IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200850 OF 2023

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. RAMESH VITTHAL BIRADAR,
   S/O VITHAL BIRADAR,
   AGED ABOUT 58 YEARS,
   R/AT. SHIGANAPUR NANDARGI,
   BIJAPUR-586117.

2. REVANASIDDA BIRADAR S/O RAMESH
   AGED ABOUT 29 YEARS,
   R/ AT. SHIGANAPUR NANDARGI,
   BIJAPUR-586117.

...PETITIONERS

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

(BY SRI VINOD N., ADVOCATE FOR P2;
P1 – PETITION IS ABATED)

AND:

1. STATE OF KARNATAKA
   BY ZALAKI POLICE STATION, VIJAYAPURA,
   REP. BY ITS ADDL. STATE PUBLIC PROSECUTOR,
   HIGH COURT COMPLEX, KALABURAGI 585103

2. JAYASHREE W/O RAMESH BIRADHAR,
   AGED ABOUT 45 YEARS,
   R/ AT SHIGANAPUR, VIJAYAPURA 586204.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1
SRI HULEPPA HEROOR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO (A) TO ALLOW THE CRIMINAL PETITION (B) TO QUASH THE FIR AGAINST THE PETITIONERS VIDE CRIME NO.57/2023 I.E., ANNEXURE A AND B REGISTERED BY THE 1ST RESPONDENT POLICE I.E., ZALAKI POLICE AND PENDING BEFORE JMFC COURT, INDI UNDER SECTION 323, 354, 448, 504, 506 R/W 34 OF INDIAN PENAL CODE. (C) AND GRANT SUCH OTHER RELIEF OR RELIEFS AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

This petition is filed under Section 482 of Cr.P.C. with a prayer to quash the entire proceedings in Crime No.57/2023, registered by Zalaki Police Station, Vijayapura district, for the offences punishable under Sections 323, 354, 448, 504, 506 read with Section 34 of IPC, pending before the Court of JMFC, Indi, Vijayapura district.

2. Heard learned counsel for the parties.

3. Learned counsel for petitioner No.2 and respondent No.2 jointly submit that dispute between the parties, who are mother and son has been settled amicably at the intervention of well wishers and elders of both the parties. Petitioner No.1 had died during the pendency of the petition and as against him, petition stands abated. They pray that in view of the settlement arrived between the parties, the prayer made in the petition may be allowed.

4. Learned High Court Government Pleader does not seriously oppose the submission made by learned counsel for petitioner No.2 and respondent No.2. The petitioner No.2 and respondent No.2 have filed an application under Section 320 (2) read with Section 482 of Cr.P.C. along with the affidavits of petitioner No.2 and respondent No.2. The same is taken on record.

5. In paragraph Nos.2 to 4 of the affidavit filed by respondent No.2 – de-facto complainant, it is stated as follows:

> *"2. I state that, due to enmity/difference and personal fight between my family and petitioners and families, I was forced to lodge a written complaint on 26/05/2023 before the Zalaki Police against the petitioners and same was registered as Crime No.57/2023. Meanwhile due to intervention of the well- wishers in the family and friends I have decided not to proceed further and wanted to withdraw the complaint.*
>
> *3. I state that, due to the intervention of the elders, well-wishers of both the family & Friends I have decided to resolve the dispute between me and petitioner No.2 amicably and in this regard I have entered into a compromise wherein I have settled all our disputes.*
>
> *4. I state that, in view of the above said compromise I and petitioner No.2 jointly request that this Hon'ble Court may be please to compound the offences punishable under Section 323, 448, 354, 504, 506 r/w 34 of IPC*

and quash the FIR in Crime No.57/2023 and acquit the 2nd petitioner for the aforesaid offences."

6. The dispute is between the family members and at the intervention of the elders and relatives of the family, they have amicably settled the dispute and decided to give a quietus to the dispute between them. Petitioner No.2 is the son of respondent No.2 and petitioner No.1 was her husband. In view of the settlement, no purpose would be served in continuing the impugned proceedings. Under the circumstances, I am of the opinion that the prayer made in the application filed before this Court seeking permission of this Court to compound the alleged offences and also the player made in the petition for quashing the entire proceedings needs to be granted. Accordingly, the following order is passed:

ORDER

The criminal petition is allowed.

The entire proceedings in Crime No.57/2023 registered by Zalaki Police Station, Vijayapura district, for the offences punishable under Sections 323, 354, 448, 504, 506 read with Section 34 of IPC, pending before the Court of JMFC, Indi, Vijayapura district, stands quashed as against petitioner No.2/accused No.2.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 5
CT:PK