NC: 2025:KHC:16041
CRL.P No. 2979 of 2022
C/W CRL.P No. 3022 of 2022
CRL.P No. 11469 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN

CRIMINAL PETITION NO. 2979 OF 2022 (482(Cr.PC) / 528(BNSS)-)

C/W

CRIMINAL PETITION NO. 3022 OF 2022

C/W

CRIMINAL PETITION NO. 11469 OF 2023

IN CRL.P No. 2979/2022

BETWEEN:

MRS. SURUCHI DAGA SABOO
W/O SRI. SIDDARTH SABOO,
AGED ABOUT 33 YEARS,
A-62, SRIRAM MARG,
SHYAM NAGAR,
JAIPUR - 302 019.

...PETITIONER

(BY SRI. ROHIT. V.R., ADVOCATE AND
SRI. GOUTHAM M., ADVOCATE FOR
SMT. UDITA RAMESH, ADVOCATE)

Digitally signed by NIJAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
BY MICO LAYOUT SUB-DIVISION,
BENGALURU CITY POLICE STATION,
BENGALURU, KARNATAKA.

2. RITU MAHESHWARI
D/O MADANGOPAL MAHESHWARI,
AGED ABOUT 33 YEARS,
R/AT T-803, SANRAJ LAKE VIEW,
PHASE 2, BILEKAHALLI,
RANKA COLONY ROAD,
BILEKAHALLI,
BENGALURU - 560 076.

…RESPONDENTS

(BY SMT. WAHEEDA M M., HCGP FOR R1;
SRI. ADARSH GANGAL, ADVOCATE FOR R2(VC))

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE COMPLAINT AND FIR (ANNEXURE A AND B) IN CRIME NO.33/2022 AGAINST THE PETITIONER IN PCR NO. 3651 OF 2022 BEFORE THE 6TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BANGALORE FOR THE OFFENSES PUNISHABLE U/S 319, 351, 424, 379, 498A OF THE INDIAN PENAL CODE.

IN CRL.P NO. 3022/2022

BETWEEN:

MR. MAHENDER DAGA
SON OF LATE RADHAKISHAN DAGA,
AGED ABOUT 65 YEARS,
RESIDING AT NO.08, BALFOUR ROAD,
KILPAUK BHAGIRATHI,
AMMAL SINDUR, CHENNAI,
TAMIL NADU, CHENNAI,
TAMIL NADU - 600 010.

...PETITIONER

(BY SRI. ROHIT V R., ADVOCATE AND
SRI. GOUTHAM M., ADVOCATE FOR
SMT. UDITA RAMESH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY ITS MICO LAYOUT POLICE STATION,
   BENGALURU CITY,
   BENGALURU - 560 076.

2. RITU MAHESHWARI
   D/O MADANGOPAL MAHESHWARI,
   AGED ABOUT 33 YEARS,
   R/AT T-803, SUN RAJ LAKE VIEW,
   RANKA COLONY ROAD,
   BILEKAHALLI, BENGALURU - 560 076.

...RESPONDENTS

(BY SMT. WAHEEDA M M., HCGP FOR R1;
SRI. ADARSH GANGAL, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE COMPLAINT AND FIR (ANNEXURE- A AND B) FILED AGAINST THE PETITIONER IN P.C.R.NO.3651/2022 BEFORE THE VI ADDL.C.M.M., BENGALURU FOR THE OFFENCE P/U/S 319, 351, 424, 379 AND 498A OF IPC.

IN CRL.P NO. 11469/2023

BETWEEN:

1. MR. ANIRUDH DAGA
   SON OF LATE KISHORE DAGA,
   AGED ABOUT 37 YEARS,
   RESIDING AT NO.10(OLD),
   NEW NO.21, BHAGIRATHI,
   AMMAL STREET, RAJAN STREET,
   T. NAGAR,
   CHENNAI - 600 017.

2. SANTOSH DAGA
   WIFE OF LATE KISHORE DAGA,

AGED ABOUT 58 YEARS,
RESIDING AT NO.10(OLD),
NEW NO.21, BHAGIRATHI,
AMMAL STREET, RAJAN STREET,
T. NAGAR, CHENNAI - 600 017.

...PETITIONERS

(BY SRI. ROHIT V R., ADVOCATE AND
SRI. GOUTHAM M., ADVOCATE FOR
SMT. UDITA RAMESH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 01.
(TRANSFERRED FROM METROPOLITAN MAGISTRATE,
XVIII, SAIDAPET, CHENNAI, TAMILNADU)
VIDE OREDER DATED 10-01-2023.

2. MRS. RITU MAHESHWARI
DAUGHTER OF MADAN GOPAL MAHESWARI,
AGED ABOUT 31 YEARS,
RESIDING AT T-803,
SNN RAJ LAKEVIEW APARTMENT,
PHASE 2, RANKA COLONY ROAD,
BILEKAHALLI, BENGALURU - 560 076.

