NC: 2024:KHC:52757
CRL.P No. 13805 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 13805 OF 2024

BETWEEN:

SRI MUNIYAPPA M
S/O. MUNISWAMY
AGED ABOUT 25 YEARS,
R/AT NO.112, 14TH CROSS,
CHOLURUPALYA,
MAGADI MAIN ROAD,
BANGALORE-560 023.

...PETITIONER

(BY SRI. SEETHARAMU S.P., ADVOCATE)

Digitally signed by NAGAVENI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
BY THE SUB-INSPECTOR OF POLICE,
TAVAREKERE POLICE STATION,
BENGALURU RURAL DISTRICT,
RAMANAGARA,
REP. BY STATE PUBLIC PROSECUTOR
ATTACHED TO HIGH COURT
BENGALURU - 560 001.

2. SMT. LATHA. M
W/O. SHIVAKUMAR,
AGED ABOUT 29 YEARS,
R/AT NO.112, 14TH CROSS,
CHOLURUPALYA,
MAGADI MAIN ROAD,
BANGALORE - 560 023.

…RESPONDENTS

(BY SRI. RANGASWAMY R., HCGP FOR R1;
SRI. AVINASH P., ADV. FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING AGAINST THE PETITIONER IN S.C.NO.198/2024 IN (CR.NO.0397/2023) AGAINST THE PETITIONERS HEREIN WHO IS ARRAIGNED AS ACCUSED FOR THE OFFENCE P/US/ 326 AND 307 OF IPC WHICH IS NOW PENDING ON THE FILE OF PRL. DIST. AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU2) QUASH THE CHARGE SHEET AT ANNEXURE-B IN S.C.NO.198/2024 IN (CR.NO.0397/2023) AGAINST THE PETITIONER HEREIN, WHO IS ARRAIGNED AS ACCUSED FOR THE OFFENCE P/US/ 3216 AND 307 OF IPC WHICH IS NOW PENDING ON THE FILE OF PRL. DIST. AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU.

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

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

ORAL ORDER

Heard the learned counsel Sri.Seetharamu S.P., appearing for the petitioner, the learned High Court Government Pleader Sri.Rangaswamy R., appearing for respondent No.1 and the learned counsel Sri.Avinash P., appearing for respondent No.2.

2. The learned counsel for the parties would submit that the matter has been settled between them and have filed such affidavit before this Court. The same read as follows:

" ***AFFIDAVIT***

*I, Sri, **Muniyappa.M**, S/o Muniswamy, Aged about 25 years, Residing at 112, 14th cross, Cholurupalya. Magadi Main Road, Bangalore-560023. Do hereby affirm and state on oath as follows:*

1. I am a resident of Bangalore, and I am a daily worker. I am the Accused in Crime No.397/2023 registered in Tavarekere Police Station, Bangalore, based on the Complaint filed by Smt, Latha S/o. Shivakumar.M,, for the alleged offence committed by me punishable under Sections 326 and 307 of IPC, which was pending on the bord of Hon'ble Chief Judicial Magistrate court bangaluru rural District, Bangalore, bearing C.C.No.528 of 2024, and presently committed to the Court of Hon'ble Ld Prl. District and Sessions Judge Bangalore Rural District at Bangalore, bearing S.C.No. 198 of 2024.

2. *I state that the Complainant in the above Complaint, i.e., Smt, Latha S/o. Shivakumar M is my sister in law and known to each other from several years. Due to some personal differences that arose between us, the respondent No.2 matrimonial Relation was strained.*

3. *I state that on the day of the incident, i.e., on 10.11.2023, that resulted in filing of Crime No.396/2023 in Tavarekere Police Station, I was walking near my house when I saw Smt, Latha.M and Sagar moving near Kodigehalli Road Madhavanagara and due to a sudden provocation and in a spur-of-the-moment, the respondent No.2 and myself engaged in a scuffle. resulting which I suffered some minor injuries, and we both filed our respective Complaints against each other in Tavarekere Police Station. The Complaint filed by me against Latha.m and Sagar.T me came to be registered as Crime No.396/2023, whereas the Complaint filed by Smt, Latha S/o. Shivakumar.M, against me came to be registered as Crime No.397/2023.*

4. *I state that the scuffle that took place between me and Smt, Latha S/o. Shivakumar.M, on 10.11.2023 is due to the sudden provocation and was in spur-of-the-moment incident, and was not pre-determined. Neither of us sustained any major injuries, which was fatal or grave that it would have resulted in death.*

5. *I state that although both of us filed a complaint against each other, as stated here-above, subsequently we have amicably settled our disputes among ourselves, and we do not wish to prosecute the Complaint filed by us against each other, as stated here-above. In view of the settlement arrived at between us, and having resolved our dispute & differences among ourselves amicably, neither of us are intending to further prosecute the Complaints filed by us against each other. The fact of settlement arrived at between Smt, Latha S/o. Shivakumar.M, and I is also confirmed by Smt. Latha S/o,*

Shivakumar M, AND Sagar T. by executing an Affidavit of even date."

3. In the light of the settlement arrived at between the parties and the offences not being against the State, I deem it appropriate to accept the same and terminate the proceedings, *qua* the petitioner.

4. For the aforesaid reasons, the criminal petition is disposed. The proceedings in S.C.No.198/2024, pending on the file of the Principal District and Sessions Judge, Bengaluru Rural District at Bengaluru, qua the petitioner, stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

KG
List No.: 1 Sl No.: 153