

Smt Shalini Cs vs State Of Karnataka on 27 August, 2024

Author: M.Nagaprasanna

Bench: M.Nagaprasanna

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NC: 2024:KHC:34489
CRL.P No. 8573 of 2024
C/W CRL.P No. 8576 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA
CRIMINAL PETITION NO.8573 OF 2024
C/W
CRIMINAL PETITION NO.8576 OF 2024

IN CRL.P NO.8573/2024
BETWEEN:

SMT. SHALINI CS,
W/O ANIL KUMAR PN,
AGED ABOUT 39 YEARS,
RESIDING AT NO.23,
1ST MAIN, 'H' BLOCK,
RAMKRISHNA NAGARA
MYSURU-570 022.

...PETITIONER

(BY SRI. SUNDAR D S., ADVOCATE)

Digitally signed
by NAGAVENI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA,
BY BYAPANAHALLI POLICE STATION,
HALASURU SUB-DIVISION,
BENGALURU REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DR B R AMBEDKAR VEEDHI,
BENGALURU-560 001.

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2. MR ANIL KUMAR PN,
S/O NANJEGOWDA,
AGED 42 YEARS,
RESIDING AT G-02, ASIAN ANNEX
SUDDAGUNTEPALYA
BENGALURU-560 029.

...RESPONDENTS

(BY SRI. JAGADEESHA B.N., ADDL.SPP FOR R1
SRI. P. PRASANNA KUMAR., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528
BNNS) PRAYING TO QUASH THE FIR IN CR.NO.174/2024 OF
THE 1ST RESPONDENT/ BYAPPANAHALLI PS., HALASUR SUB
DIVISION, BENGALURU PENDING ON THE FILE OF 10TH ADDL.
CMM COURT (MAYO HALL) BENGALURU FOR THE OFFENCES
PUNISHABLE UNDER SECTIONS 109, 127, 133, 324(4), 351,
352 OF BNS, 2023 (PRODUCED VIDE ANNEXURE-A).

IN CRL.P NO. 8576 OF 2024

BETWEEN:

MR ANIL KUMAR PN,
S/O. NANJEGOWDA,
AGED ABOUT 42 YEARS,
RESIDING AT NO. G-02,
ASIAN ANNEX,
SUDDAGUNTEPALYA,
BENGALURU-560 029.

...PETITIONER

(BY SRI. PRASANNA KUMAR P., ADVOCATE)

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NC: 2024:KHC:34489

CRL.P No. 8573 of 2024

C/W CRL.P No. 8576 of 2024

AND:

1. STATE OF KARNATAKA
BY BYAPANAHALLI POLICE STATION,
HALASURU SUB-DIVISION,
BENGALURU,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,

DR. B. R. AMBEDKAR VEEDHI,
BENGALURU-560 001.

2. SMT. SHALINI CS,
W/O. ANIL KUMAR. PN,
AGED ABOUT 39 YEARS,
RESIDING AT NO.23,
1ST MAIN, 'H' BLOCK,
RAMKRISHNA NAGARA,
MYSURU-570 022.

...RESPONDENTS

(BY SRI. JAGADEESHA B.N., SPP FOR R1
SRI. SUNDAR D.S., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C (U/S 528 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN
CR.NO.173/2024 OF THE 1ST RESPONDENT OF BYAPPANAHALLI
P.S., HALASUR SUB-DIVISION, BENGALURU, PENDING ON THE
FILE OF 10TH ACMM, MAYO HALL, BENGALURU, FOR THE
OFFENCES U/S 109, 324(4) OF BNS, PRODUCED VIDE
ANNEXURE-A.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS

DAY, ORDER WAS MADE THEREIN AS UNDER:

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CRL.P No. 8573 of 2024
C/W CRL.P No. 8576 of 2024

CORAM: HON'BLE MR JUSTICE M.NAGAPRASANNA

ORAL ORDER

The Petitioner in both these cases is husband and wife have registered cases each other for the following offences.

