HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 16715 OF 2025

C/W

CRIMINAL PETITION NO. 12010 OF 2025

IN CRL.P No. 16715/2025

BETWEEN:

BHAGAVANTARAY BIRADAR
S/O LATE BASAVANTARAY BIRADAR,
AGED ABOUT 35 YEARS,
PRESENTLY R/AT:
AMRUTHUR POLICE QUARTERS,
KUNIGAL TALUK,
TUMAKURU DISTRICT
TUMAKURU – 572 116
NATIVE MANNAPURA VILLAGE,
SINDAGI TALUK – 586 128.

...PETITIONER

(BY SRI. PRASANNA DESHPANDE, ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO,
AMRUTHUR POLICE STATION,
KUNIGAL TALUK,
TUMAKURU DISTRICT.
THROUGH THE OFFICE OF
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 01.

2. SMT. SHASHIKALA
D/O. YAMANAPPA,
AGED ABOUT 28 YEARS,
R/AT WARD NO.30,
ANNORA GOWRAMMA CAMP,
GANGAVATHI KOPPALA DISTRICT,
PRESENTLY R/AT
AMRUTHUR POLICE QUARTERS,
KUNIGAL TALUK,
TUMAKURU DISTRICT-572 116.

…RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1;

SRI. NIRANJAN KUMAR B., ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 528 OF BHARATHIYA NAGARIKA SURAKSHA SANHITA, 2023 PRAYING THAT TO QUASH THE CHARGE SHEET FILED BY RESPONDENT NO.1 POLICE AGAINST THE PETITIONER, FOR THE OFFENCES P/U/S 74, 54, 352, 351(2), 318(2), 3(5), 115(2) OF BNS, R/W SECTION 3(1)(r)(s), 3(1)(w)(i), 3(2)(va) OF SC/ST (POA) AMENDMENT ACT, 2015, WHO IS ARRAYED AS ACCUSED NO.1 IN SPL.C.NO.405/2025, PENDING ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU, COPY OF WHICH IS PRODUCED AS ANNEXURE-C.

IN CRL.P NO. 12010/2025

BETWEEN:

SRI NAGABHUSHANA D R
S/O. RAMA RAO. D. V.,
AGED ABOUT 41 YEARS,
R/AT NO. 08, DARABENDRE BLOCK,
POLICE QUARTERS KUVEMPUNAGARA,
TUMAKURU TOWN,
TUMAKURU-572 130.

...PETITIONER

(BY SRI. ANANDA K.V., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SHO,
AMRUTHUR POLICE STATION,
KUNIGAL TALUK,
TUMAKURU DISTRICT,
THROUGH THE OFFICE OF
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.

2. SMT. SHASHIKALA
D/O. YAMANAPPA,
AGED ABOUT 28 YEARS,
R/AT WARD NO.30,
ANNORA GOWRAMMA CAMP,
GANGAVATHI KOPPALA DISTRICT,
PRESENTLY R/AT
AMRUTHUR POLICE QUARTERS,
KUNIGAL TALUK,
TUMAKURU DISTRICT-572 116.

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA., ADDL. SPP FOR R1;

SRI. NIRANJAN KUMAR B., ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 528 OF BHARATHIYA NAGARIKA SURAKSHA SANHITA, 2023 PRAYING TO QUASH THE CHARGE SHEET FILED BY RESPONDENT NO.1 POLICE AGAINST THE PETITIONER FOR THE OFFENCE P/U/S 318(2), 352, 115(2), 351(2), 54, 74, 3(5) OF BNS R/W 3(1)(r)(s), 3(1)(w)(i), 3(2)(va) OF SC/ST (POA) AMENDMENT ACT 2015 WHO IS ARRAYED AS ACCUSED NO.2 IN SPL.C.NO.405/2025 PENDING ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE, TUMAKURU COPY OF WHICH IS PRODUCED AS ANENXURE-C.

THESE PETITIONS, 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 proceedings in Spl.C.No.405/2025 registered for offences punishable under Sections 74, 54, 352, 351(2), 318(2), 3(5), 115(2) of BNS read with Sections 3(1)(r)(s), 3(1)(w)(i) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. Heard Sri. Prasanna Deshpande and Sri. Ananda K.V., learned counsel appearing for the petitioners, Sri. B.N.Jagadeesha, learned Addl. SPP appearing for respondent No.1, Sri. Niranjan Kumar B., learned counsel appearing for respondent No.2, in both the cases and have perused the materials on record.

3. During the pendency of the proceedings, the parties to the *lis* have settled the dispute among themselves and have filed the compounding applications along with the joint

affidavits. The joint affidavits filed in both the cases, read as follows:

"**In Crl.P.No.16715/2025:**

JOINT AFFIDAVIT FILED BY PETITIONER & RESPONDENT NO.2

I/WE, I, **BHAGAVANTARAY BIRADAR,** S/o Late. Basavantaray Biradar, Aged about 35 years, Presently R/at Amruthur Police Quarters, Kunigal Taluk, Tumakuru District-572116, Native Mannapura village, Sindagi Taluk, 586128 today at Bengaluru, 2) **Smt. Shashikala**, D/o Damanappa, Aged about 28 years, R/at Ward No.30, Annora Gowramma Camp, Gangavathi Koppala District, Presently R/at Amruthur Police Quarters, Kunigal Taluk, Tumakuru District-572116, today at Bengaluru-560030, do hereby solemnly affirm and state on oath as follows:-

1. The 1st party herein is the petitioner/Accused No.1 in the above case and the 2nd party herein is Defacto Complainant/Respondent No.2, they we both aware about the facts and circumstances of the case.

