HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 1857 OF 2024

BETWEEN:

1. SRI ASHOK KUMAR JAIN
S/O LATE MANMALJI JAIN
AGED ABOUT 63 YEARS
R/AT NO.11
"KALPATHARU APARTMENTS
RACE COURSE ROAD
MADHAV NAGAR
BENGALURU – 560 001.

2. SMT.SHAKUNTALA A. JAIN
W/O SRI ASHOK KUMAR JAIN
AGED ABOUT 58 YEARS
R/AT NO.11
"KALPATHARU APARTMENTS
RACE COURSE ROAD
MADHAV NAGAR
BENGALURU – 560 001.

3. SRI SAINATH ASHOK JAIN
S/O SRI ASHOK KUMAR JAIN
AGED ABOUT 34 YEARS
R/AT NO.11
"KALPATHARU APARTMENTS
RACE COURSE ROAD
MADHAV NAGAR

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

BENGALURU – 560 001.

…PETITIONERS

(BY SRI GANAPATHI BHAT VAJRALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
SANJAY NAGAR POLICE STATION
SANJAY NAGAR
BENGALURU – 560 094
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU – 560 001.

2. SRI N.ANAND
S/O LATE K.C. NARASIMHAYYA
AGED ABOUT 44 YEARS
R/AT NO.150/3, 4TH CROSS
GEDDALAHALLI, SANJAY NAGAR
BENGALURU – 560 094.

…RESPONDENTS

(BY SRI ANOOP KUMAR, HCGP FOR R-1;
SRI ANANDA MURTHY R., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.13/2024 REGISTERED BY 1ST RESPONDENT POLICE i.e., SANJAY NAGAR POLICE STATION, AS AGAINST THE PETITIONERS FOR THE OFFENCES P/U/S 3(1)(r)(s) OF SC/ST (POA) AMENDMENT ORDINANCE ACT AND 2014 AND SEC. 504 OF IPC, PENDING ON THE FILE OF CITY

CIVIL AND SESSIONS JUDGE, CCH-71, AT BENGALURU AS PER ANNEXURE-A.

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

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

ORAL ORDER

The petitioners are before this Court calling in question the crime registered in Crime No.13 of 2024 for offences punishable under Section 3(1)(r) and (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance 2014 ('the Act' for short) and under Section 504 of the IPC, pending on the file of the City Civil and Sessions Judge, Bengaluru.

2. Heard the learned counsel Sri Ganapathy Bhat Vajralli, learned counsel appearing for the petitioners, Sri Anoop Kumar, learned High Court Government Pleader appearing for respondent No.1 and Sri Ananda Murthy R, learned counsel appearing for respondent No.2.

3. Learned counsel for the petitioners and respondent No.2 in unison submit that during the pendency of the case before this Court, the parties to the *lis* have entered into compromise before the Lok Adalath conducted before the concerned Court in O.S.No.19 of 2023 and accordingly, have filed an application before this Court in I.A.No.1 of 2026 under Section 320 of the Cr.P.C./Section 359 of the BNSS r/w Section 482 of the Cr.P.C./528 of the BNS, along with the affidavit of petitioner No.1 on behalf of petitioners 2 and 3, seeking permission to close the proceedings initiated by the 2nd respondent/complainant.

4. Learned High Court Government Pleader would however contend that the issue in the *lis* concerns the offence punishable under the Act and therefore, settlement should not be accepted and the petitioners have to come out clean in a full fledged trial. He seeks dismissal of the petition.

5. The application filed under Section 320 of the Cr.P.C./Section 359 of the BNSS r/w Section 482 of the Cr.P.C., reads as follows:

> "The petitioners submits that, the petitioner herein has challenged the entire proceedings in FIR Crime No.13/2024 registered by the 1st respondent Police i.e., Sanjay Nagar Police Station, on the file of pending before the City Civil and Session Judge, CCH -71, at Bengaluru, on the basis of the complaint filed by the 2nd respondent as per Annexure-A by making certain allegation against the petitioners filed by the 2nd respondent pertaining to the property dispute which was culminated in O.S. No.19/2023 and petitioners and respondent have settled the matter in O.S. No.19/2023 on the file of Hon'ble City Civil Judge, at Bangalore and accordingly respondent No.2 has no objection to quash the entire proceedings as per Annexure-A in the interest of justice and equity.
>
> **WHEREFORE**, the petitioners and respondent No.2 prays that this Hon'ble Court may be pleased to quash the **FIR in Crime No.13/2024 registered by the 1st respondent Police i.e., Sanjay Nagar Police Station**, on the file of pending before the **City Civil and Session Judge, CCH-71**, at **Bengaluru**, as per **Annexure-A** in the interest of justice."

6. The issue whether the compromise between the parties can be accepted by this Court *qua* the provisions of the Act, need not detain this Court for long or delve deep into the matter, as the Apex Court in the case of ***RAMAWATAR VS. STATE OF MADHYA PRADESH*** reported in ***2021 SCC ONLINE SC 966,*** has held as follows:

> ***"15.*** *Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled*

Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper-castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

16. *On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.* ***On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.***

17. *Adverting to the case in hand, we note that the present Appellant has been charged and convicted under the unamended Section 3(1)(x) of the SC/ST Act[7], which was as follows:*

> *"**3. Punishments for offences of atrocities-** (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—*
>
> *xxxx*

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

xxxx"

18. *We may hasten to add that in cases such as the present, the Courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the Courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the Courts should consider, would depend on the facts and circumstances of each case.*

19. *Having considered the peculiar facts and circumstances of the present case in light of the afore-stated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:*

Firstly*, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the afore-stated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.*

***Secondly**, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quartes only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.*

***Thirdly**, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.*

Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

***Fifthly,** given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.*

***Sixthly,** the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement."*

(Emphasis supplied)

7. In the light of the afore-quoted judgment of the Apex Court, which has held that invoking power under Article 142 of the Constitution of India or under Section 482 of the Cr.P.C., the proceedings initiated under the Act may be permitted to be closed, if the complainant is willing to settle the issue and in view of the judgment of the Apex Court in the case of ***RAMAWATAR*** *supra* being followed by this Court in Crl.P.No.2349/2023 disposed on 21.04.2023, I deem it appropriate to accept the application and the affidavit so filed and obliterate the proceedings for the offences punishable under the Act and for the offence punishable under Section 504 of the IPC, *qua* the petitioners, as the allegations are not against the State.

8. For the aforesaid reasons, the following:

ORDER

(i) The Criminal Petition is disposed.

(ii) The impugned crime in Crime No.13 of 2024 pending on the file of City Civil and Sessions Judge, Bengaluru, *qua* the petitioners, stand quashed.

Consequently, pending application if any also stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP
List No.: 1 Sl No.: 135