2. Husband had filed a complaint against his wife for the offences punishable under sections 109, 127, 133, 324(4), 351 and 352 of BNS.

3. Wife had filed a complaint against her husband for the offences punishable under sections 109 and 324(4) of BNS.

4. During the pendency of the investigation of both these cases, the parties to the lis have settled disputes amongst themselves and have filed an application seeking compounding of the offences under Section 528 of the BNSS. The offence alleged against each other is one punishable under

Section 109 of the BNS, which is Section 307 of the earlier regime. Though the offence under NC: 2024:KHC:34489 Section 307 is an attempt to murder, the investigation is still ongoing.

5. Though the offence is one punishable under Section 109 of the BNS, which deals with an attempt to murder. A perusal of the complaint nowhere indicates that there is any ingredient of the section 109 of the BNS there is no attempt to murder, i.e., projected in the complaint, all that is a minor injury that has happened due to the incident.

6. In the light of several disputes being settled by them, I deem it appropriate to give it acquits by accepting the application seeking compounding by recording the terms of the compromise. The affidavits so filed by the petitioner and the respondent for each of the cases reads as follows:

Affidavits in Crl.P.No.8573/2024 reads as follows:

I, Smt Shalini CS, w/o Anil Kumar PN, aged about 39 years, Residing at No 23, 1st Main 'H' Block, Ramkrishna Nagara, Mysuru- 570 022 today at NC: 2024:KHC:34489 Bengaluru do hereby solemnly affirm & state on oath as follows -

1. I am the petitioner in the above petition, well-

conversant with the facts of the case. Hence, I am swearing to this affidavit.

2. The above petition is filed by the me seeking to quash the FIR in Crime No. 174/2024 1st respondent/Byappanahalli PS, Halasur Sub-Division, Bengaluru pending on the file of 10th Addl. CMM Court (Mayo Hall), Bengaluru for the offences under Sec.109, 127, 133, 324(4), 351, 352 of Bharatiya Nyaya Sanhita, 2023 (BNS). The averments in the memorandum of criminal petition may be read as part and parcel of the present affidavit to avoid repetition.

3. The 2nd respondent is a Government Official working in the Police Department and I am his wife. I submit that keeping in mind the future & happiness of our children and family both the parties have mutually agreed to resolve the legal dispute by arriving at a compromise in terminating all the legal proceedings existing between us.

4. In view of the settlement between us, I submit that I have no objection to quash the impugned proceedings.

5. I submit that in view of the settlement between myself & the 1st informant, the 2nd Respondent hereby withdraws all the allegations made against me and hereby affirms that he has no objection to quash the impugned proceedings pending against me.

6. In view of the above, I submit that it has become just & necessary to allow the accompanying application.

WHEREFORE, I humbly pray that this Hon'ble Court may kindly be pleased to allow the NC: 2024:KHC:34489 accompanying application, in the interest of justice & equity.

I, Anil Kumar PN, s/o Nanjegowda, Aged 42 years, Residing at G-02, Asian Annex, Suddaguntepalya, Bengaluru-560 029 do hereby solemnly affirm & state on oath as follows -

1. I am the 1st informant in the above petition, well-conversant with the facts of the case. Hence, I am swearing to this affidavit.

2. The above petition is filed by the petitioner seeking to quash the FIR in Crime No.174/2024 1st respondent/Byappanahalli PS, Halasur Sub-Division, Bengaluru pending on the file of 10th Addl. CMM Court (Mayo Hall), Bengaluru for the under Sec.109, 127, 133, 324(4), 351, 352 of BNS.

3. I am a Government Official working in the Police Department by profession and the petitioner is my wife. I submit that keeping in mind the future & interests of our children and our family, the Petitioner & 1st Informant, both the parties have mutually agreed to resolve the legal dispute by arriving at a compromise in terminating all the legal proceedings existing between us.