2. The above named respondent No.2/ Defacto Complainant had lodged a complaint before the Amruthur Police station against the accused No. 1/ petitioner herein for the offence punishable under Sections 74, 54, 352, 351(2), 318(2), 3(5) 115(2), of BNS, R/w Section 3(1)(r)(s), 3(1)(w)(i), 3(2)(va) of SC & ST (prevention of Atrocities) Amendment Act, 2015 and the respondent No.1 police after the investigation have filed the charge sheet before the III Additional District & Sessions Judge Tumakuru in Spl.C.No.405/2025 for the above said offences.

3. It is submitted that due to the interventions of the well-wishers and family members of both the family, the petitioner herein/ Accused No.1 and the Defacto Complainant/Respondent No.2 have sought out their issue amicably & got Registered their Marriage before the office of the Sub-Registrar/ Marriage Registrar Sindhagi vide

Document No.SIN-HM00826-2025-26. Copy of the said marriage certificate is herewith produced as Document No.1 considering the fact that Accused No.1/ Petitioner & Defacto Complainant/ Respondent No.2 both were working in a Police Department at the Amruthur Police Station, & now the 2nd Respondent/complainant herein agreed to with draw the complaint which is registered as FIR in Cr.No.81/2025 and Petitioner/accused No.1 agrees that he will not commit the similar offence in future. Both the parties are filing this Joint affidavit without any threat, coercion or undue influence and this compromise is arrived at voluntary basis.

4. Hence consider the Joint Affidavit and permit us to compound the offence by allowing the annexed application and consequently quash the Charge sheet filed by the Amruthur P.S in S.C.No.405/2025 for the offences punishable under Sections 74, 54, 352, 351(2), 318(2), 3(5) 115(2), of BNS, R/w Section 3(1) (r)(s), 3(1)(w)(i), 3(2)(va) of SC & ST (prevention of Atrocities) Amendment Act, 2015, which is pending on the file of III Additional District & Sessions Judge, Tumakuru in Spl.C.No.405/2025, to meet the ends of Justice and equity.

What is stated above are true and correct to the best of our knowledge, information and belief.

In Crl.P.No.12010/2025:

JOINT AFFIDAVIT FILED BY PETITIONER & RESPONDENT NO.2

I/WE, I, **NAGABHUSHANA.D.R,** S/o Rama Rado.D.V, Aged about 41 years, R/at No.08, Darabendre Block, Police Quarters Kuvempunagara, Tumakuru Town, Tumakuru-572130 today at Bengaluru, 2) **Smt. SHASHIKALA**, D/o Damanappa, Aged about 28 years, R/at Ward No.30, Annora Gowramma Camp, Gangavathi Koppala District, Presently R/at Amruthur Police Quarters, Kunigal Taluk, Tumakuru District-572116, today at Bengaluru-560030, do hereby solemnly affirm and state on oath as follows:-

1.The 1st party herein is the petitioner/Accused No. 1 in the above case and the 2nd party herein is Defacto Complainant/Respondent No.2, they we both aware about the facts and circumstances of the case.

2. The above named respondent No.2/ Defacto Complainant had lodged a complaint before the Amruthur Police station against the accused No.2/ petitioner herein for the offence punishable under Sections 74, 54, 352, 351(2), 318(2), 3(5) 115(2), of BNS, R/w Section 3(1)(r)(s), 3(1)(w)(i), 3(2)(va) of SC & ST (prevention of Atrocities) Amendment Act, 2015 and the respondent No.1 police after the investigation have filed the charge sheet before the III Additional District & Sessions Judge, Tumakuru in Spl.C.No.405/2025 for the above said offences.

3. It is submitted that due to the interventions of the well-wishers and family members of Accused No. 1 & the Respondent no.2 they sought out their issue amicably and got Registered their Marriage before the office of the Sub-Registrar/ Marriage Registrar Sindhagi vide **Document No.SIN-HM00826-2025-26**. considering the fact that Accused No.2/ Petitioner & Defacto Complainant/ Respondent No.2 both were working in a Police Department at the Amruthur Police Station, & now the 2nd Respondent/complainant herein agreed to with draw the complaint which is registered as FIR in Cr.No.81/2025 and Petitioner/Accused No.2 agrees that he will not commit the similar offence in future. Both the parties are filing this Joint affidavit without any threat, coercion or undue influence and this compromise is arrived at voluntary basis.

4. Hence consider the Joint Affidavit and permit us to compound the offence by allowing the annexed application and consequently quash the Charge sheet filed by the Amruthur PS in S.C.No.405/2025 for the offences punishable under Sections 74, 54, 352, 351(2), 318(2), 3(5), 115(2), of BNS, R/w Section 3(1)(r)(s), 3(1)(w)(i), 3(2)(va) of SC & ST (Prevention of Atrocities) Amendment Act, 2015, which is pending on the file of III Additional District & Sessions Judge, Tumakuru in Spl.C.No.405/2025, to meet the ends of Justice and equity.

What is stated above are true and correct to the best of our knowledge, information and belief."

4. In the light of applications for compounding being filed along with the joint affidavits and offences not being against the State, I deem it appropriate to accept the compounding applications and terminate the proceedings against these petitioners in the subject petitions.

5. For the aforesaid reasons, the following:

ORDER

[I] Criminal Petitions are **disposed**.

[II] Proceedings in Spl.C.No.405/2025 pending before the III Additional District and Sessions Judge, Tumakuru, stand quashed *qua* these petitioners-accused Nos.1 and 2, in both the cases.

Sd/-
(M.NAGAPRASANNA)
JUDGE

CBC
List No.: 2 Sl No.: 70