

**IN THE HIGH COURT OF KARNATAKA, BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF DECEMBER, 2017**

**BEFORE**

**THE HON'BLE MR.JUSTICE K. N. PHANEENDRA**

**CRL.P. No. 6702/2017**

**BETWEEN**

SRI. ABHIRAM,  
S/O SUDHAKARAN,  
AGED 27 YEARS, PRESENTLY  
R/AT AVITTAM, P O PADANDAKKAD,  
KANHANGAD. KASARGOD DIST,  
KERALA STATE -671 315

... PETITIONER

(BY SRI. VINOD KUMAR M., ADV.)

**AND**

1. STATE OF KARNATAKA,  
REP. BY JNANABHARATHI  
POLICE STATION, BENGALURU,  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,  
VIDHANA SOUDHA,  
BENGALURU - 560 001

2. SRI. H. B. NATARAJ,  
S/O BORAI AH,  
AGED 33 YEARS,  
SRINIVAS NAGAR,  
SUNKADAKATTE,  
VISHWANEEDAM POST,  
MAGADI ROAD,  
BENGALURU- 560 079.

... RESPONDENTS

(BY SRI. S. RACHAIAH, HCGP FOR R-1  
SRI. SOMASHEKAR R., ADV. FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.157/2014 (CR.NO.63/2013) OF JNANABHARATHI P.S., PENDING ON THE FILE OF THE IX ACMM, BENGALURU FOR THE OFFENCES P/U/Ss. 323, 326, 341 & 506 OF IPC.

THIS CRL.P COMING ON FOR ADMISSION A/W I.A. NO.1/2017 THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Heard the learned counsel for the petitioner. Respondent No.2 and his counsel present.

2. Respondent No.2 has submitted before the court that he has compounded the offences with the petitioner and she has no objection to quash the proceedings. Accordingly, he filed an application under Section 320(2) of Cr.P.C. along with an affidavit, wherein he has stated that, himself and the petitioner have resolved their disputes. The disputes arose between themselves as they were working in the same institution because of some misunderstanding. Therefore, on the advise of the elders of the family, they have compromised the matter. The charge sheet discloses that at the instance of the 2<sup>nd</sup> respondent, the police have

investigated the matter and submitted a charge sheet for the offences punishable under Sections 341, 323, 506 and 326 of IPC.

3. On careful perusal of the charge sheet averments, the petitioner alleged to have assaulted the 2<sup>nd</sup> respondent with his fist and he has not used any weapon as such. Therefore, I am of the opinion that, attraction of Section 326 of IPC is doubtful and Section 325 of IPC is the proper provision, which reads as under:-

***Sec 325. Punishment for voluntarily causing grievous hurt, - Whoever, except in the case provided for by Section 335, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. The other offences under Section 341 and 323 and 506 are also compoundable offences under Section 320(1) Cr.P.C.***

4. As could be seen from the factual aspects and the averment made in the affidavit, the dispute is essentially between the friends, who were working together in the same institution. When the parties have

settled their disputes between themselves amicably, continuation of the criminal proceedings would amount to abuse of process of the court.

5. At this stage, it is worth to note here a decision of Hon'ble Apex Court rendered in ***Gian Singh Vs. State of Punjab and Another [ (2012) 10 SCC 303]***, wherein the Hon'ble Apex Court has given certain guidelines with regard to quashing of the proceedings whenever the parties have entered into compromise. The relevant portion of the said decision reads thus:- .

*"Held --Power of High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from power of a criminal court of compounding offences under S. 320 - Cases where power to quash criminal proceedings may be exercised where the parties have settled their dispute, held, depends on facts and circumstances of each case - Before exercise of inherent quashment power under S.482, High Court must have due regard to nature and gravity of the crime and its societal impact.*

.....

*Thus, held, heinous and serious offences of mental depravity, murder, rape, dacoity, etc., or under special statutes like Prevention of Corruption Act or offences committed by public servants, cannot be quashed even though victim or victim's family and offender have settled the dispute – Such offences are not private in nature and have a serious impact on society.*

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*“But criminal cases having overwhelmingly and predominately civil flavour stand on a different footing – Offences arising from commercial financial, mercantile, civil, partnership or like transactions or offences arising out of matrimony relating to dowry, etc. or family disputes where the wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may quash criminal proceedings – High Court, in such cases, must consider whether it would be unfair or contrary to interest of justice to continue with the criminal proceeding or continuation of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between parties and whether to secure ends of justice, it is appropriate the criminal case it put to an end. If such question(s) are answered in the affirmative, High Court shall*

*be well within its jurisdiction to quash the criminal proceedings..."*

6. This is one such case, which falls under the categories of the cases as per the guidelines given by the Hon'ble Apex Court. Therefore, there is no legal impediment to quash the proceedings in view of the terms of the joint memo filed along with an affidavit by Respondent No.2 before this court. Therefore, in the above circumstances, I do not find any strong reasons to reject the application. Accordingly, I pass the following:-

**ORDER**

The petition is allowed. Compromise petition filed along with affidavit is accepted. The entire proceedings in C.C. No.157/2014 (Crime No. 63/2017 of Jnanabharathi Police Station), registered against the petitioner for the offences punishable under Sections 323, 341, 326 and 506 of IPC, pending on the file of the IX Additional Chief Metropolitan Magistrate at Bengaluru, is hereby quashed.

In view of disposal of this case, the application-IA No.1/2017 filed for stay, does not survive for

consideration. Accordingly, the said application stands disposed of.

Sd/-  
**JUDGE**

KGR\*