HC-KAR

NC: 2026:KHC:62066
CRL.P No. 6319 of 2025

CNR: KAHC010280082025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 6319 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. PRASANNA K S
   AGED ABOUT 37 YEARS,
   S/O SRINIVASA GOWDA,

2. PRASAD KS,
   AGED ABOUT 41 YEARS,
   S/O SRINIVASA GOWDA,

3. DEEPIKA T,
   W/O, PRASAD K S,
   AGED ABOUT 33 YEARS,
   S/O SRINIVASA GOWDA

   PETITIONERS 1 TO 3 ARE
   PRESENTLY R/AT NO 1000, 2ND FLOOR,
   11TH MAIN, 3RD STAGE,
   BASAVESHWARA NAGAR,
   BENGALURU-560 079.

4. SRINIVASA GOWDA K
   S/O SOORAPPA GOWDA
   AGED ABOUT 71 YEARS.

5. CHANDRAVATHI S
   W/O SRINIVASA GOWDA
   AGED ABOUT 62 YEARS.

   PETITIONERS 4 AND 5 ARE
   RESIDING AT
   NO. 232/182/2, MARIL
   PRAGATHI LAYOUT,

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KEMMINJE, PUTTUR TALUK
DAKSHINA KANNADA,
KARNATAKA-574 202

…PETITIONERS

(BY SMT. DIVYASWAROOP T., ADVOCATE FOR
SRI. M C RAVIKUMAR., ADVOCATE)

AND:

1. THE STATION HOUSE OFFICER
WEST WOMEN POLICE STATION
WEST DIVISION,
BENGALURU- 560 023,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
DR. BR AMBEDKAR VEEDHI,
BENGALURU- 560 001

2. DEEPIKA P
W/O PRASANNA K S
AGED ABOUT 29 YEARS,
D/O ANANDA GOWDA,
R/AT KEDILA VILLAGE AND POST,
PERAMOGRU HOUSE,
BANTWAL TALUK.

…RESPONDENTS

(BY SRI. RANJITH KUMAR N., HCGP FOR R1;
SRI. VIJAYA KUMAR T.M .,ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO CALL FOR RELEVANT RECORDS AND SET ASIDE THE ORDER DATED 24-01-2025 VIDE (ANNEXURE-A) PASSED BY THE LEARNED HONBLE XXIV ADDITIONAL CHIEF JUDICIAL MAGISTRATE, BENGALURU CITY IN C.C NO.2746/2025 THEREBY TAKING COGNIZANCE AGAINST THE PETITIONERS FOR THE ALLEGED O/U/S 85, 115(2),352, 351(2), 3(5) OF BNS, 2023 AND SECTION 3 AND 4 OF D.P ACT, 1986 AND ORDERED TO REGISTER CRIMINAL CASE AND ISSUE SUMMONS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs;

> *a. Call for relevant records and set aside the order dated 24-01-2025 vide (Annexure-A) passed by the learned Honble XXIV additional Chief Judicial Magistrate, Bengaluru City in C.C No.2746/2025 thereby taking cognizance against the petitioners for the alleged o/u/s 85, 115(2),352, 351(2), 3(5) of BNS, 2023 and section 3 and 4 of D.P act, 1986 and ordered to register criminal case and issue summons*.
>
> *b. Pass such other order's and grant such other relief's as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, in the interest of justice and equity.*

2. Respondent no.2-wife had lodged a complaint on 28.11.2024 in pursuance of which FIR in Crime No.112/2024 came to be registered by the West Women Police Station for offences under Section 85, 115(2), 351(2), 352, and 3 (5) of BNS read with Section 3 and 4 of the Dowry Prohibition Act, 1961. Investigation having completed, a charge sheet had also been laid on 15.01.2025. It is challenging the same, petitioner no.1 husband, petitioner no.2-brother, petitioner no.3-sister-in-law, petitioner

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no.4-father-in-law, petitioner no.5-mother-in-law, are before this Court seeking for the aforesaid reliefs.

3. Matrimonial proceedings having also been filed in MC No.1874/2025, the matter having been referred to mediation, a Settlement has been arrived at during the said mediation proceedings, where the dispute between the parties have been settled and the said Memorandum of Settlement have been recorded.

4. In terms of the said Memorandum of Settlement, respondent no.2 has agreed that she would have no objection for the above petition to be allowed and the criminal proceedings being quashed against the petitioners, as also for one other proceeding pending under Section 12 of the DV Act in Criminal Misc.No.259/2024 also being disposed of as settled.

5. Respondent no.2 is before this Court in person and identified by her counsel. On enquiry, she submits that the amount of Rs.32,50,000/- as indicated in the said Memorandum of Settlement has already been received by her and all the jewellery which were in the possession of petitioners' family has also been handed over to her.

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6. Petitioner no.1-husband who is before this Court, identified by his counsel, confirmed that the custody of the minor child will be with respondent no.2 and respondent no.2 would take care of the interest and maintenance of the said minor child, with the petitioner no.1 having parenting time as indicated in the said Memorandum of Settlement.

7. Though the offences are serious in nature, this Court would have to take into consideration that these offences are alleged to have occurred out of matrimonial dispute between petitioner no.1 and respondent no.2. The very matrimonial relationship having come to an end by both of them agreeing for a divorce and a Memorandum of Settlement having been arrived at and recorded in MC No.1874/2025, this Court is of the considered opinion that continuation of the criminal proceedings when the parties have settled their matrimonial dispute would not be in the interest of justice, but to the contrary, would cause injustice to the petitioners, respondent no.2 and their families. In that view of the matter, this Court passes the following:

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NC: 2026:KHC:62066
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ORDER

i) Criminal petition is ***allowed***.

ii) The order dated 24.01.2025 vide Annexure-A passed by the XXIV Additional Chief Judicial Magistrate, Bengaluru in C.C.No.2746/2025 against the petitioners for the alleged offences under Sections 85, 115(2), 351(2), 352, and 3 (5) of BNS read with Section 3 and 4 of the Dowry Prohibition Act, 1961 are quashed.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 27