

# Shri. Ajay Alias Yankanagouda vs The State Of Karnataka on 5 February, 2025

**Author: Hemant Chandangoudar**

**Bench: Hemant Chandangoudar**

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NC: 2025:  
CRL.P No. 10056

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH  
DATED THIS THE 5TH DAY OF FEBRUARY, 2025  
BEFORE  
THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR  
CRIMINAL PETITION NO. 100562 OF 2025 (482(Cr.PC)/

BETWEEN:

SHRI. AJAY @ YANKANAGOUA,  
S/O. LAXMAN PATIL,  
AGE. 24 YEARS, OCC. FARMER,  
R/O. NOGANIHAL, TQ. HUKKERI,  
DIST. BELAGAVI-591129.

(BY SRI. S M MUCHHANDI & SRI. S.B.PATIL, ADVOCATES

AND:

1. THE STATE OF KARNATAKA,  
THE POLICE INSPECTOR,  
HUKKERI POLICE STATION,  
DISTRICT. BELAGAVI, PIN-591309,  
R/BY ITS STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
HIGH COURT OF KARNATAKA,  
AT DHARWAD BENCH-580011.

2. SMT. SHASHIKALA @ MANISHA,

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MAHENDRAKUMAR  
Location: High  
MAHENDRAKUMAR Court of Karnataka,

W/O. AJAY PATIL,

Dharwad Bench

Date: 2025.02.07

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(D/O. PRAKASH KAMBLE),  
AGE. 21 YEARS, OCC. HOUSEWIFE,  
R/O. NOGANIHAL, TQ. HUKKERI,  
DIST. BELAGAVI-591129.

...RES

(BY SRI. T.HANUMAREDDY, AGA FOR R1  
SRI. MAHANTESH S.HIREMATH, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SE. 482 OF  
(U/S. 528 OF BNSS, 2023) SEEKING TO CALL FOR RECORD  
SPL. CASE NO.169/2022 PENDING TRIAL ON THE FILE OF  
DISTRICT AND SESSIONS JUDGE FTSC-I BELAGAVI, AND A  
THE PETITION FILED BY THIS PETITIONER/ACCUSED BY  
QUASHING THE ENTIRE CHARGE SHEET IN SPL.CASE NO.

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NC: 2025:KHC-D:2251  
CRL.P No. 100562 of 2025

169/2022 IN HUKKERI P.S. CRIME NO. 97/2022 U/SEC. 376(2)(n) OF  
IPC AND SEC. 4 AND 6 OF POCSO ACT AND SECTION 3(2)(v) OF  
SC/ST (PA) ACT, PENDING TRIAL ON THE FILE OF ADDL. DISTRICT  
AND SESSIONS JUDGE FTSC-I BELAGAVI.

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

CORAM: THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

#### ORAL ORDER

1. The petitioner/accused, who is facing trial for the offences punishable under Section 376(2)(n) of the Indian Penal Code, 1860, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012, and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is before this Court.
2. The prosecution alleges that the petitioner/accused, fully aware that the survivor was a minor and belonged to a Scheduled Caste/Scheduled Tribe community, committed forcible sexual intercourse by promising to marry her. The survivor, as of the date of the medical examination, was aged 18 years and was pregnant. Therefore, the prosecution alleges that the sexual intercourse occurred when the survivor was a minor.
3. The survivor, in her statement recorded under Section 164 of the Cr.P.C., stated that the sexual intercourse between them was consensual and that they were in a relationship. The survivor was examined as P.W.1, and the mother of the survivor was examined as P.W.2. Both witnesses turned

hostile, and nothing NC: 2025:KHC-D:2251 was elicited in their cross-examination to substantiate that the accused committed forcible sexual intercourse.

4. The petitioner/accused and the respondent No. 2- survivor, represented by their counsel, are present before this Court.

5. Learned counsel for the petitioner has filed a Memo, dated 05.02.2025, along with a Joint Affidavit of the petitioner/accused and the respondent No. 2-survivor. In the Joint Affidavit, the petitioner/accused and the survivor state that their marriage was solemnized on 12.03.2024 and was registered before the Registrar of Marriages, Khanapur, on 01.02.2025. From this marriage, they have a son and are currently leading a cordial matrimonial life. The respondent No. 2-survivor, who is present before the Court, has agreed to withdraw all allegations made against the petitioner/accused and has no objection to quashing the impugned criminal proceedings against the petitioner/accused. The Joint Affidavit is placed on record.

6. Learned Additional Government Advocate for respondent No. 1-State submits that the alleged offences are heinous and crimes against society, and therefore, the alleged offences cannot be compounded. The learned counsel seeks dismissal of the petition.

7. The survivor is dependent on the petitioner for her livelihood, and there are no other means of support. If the criminal proceedings are allowed to continue, it would result in NC: 2025:KHC-D:2251 incarceration, causing more misery and agony to the survivor, rather than securing the ends of justice.

8. The object of the POCSO Act is to protect minors from sexual abuse and not to criminalize the consensual relationship between two adolescents who had consensual sexual intercourse without understanding the consequences. The petitioner and the survivor come from a lower socio-economic background with limited access to information and knowledge, which deprived them of understanding the consequences of consensual sexual intercourse. Although having sexual intercourse consensually with a minor is an offence under the POCSO Act, in light of the facts and circumstances of the case, and to secure the ends of justice, it would be appropriate to quash the impugned proceedings. Otherwise, it would result in a miscarriage of justice to the survivor.

9. In light of the above, the impugned criminal proceedings are required to be quashed. Hence, I pass the following:

#### ORDER

i) Accordingly, the criminal petition is allowed.

ii) The impugned criminal proceedings in Spl. Case.

No.169/2022 pending on the file of Additional District & Sessions Judge FTSC-I, Belagavi, is hereby quashed.

Sd/-

(HEMANT CHANDANGOUDAR) JUDGE