



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 11263 OF 2026

BETWEEN:

KUMMARI RAJASHEKAR
S/O KUMMARI RAMANJINEYULU,
AGED 27 YEARS
R/AT 2-63 B.C.COLONY TALLAKERA
VTC: GUMMAGATTA
PO TALLAKERA DISTRICT
ANDHRA PRADESH - 515 863
ALSO AT

8TH MAIN
ANDRAHALLI THIGALARAPALYA
MAIN ROAD,
VIJAYANAGARA
BENGALURU.

...PETITIONER

(BY SMT.VINITHA P.C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY BYADARAHALLI POLICE STATION
PEENYA SUB DIVISION
BENGALURU CITY.
2. KUMBARA DEVENDRAPPA,
AGED 51 YEARS

Digitally signed
by RAKESH S
HARIHAR

Location: High
Court of
Karnataka,
Dharwad Bench



CNR: KAHC010515552026

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CRL.P No. 11263 of 2026

R/AT.NO.41, KUMARA VONI
ADAVIHALLI VILLAGE
HARAPPANAHALLI TALUK
VIJAYANAGARA DISTRICT.

...RESPONDENTS

(BY SRI K.NAGESHWARAPPA, HCGP FOR R-1;
SMT.CAUVERY T.A., ADVOCATE FOR R-2)

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS)
PRAYING TO QUASH THE FIR IN CR.NO.295/2026 REGISTERED
BY THE 1ST RESPONDENT, BYADARAHALLI P.S. PEENYA SUB
DIVISION, BENGALURU FOR THE OFFENCES P/U/S 4, 6 AND 9
OF POCSO ACT UNDER SEC.64(2)(m) OF BNS 2023 AGAINST
THE PETITIONER.

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

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

ORAL ORDER

The petitioner is before this Court calling in question the
crime registered in Crime No.295/2026 against the
petitioner – accused for offences punishable under Section
64(2)(m) of the BNS and Sections 4, 6 and 9 of the Protection
of Children from Sexual Offences Act, 2012 ('POCSO Act' for
short).



2. The respondent No. 2/ de-facto complainant/ father of the victim, on receiving information that the victim is pregnant after marrying and cohabiting with the petitioner - accused, takes her to a government hospital. A complaint is registered by a doctor of the government hospital, which becomes a crime in Crime No.295/2026 for the afore-quoted offences.

3. Heard Smt. Vinitha P.C., learned counsel appearing for the petitioner, and Sr. K Nageshwarappa, learned counsel appearing for respondent No.1 and Smt. Cauvery T.A., learned counsel appearing for respondent No.2 and have perused the material on record.

4. The petitioner-accused is before the Court seeking quashment of the proceedings on the score that the petitioner - accused and victim fell in love and got married in a temple, as the victim stated that she had attained 18 years of age despite being a minor. Be that as it may. The certificate of marriage is appended to the memo filed on 25.08.2026. The marriage is said to have been solemnised on 24.08.2026 and is



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

registered on 24.08.2026 after the victim has attained 18 years of age. It is a matter of record that the de-facto complainant/father of the victim girl was present in person when the memo submitting the certificate of marriage was filed.

5. The issue now would be, whether on account of marriage, the proceedings against the petitioner-accused could be quashed or otherwise. This issue need not detain this Court for long or delve deep into the matter. 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

¹ 2025 SCC OnLine SC 614



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

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 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



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

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."

6. A little earlier to the judgment of the Apex Court in the case of **MAHESH MUKUND PATEL** quoted *supra*, the High Court of Kerala, in the case of **XX XX v. STATE OF KERALA**², considers a similar circumstance and holds as follows:

" "

24. Having extensively referred to the above views of the various High Courts, I am only inclined to follow the views of this Court in Vishnu case, as also, of the various High Courts, where the proceedings were quashed taking stock of the settlement between the parties, ultimately ending in the marriage between the petitioner-accused and the de facto complainant/victim. I am of the opinion that, merely because the offences under the Pocso Act is alleged, there cannot be an absolute proposition of law that the proceedings cannot be quashed based on settlement between the parties, especially when the settlement is genuine and bona fide so as to ultimately result in the marriage between the accused and the victim. As held in many cases, each case will have to be addressed in the peculiar facts obtaining therein and there cannot

