A certificate of marriage is appended to the petition. The marriage is said to have solemnised on 12.06.2025 and the same is registered on 05.07.2025 after the victim has attained 18 years of age. The parties to the *lis* have filed affidavits seeking closure of the proceedings on account of marriage between the accused and the victim. The affidavit filed by the victim reads as follows:

" 1. I am the victim in the said case and I am fully conversant with the facts of the said petition.

2. I state that, on the basis of the complaint given by one, Smt. Jyothi, the 1st respondent has registered a case in Crime No.18/2024 later registered as Spl. SC No. 71 / 2024 on the file of Additional District and Sessions Judge & FTSC1 [POCSO], Chikkaballapur for the offences punishable under Section 376 (2) (n) of IPC and Section 4, 5 (L), 5 (J) (ii) and 6 of Protection of Children From Sexual Offenses Act against the petitioner.



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3. I state that the petitioner has filed the above criminal petition seeking quashing of the FIR in Crime No. 18 / 2024 later registered as Spl. SC No. 71 / 2024 on the file of Additional District and Sessions Judge & FTSC - 1 [POCSO], Chikkaballapur for the offences punishable under Section 376 (2) (n) of IPC and Section 4, 5 (L), 5 (J) (ii) and 6 of Protection of Children From Sexual Offenses Act.

4. I state that during the course of these proceedings with the intervention of the elders and well wishers of respective family the dispute between me and the petitioner was settled out of Court.

5. It is submitted that as desired by me, my marriage with the petitioner was solemnized on 12.06.2025 registered in the office of Marriage Registrar, Bagepalli bearing document no. BGP - HM 00054 - 2025 - 26 dated 05.07.2025

6. I state that I am married to the petitioner and we have been living together under the same roof.

7. I state that, the petitioner has not exerted any pressure on me.

Wherefore I request this Hon'ble Court to quash the proceedings FIR in Crime No. 18 / 2024 later registered as Spl. SC No. 71 / 2024 on the file of Additional District and Sessions Judge & FTSC 1 [POCSO], Chikkaballapur for the offences punishable under Section 376 (2) (n) of IPC and Section 4, 5 (L), 5 (J) (ii) and 6 of Protection of Children From Sexual Offenses Act by Pathpalya Police Station, Chikkaballapur (1st respondent) against the petitioner in the interest of justice.

I, the deponent herein do make oath and solemnly affirm that this is my name and I have signed this affidavit and the contents of this affidavit are true to the best of my knowledge, belief and information."



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4. The Apex Court in the case of **MAHESH MUKUND**

PATEL v. STATE OF UTTAR PRADESH,¹ has held as follows:

"....."

3. The second respondent is the first informant at whose instance, a First Information Report was registered on 18th September, 2016 for the offences punishable under Sections 354A, 363, 366, 376 of the Penal Code, 1860 and Sections 3 and 4 of the Protection of Children from Sexual Offences Act (for short, 'POCSO Act'). The third respondent is the victim of the offence. As can be seen from the allegations in the First Information Report (FIR), the alleged incident is of September, 2016. In the FIR, the second respondent has alleged that the age of the victim was 17 years.

4. Our attention was invited to the marriage certificate issued by the Registrar of Hindu Marriages and Sub-Registrar, Varanasi which records that the marriage between the appellant and third respondent has been solemnized on 5th December, 2016. The date of birth of the third respondent - victim is shown therein as 20th July, 1998. It is also brought on record that from the wedlock between the appellant and the third respondent, two children have been born whose documents have been produced along with Criminal Miscellaneous Petition No. 10906 of 2025.

5. On the last date, we had directed learned counsel appearing for the State to get the marriage certificate relied upon by the parties duly verified. Accordingly, an affidavit has been filed by Dr. Atul Tripathi, ACP, Sarnath in which it is stated that the marriage certificate has been verified and it is found to be genuine and in fact a true copy thereof has been produced along with the affidavit.

6. Our attention is invited to the affidavit filed by the third respondent in which she has accepted the fact that she is happily married to the

¹2025 SCC OnLine SC 614



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appellant and they have been residing together.

She has disclosed her date of birth as 20th July, 1998. In the record of the Primary School, as can be seen from document at Annexure 'P-1', the date of birth of the third respondent is shown as 20th July, 1998. Ossification test was conducted during the investigation. The report of the test is that on the date of commission of the offence, the age of the third respondent may be between 17½ years to 19 years. There are documents on record to show that the date of birth of the third respondent was 20th July, 1998. Therefore, when the offence was allegedly committed in September, 2016 she was already a major.

7. Now that the appellant and third respondent are happily married, no purpose will be served by continuing the prosecution as it will cause undue harassment to the appellant, the third respondent and their children.

8. Coming to the impugned order, we find that the marriage certificate was placed on record before the High Court. In fact, no objection by the first informant is also recorded in the impugned order. Surprisingly, the High Court instead of entertaining the petition for quashing on the ground of settlement, has observed that the application for dropping criminal proceedings on the basis compromise may be moved before the Trial Court. The High Court completely lost sight of the fact that the Trial Court could not have recorded the settlement and in fact, **this was a fit case for the High Court to have exercised its jurisdiction under Section 482 of the Cr. P.C. by quashing the proceedings.** Unnecessarily, the parties have been forced to come to this Court."

(Emphasis supplied)

5. Following the judgment of the Apex Court and in the light of the marriage between the two, I deem it appropriate to accept the affidavits filed by the parties to the *lis*



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so also the victim and obliterate the crime with a rider that if the accused-husband would leave the wife now married, in the lurch at any time, the impugned POCSO proceedings will spring back/revive.

6. With the aforesaid observations, the following:

ORDER

- [I] Criminal Petition is **allowed**.
- [II] Proceedings in Spl.S.C.No.71/2024 on the file of Additional District and Sessions Judge & FTSC 1 [POCSO], Chikkaballapur for the offences punishable under Section 376(2)(n) of IPC and Sections 4, 5(L), 5(J)(ii) and 6 of Protection of Children From Sexual Offenses Act, 2012, by Pathpalya Police Station, Chikkaballapur, *qua* the petitioner stands quashed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**