

Sri Rangappa Javoor vs State Of Karnataka on 30 January, 2023

Author: M.M. Sundresh

Bench: M.M. Sundresh

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023
(Arising out of Special Leave Petition (Crl). No.
(@ Diary No. 33313/2019)

RANGAPPA JAVOOR

.....

VERSUS

THE STATE OF KARNATAKA AND ANOTHER

.....

O R D E R

Delay condoned.

Leave granted.

Respondent no.2 - Geeta Javoor, got married to the appellant

- Rangappa Javoor on 15.11.2009. Subsequently, disputes arose between the appellant - Rangappa Javoor and respondent no.2 - Geeta Javoor.

On or about 17.02.2011, respondent no.2 - Geeta Javoor lodged a report, resultantly FIR No. 9/2011 dated 17.02.2011 under Sections 498A, 427, 504 and 506 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 was registered at Police Station Gadag Town, Gadag, Karnataka, against the appellant - Rangappa Javoor. Subsequently, chargesheet dated 01.05.2011 was filed before the trial court, wherein charges under Sections 3 and 4 of the Dowry Prohibition Act, 1961 were specifically dropped, and no reference is made to the offence under Section 323 of the Indian Penal Code, 1860.

The parties, i.e. the appellant - Rangappa Javoor and his wife/respondent no.2 - Geeta Javoor, thereafter, had interacted and have entered into a settlement agreement dated 02.04.2012. A decree of divorce by mutual consent was granted by the Court of Principal Senior Civil Judge, Gadag vide judgment dated 10.04.2012. The parties have also agreed that FIR No. 9/2011 dated 17.02.2011, registered at Police Station Gadag Town, Gadag, Karnataka and the proceedings arising therefrom should be quashed.

The appellant - Rangappa Javoor had filed Criminal Petition no. 101840/2014 before the High Court for quashing of the criminal proceedings arising out of FIR No. 9/2011 dated 17.02.2011, albeit by the impugned order, the High Court has rejected the prayer, notwithstanding the fact that the parties have already settled the matter.

Respondent no.2 - Geeta Javoor, though served, has not appeared. She has already got remarried.

It is apparent that the parties have resolved and settled their disputes. In the facts of the case, we do not feel that any useful purpose would be served by continuation of the prosecution. The appellant - Rangappa Javoor, who is an officer in the Border Security Force and as per the job requirement, has to serve in different parts of the country, would be put to harassment. This court has held that in cases of offences relating to matrimonial disputes, if the Court is satisfied that the parties have genuinely settled the disputes amicably, then for the purpose of securing ends of justice, criminal proceedings inter-se parties can be quashed by exercising the powers under Article 142 of the Constitution of India¹ or even under Section 482 of Code of Criminal Procedure, 1973.

In view of the aforesaid position, we allow the present appeal and set aside the impugned order. Consequently, the criminal proceedings in charge sheet dated 17.02.2011 arising out of FIR No. 9/2011 dated 17.02.2011 under Sections 498A, 427, 504 and 506 of the Indian Penal Code, 1860, registered at Police Station Gadag Town, Gadag, Karnataka are quashed.

Pending application(s), if any, shall stand disposed of.

.....J. (SANJIV KHANNA)J. (M.M. SUNDRESH) NEW DELHI;

JANUARY 30, 2023.

PS 1 See Jitendra Raghuvanshi and Others v. Babita Raghuvanshi and Another, (2013) 4 SCC 58 and B.S. Joshi and Others v. State of Haryana and Another, (2003) 4 SCC 675.

ITEM NO.41

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 33313/2019 (Arising out of impugned judgment and order dated 17-02-2018 in CRLP No. 101840/2014 passed by the High Court Of Karnataka Circuit Bench At Dharwad) SRI RANGAPPA JAVOOR PETITIONER(S) VERSUS STATE OF KARNATAKA AND ANOTHER RESPONDENT(S) (IA No. 151245/2019 - CONDONATION OF DELAY IN FILING, IA No. 151246/2019 - EXEMPTION FROM FILING O.T.) Date : 30-01-2023 This matter was called on for hearing today. CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE M.M. SUNDRESH For Petitioner(s) Mr. Anand Sanjay M. Nuli, Adv.

Ms. Akhila Wali, Adv.

Mr. Dharm Singh, Adv.

Mr. Nanda Kumar, Adv.

Mr. Agam Sharma, Adv.

Mr. Suraj Kaushik, Adv.

Mr. Shiva Swaroop, Adv.

M/S. Nuli & Nuli, AOR For Respondent(s) Mr. Shubhramshu Padhi, AOR Mr. Vishal Banshal, Adv.

Mrs. Rajeshwari Shankar, Adv.

Mr. Niroop Sukrithi, Adv.

Mr. Ovais Moh., Adv.

UPON hearing the counsel, the Court made the following O R D E R Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file.)