HC-KAR
NC: 2026:KHC:61039
CRL.P No. 16442 of 2025
CNR: KAHC010784482025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 16442 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

SHAKTHI KUMAR B
S/O. LATE BHASKAR
AGED ABOUT 22 YEARS,
RESIDENT OF 99,
2ND MAIN, 3RD CROSS
DR. AMBEDKAR NAGAR OORGAUM POST
K.G.F. DISTRICT KOLAR -563120

...PETITIONER

(BY SRI. TIGADI VEERANNA GADIGEPPA., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY INSPECTOR OF POLICE
OORGAUM POLICE
OORGAUM POST, K.G.F,
DISTRICT: KOLAR-563 120
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA,
BENGALURU-560 001

2. VICTIM GIRL
D/O NARASINGA MURTHY
AGED ABOUT 18 YEARS
R/AT NO.170, M.L.BLOCK,
OORGAUM, KGF
DISTRICT: KOLAR-563-120

...RESPONDENTS

(BY SRI. RANJITH KUMAR., HCGP FOR R1;

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

SRI. MURALI.J., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO ALLOW THE PETITION BY QUASHING THE IMPUGNED ORDER DATED 05.08.2024 FRAMING OF THE CHARGES FOR THE OFFENCE P/US/ 376(2)(n) OF IPC 1860 AND SEC.6 OF POCSO ACT 2012 AND ALL PROCEEDINGS IN SPL.C (P) NO.99/2024 (ORGAUM POLICE STATION CRIME NO.29/2024) PENDING ON THE FILES OF THE LEARNED ADDL DISTRICT AND SESSIONS JUDGE, FTSC 1 (POCSO) KOLAR.

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 petitioner is before this Court seeking for the following reliefs;

> *a. Allow the petition by quashing the impugned order dated 05.08.2024 framing of the charges for the offence p/u/s/ 376(2)(n) of IPC 1860 and sec.6 of POCSO act 2012 and all proceedings in Spl.C (P) No.99/2024 (Orgaum Police Station Crime No.29/2024) pending on the files of the learned Addl District and Sessions Judge, FTSC 1 (POCSO) Kolar.*

2. A complaint had been filed by respondent no.2 on 16.04.2024 in furtherance of which FIR in Crime No.29/2024 had been registered by the Oorgaum Police Station for offences under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 376 of the IPC 1860. Pursuant thereto investigation having been completed, a

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

charge sheet also came to be laid on 09.06.2024. The petitioner is on bail in the said proceedings and has challenged the said proceedings in the present matter.

3. An application under Section 321 read with Section 482 of the CrPC has been filed which reads as under:

APPLICATION UNDER SECTION 321 AND 482 OF CODE OF CRIMINAL PROCEDURE, 1973.

HEREIN, the Application on behalf of the Accused/Petitioner and Kavya Shree Dio Nara Singha Murthy (Now Kavyashree W/o Shakthi Kumar B.), to permit them to compound the offences punishable under Section 376(2)(n) of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 in Special Case (P) No: 99/2024 (Oorgaum Police Station Crime No: 29/2024) pending on the files of learned Additional District and Sessions Judge, FTSC-1, (POCSO) is as under

1. The Petitioner/Accused has filed this Petition being aggrieved by the order dated 05.08.2024 framing of the Charges for the offences punishable under Sections 376(2)(n) of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 and continuation of proceedings in Special Case (P) 99/2024 (Oorgaum Police Station Crime No: 29/2024) by the learned Additional District and Sessions Judge, FTSC-1 (POCSO), Kolar and praying for quashing of the all the proceedings.

2. Respondent No:2 Kavya Shree D/o Nararsingha Murthy (Now Kavyashree W/o Shakthi Kumar B.) and the Petitioner/Accused were in love with each other. Date of birth of Kavya Shree D/o Late Gopinath (Now Kavyashree W/o Shakthi Kumar B.) is 02.05.2006 and she attained age of majority, on 02.05.2024. On 09.05.2025 Appellant/Accused and Kavya Shree D/o Narasingha

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

Murthy (Now Kavyashree W/o Shakthi Kumar B.) have married in the presence and with the blessings of their families. On 14.07.2025 their marriage is registered under the provisions of Hindu Marriage Act. They are leading happy married life with blessings of both their families.

3. Considering that Respondent No:2 Kavya Shree D/o Late Gopinath (Now Kavyashree W/o Shakthi Kumar B.) and the Petitioner/Accused have married in the presence and with the blessings of their families it is in interest of Respondent No:2 Kavya Shree D/o Late Gopinath (Now Kavyashree W/o Shakthi Kumar B.) and the Petitioner/Accused to compound the Offences alleged against the Accused/Petitioner.

WHEREFORE, the Accused/Petitioner and Kavya Shree D/o Late Gopinath (Now Kavyashree W/o Shakthi Kumar B.), may be permitted to compound the offences punishable under Section 376(2)(n) of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 in Special Case (P) No: 99/2024 (Oorgaum Police Station Crime No: 29/2024) pending on the files of learned Additional District and Sessions Judge, FTSC-I, (POCSO), in the interest of justice.

4. The petitioner and respondent no.2 are before this Court identified by their respective counsels. The submission of counsel for respondent no.2 is that it is when the respondent no.2 had gone for a medical examination to Devaraj Urs Academy of Higher Education and Research, Kolar that her age being verified, she was called upon to lodge a police complaint.

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

5. It is submitted now that respondent no.2 has attained majority, is now a major in age and post her attaining majority, a marriage has been solemnized between the petitioner and respondent no.2 on 09.05.2025 as regards which the marriage invitation has been produced at Annexure-E and a marriage certificate has been produced at Annexure-F.

6. On enquiry with respondent no.2 who is present before this Court she submits that petitioner and respondent no.2 have been married and are staying together in the house of the petitioner. She submits that petitioner and his family members are taking good care of her. The petitioner who is present before this Court in person also submits that the petitioner and respondent no.2 having married each other he will look after her properly.

7. Though the offences alleged against the petitioner are serious in nature, considering that the petitioner and respondent no.2 are married to each other, a marriage certificate has been placed on record, and petitioner and respondent no.2 are now residing together, this Court is of the considered opinion that the alleged offences against the petitioner has

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

occurred during the adolescence of the petitioner and respondent no.2, inasmuch as at the time of the offence, the petitioner was also 21 years of age, and the respondent no.2 was 17 years of age, the age gap not being too much, and both of them being adolescents, this Court is of the considered opinion that the alleged offence is on account of adolescent love which is now being given effect to as a marriage between the petitioner and respondent no.2. Though respondent no.2 could not be said to have consented in respect of the alleged offences, the fact that now the respondent no.2 has attained majority and has got married to the petitioner weighs in the mind of this court in quashing the criminal proceedings so as to enable both of them to continue their marital life without the criminal proceedings hanging on them.

8. In that view of the matter, in the interest of justice, exercising the inherent powers vested with this Court under 528 of the BNSS, this Court passes the following:

ORDER

i) Criminal Petition is ***allowed***.

ii) Impugned order dated 05.08.2024 framing of charges for the offences punishable under

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

Sections 376(2)(n) of IPC, 1860 and Section 6 of POCSO Act, 2012 and all proceedings in Spl.Case (P) No.99/2024 (Crime No.29/2024 registered by Oorgaum Police Station) pending on the file of Additional District and Sessions Judge, FTSC-1 (POCSO), Kolar are quashed.

iii) Pending application, if any, stands disposed.

Digitally Signed By:
SURAJ GOVINDA RAJ
05/11/2026, 13:38, Bengaluru
Verified

(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 38