...RESPONDENTS

(BY SMT. WAHEEDA M M., HCGP FOR R1;
SRI. ADARSH GANGAL, ADVOCATE FOR R2 (VC))

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO ALLOW THIS PETITION AND QUASH THE CHARGE SHEET (ANNEXURE-A) FIR (ANNEXURE-B) AND COMPLAINT (ANNEXURE-C) REGISTERED IN C.C.NO.8494/2023 BEFORE THE III A.C.M.M BENGALURU.

THESE PETITIONS, COMING ON FOR REPORTING SETTLEMENT, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE K.NATARAJAN

ORAL ORDER

Crl.P.No.2979/2022 filed by the petitioner-accused No.1 and Crl.P.No.3022/2022 filed by the petitioner-accused No.2 under Section 482 of Cr.P.C. for the quashing criminal proceedings in crime No.33/2022 registered by the Mico Layout Police, arising out of PCR.No.3651/2022, pending on the file of VI Addl. Chief Metropolitan Magistrate, Bengaluru, for the offences punishable under Section 319, 351, 424, 379 and 498-A of IPC.

2. Crl.P.No.11469/2023 filed by the petitioner Nos.1 and 2-accused Nos.1 and 2 who said to be husband and mother-in-law of the respondent No.2, under Section 482 of Cr.P.C for quashing criminal proceedings in CC.No.8494/2023 pending on the file of III Addl. Chief Metropolitan Magistrate, Bengaluru, arising out of crime No.1/2019, said to be registered and filed the charge sheet by the T.Nagar police, Chennai, and the same was transferred to the Bengaluru by the Hon'ble Supreme Court of India vide transfer petition No.319/2021.

3. Heard the arguments of learned counsel for the petitioner and counsel appearing for the respondent. The respondent counsel takes notice in other two cases.

4. The first two cases, i.e., Crl.P.No.2979/2022 and Crl.P.No.3022/2022 filed by the accused Nos.1 and 2 who are said to be the sister-in-law of the respondent No.2 and the accused No.2 was the elder brother of the father-in-law of the husband of the respondent No.2. Whereas other Crl.P.No.11469/2023 was filed by the accused No.1 who is husband and accused No.2 is the mother-in-law of the respondent No.2, which was filed before the Chennai police and a charge sheet came to be filed, which was transferred to Bengaluru, as per the direction of the Hon'ble Supreme Court.

5. It is alleged by the complainant that the marriage, between the accused No.1 and herself was solemnized. At the time of marriage and after the marriage there was a demand for dowry and harassment by the in-laws, therefore she was constrained to file the complaint at Chennai Police Station for the offences punishable under Sections 498A, 406 and 323 of IPC., where the FIR was registered by the Chennai police and

later it was transferred to Bengaluru as per direction of Hon'ble Supreme Court of India. Whereas very respondent No.2 filed a private complaint in PCR No.3651/2022 for taking action against habitual accused i.e., sister-in-law and elder brother of the her father-in-law, which was referred to the police and in turn Mico layout police registered the FIR in crime No.33/2022 and investigation was pending.

6. During the pendency of the petition the matrimonial case was also filed before the Family Court, Bengaluru, in MC.No.5433/2019, by the very accused No.1 -the husband of the respondent No.2 for divorce under Section 13(1) (i-a) of the Hindu Marriage Act. The matter was referred to the Bengaluru Mediation Center, and the matter has been settled between the parties, and subsequently a divorce has been granted by the Family Court, Bengaluru, on 23.08.2023.

7. Learned counsel for the petitioner submits that as per the terms of the compromise, the parties agreed to compromise with each other for closing or quashing or withdrawing all the cases pending that are not specifically mentioned in the compromise, and respondent No.2 also

agreed to withdraw all the cases filed against the husband and in-laws. Accordingly, the compromise has been accepted by the Family Court, and decreed the matrimonial case by granting a decree. It is submitted that in view of the undertaking given by the respondent No.2 before the Family Court and Mediation Center, she has agreed to withdraw all the cases. Therefore, continuing the proceedings against the petitioners in both cases is abuse of process of law.

8. Learned counsel for the respondent No.2 submits that the matter between the parties is already settled in the Family Court, she has received the permanent alimony and now she is studying in a Foreign Country.

9. The submission of the learned counsel for the petitioner and respondent was placed on record.

10. In view of the settlement between the parties in Family Court, where the respondent No.2 agreed to withdraw all the complaints and the petition filed against the petitioners i.e., husband and in-laws and the allegation made by the petitioners against the respondent was also withdrawn and the matter was settled between the parties amicably. In view of the

settlement between the parties, keeping the criminal petitions pending against all 4 accused persons before the Trial Court is nothing but abuse of process of law. Hence, petitions are liable to be quashed.

Accordingly, all three petitions are allowed.

The criminal proceedings against the petitioners-accused Nos.1 and 2 in Crl.P.No.2979/2022 and Crl.P.No.3022/2022 arising out of crime No.33/2022 registered by the Mico Layout Police Station are hereby quashed.

And the criminal proceedings against the accused Nos.1 and 2 in Crl.P.No.11469/2023 arising out of crime No.1/2019 registered by the T.Nagar police, Chennai, is hereby quashed.

Pending IA' does not survives for consideration.

Sd/-
(K.NATARAJAN)
JUDGE

SRK
List No.: 2 Sl No.: 5
CT:SK