4. In view of the settlement between us, I submit that I have no objection to quash the impugned proceedings.

5. I submit that in view of the settlement between myself & the petitioner, I hereby withdraw all the allegations made against her and hereby affirms that I have no objection to quash the impugned proceedings pending against me.

6. I submit that if the accompanying application is not allowed, I would be put to great hardship & it will NC: 2024:KHC:34489 cause harm to my family. Hence, it is just & necessary to allow the accompanying application. WHEREFORE, I humbly pray that this Hon'ble Court may kindly be pleased to allow the accompanying application, in the interest of justice & equity.

Affidavits in Crl.P.No.8576/2024 reads as follows:

I, Anil Kumar PN, s/o Nanjegowda, Aged 42 years, Residing at G-02, Asian Annex, Suddaguntepalya, Bengaluru-560 029 do hereby solemnly affirm & state on oath as follows -

1. I am the petitioner in the above petition, well-

conversant with the facts of the case. Hence, I am swearing to this affidavit.

2. The above petition is filed by the petitioner seeking to quash the FIR in Crime No.173/2024 1st respondent/Byappanahalli PS, Halasur Sub-Division, Bengaluru pending on the file of 10th Addl.CMM Court (Mayo Hall), Bengaluru for the under Sec.109, 324(4) of Bharatiya Nyaya Sanhita, 2023 (BNS). The averments made in the memorandum of petition, may kindly be read as part &

parcel of this affidavit, to avoid repetition of facts.

3. I am a Government Official working in the Police Department by profession and the 1st informant is my wife. I submit that keeping in mind the future & interests of our children and our family, the Petitioner & 1st Informant, both the parties have mutually agreed to resolve the legal dispute by arriving at a compromise in terminating all the legal proceedings existing between us.

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4. In view of the settlement between us, I submit that the 1st informant has no objection to quash the impugned proceedings.

5. I submit that in view of the settlement between myself & 1st informant hereby withdraws all the allegations made against me and hereby affirms that she has no objection to quash the impugned proceedings pending against me.

6. I submit that if the accompanying application is not allowed, I would be put to great hardship & it will cause harm to my family. Hence, it is just & necessary to allow the accompanying application.

WHEREFORE, I humbly pray that this Hon'ble Court may kindly be pleased to allow the accompanying application, in the interest of justice & equity.

I, Smt Shalini CS, w/o Anil Kumar PN, aged about 39 years, Residing at No.23, 1st Main 'H' Block, Ramkrishna Nagara, Mysuru- 570 022 today at Bengaluru do hereby solemnly affirm & state on oath as follows -

1. I am the 1st Informant in the above petition, well-conversant with the facts of the case. Hence, I am swearing to this affidavit.

2. The above petition is filed by the petitioner seeking to quash the FIR in Crime No.173/2024 1st respondent/Byappanahalli PS, Halasur Sub-Division, Bengaluru pending on the file of 10th Addi. CMM Court (Mayo Hall), Bengaluru for the offences under Sec. 109, 324(4) of Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The Petitioner is a Government Official working in the Police Department and I am his wife. I

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NC: 2024:KHC:34489 submit that keeping in mind the future & happiness of our children and family both the parties have mutually agreed to resolve the legal dispute by arriving at a compromise in terminating all the legal proceedings existing between us.

4. In view of the settlement between us, I submit that I have no objection to quash the impugned proceedings.

5. I submit that in view of the settlement between myself & the Petitioner, I hereby withdraw all the allegations made against the Petitioner and hereby affirm that I have no objection to quash the Impugned proceedings pending against the petitioner.

6. In view of the above, I submit that it has become just & necessary to allow the accompanying application.

WHEREFORE, I humbly pray that this Hon'ble Court may kindly be pleased to allow the accompanying application, in the interest of justice & equity.

In that light, I deemed it appropriate to accept the compounding of the application and close the proceedings against each other.

Sd/-

(M.NAGAPRASANNA) JUDGE ASN