² 2025 SCC OnLine Ker 2295



CNR: KAH010515552026

be an en bloc conclusion that the quashment is wholly impermissible in cases involving Pocso offences. There are offences which are not of a very serious and grievous nature coming under the Pocso Act, say, for example, an offence under Sections 11(i) or (iv) of the Act. By saying that the said offences are less serious, this Court is not undermining the significance and seriousness of such offences, since it is perpetrated against a minor. However, when the legal position, even in respect of an offence under Section 307 of the Penal Code, is to the effect that the same can be quashed based upon genuine and bona fide settlement between the parties, there is no reason as to why a less serious offence under the Pocso Act cannot be terminated. **Generally, serious offences having a sexual overtone, like rape under the Penal Code and a penetrative sexual assault, etc. under the Pocso Act cannot be terminated by quashing the same, acting only upon the settlement between the parties. It is indeed the offence against the society and not a private issue between the petitioner and the de facto complainant. However, in cases where there exist extreme mitigating circumstances, adherence to that rule will work out injustice. Suffice to say that the choice in this regard will have to be taken based on the attendant facts; and not on the basis of the nomenclature of the statute.**

25. Coming to the instant facts, in both the cases, the petitioner-accused had married the victim. Affidavits sworn to by the victims and their statements recorded by the investigating officer would reveal that they are living a happy married life, along with their child. The petitioner-accused is adequately taking care of the interest of the victim. In one case, the victim is sent for further studies and the child is being taken care of by the petitioner-accused. This Court is of the opinion that these circumstances are extremely extenuating, so as to bring the case outside the scope of the general proposition that serious sexual offences cannot be quashed, acting only upon the settlement between the parties.



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

26. The following aspects assume significance in the peculiar nature of the cases, where the offence is followed by the marriage between the perpetrator and the victim:

(1) Unless the criminal proceedings are terminated by quashing the same, there will be utter chaos, confusion and even havoc in the life of the victim who married the accused and who is leading a happy life. In other words, the life of the victim, the accused and the child, if any, in that relationship will be ruined. Per contra, if the offence is quashed, it will bring in harmony, peace and happiness, thus promoting their family life.

(2) Unless, the court choose to quash the proceedings, the trauma/agony of the child/victim continues, despite a genuine and bona fide settlement.

(3) Despite and de hors a bona fide and genuine settlement culminating in the marriage between the petitioner-accused and the victim, if the criminal proceedings are to continue thereby compelling the parties to face the trial the same verge upon abuse of process.

(4) The ends of justice is in favour of quashment in such category of cases, since it will be an injustice to separate a well knit family by the continuance of the proceedings.

(5) Quashment of the proceedings will result in rendering total and complete justice to the parties.

(6) When the crucial witness is the victim, who had married the accused, there exists little chance for her to speak against her own husband/accused, wherefore, the chances of conviction will be too bleak and remote. In other words, no fruitful purpose will be served by continuance of the proceedings.

(7) Compelling the continuance of a proceedings, which is otherwise settled genuinely and which answers the requirements of the interest



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

of justice will only add to the burden of criminal courts in India, which is otherwise overburdened.”

(Emphasis supplied at each instance)

7. Following the judgments of the Apex Court and the High Court of Kerala, and in the light of the marriage between the two, I deem it appropriate to 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 proceedings will spring back/revive.

8. With the aforesaid observations, the following:

ORDER

- i. Criminal petition is **allowed**.
- ii. Impugned crime in Crime No.295/2026 registered before the Byadarahalli Police Station, Peenya Sub Division, pending before the Additional District and Sessions Judge, FTSC-III, Bengaluru Rural, for the offences punishable under Section 64(2)(m) of the BNS and Sections 4, 6 and 9 of the POCSO Act stands quashed *qua* the petitioner.



CNR: KAHC010515552026

NC: 2026:KHC:48269
CRL.P No. 11263 of 2026

Pending applications, if any, stand disposed as a consequence.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP
List No.: 1 Sl No.: 22