



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 3017 OF 2026

BETWEEN:

SHIVA KUMAR HOSAHALLI
@ SHIVAKUMAR HOSAHALLI,
S/O SHALIVAN,
AGED ABOUT 27 YEARS,
R/AT NO. MADINA GUDAN COLONY,
HYDERABAD CITY,
ANDHRA PRADESH – 500 049.

PERMANENT R/AT
BETHLEHEM COLONY,
NEAR HANUMAN TEMPLE,
MANGALA PATE, BIDAR – 585 401.

...PETITIONER

(BY SRI. VINOD N, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY NELAMANGALA TOWN PS,
BANGALORE RURAL,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU – 560 001.





2. XXXXXX
XXXXXX
XXXXXX

...RESPONDENTS

(BY SRI. K.NAGESHWARAPPA, HCGP FOR R1;
SRI. RAMU V, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONER i.e., ACCUSED IN CR.NO.17/2024 VIDE SPL.C.NO.618/2024 REGISTERED BY THE NELAMANGALA TOWN P.S., FOR THE OFFENCES P/U/S 354(A), 354(C), 354(D), 376(2)(n), 506, 507, 384 OF IPC AND SECTIONS 66(E), 67(A) OF I.T ACT AND UNDER SECTIONS 4, 5(L), 6, 12, 14, 15 OF POCSO ACT, PENDING BEFORE THE ADDL. DISTRICT AND SESSIONS JUDGE, FTSC-2, BANGALORE RURAL DISTRICT I.E., ANNEXURES C AND D.

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



CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before this Court seeking quashment of the proceedings in Spl.C.No.618/2024 pending before the Addl. District and Sessions Judge, FTSC-2, Bangalore Rural District, for the offences punishable under Sections 354A, 354C, 354D, 376(2)(n), 506, 507 and 384 of the Indian Penal Code, Sections 66E and 67A of the Information Technology Act, 2000 and Sections 4, 5(l), 6, 12, 14 and 15 of the Protection of Children from Sexual Offences Act, 2012 on the ground that the victim and the accused have got married.

2. Heard Sri. Vinod N, learned counsel appearing for the petitioner, Sri.K.Nageshwarappa, learned HCGP appearing for respondent No.1, Sri.Ramu V, learned counsel appearing for respondent No.2 and have perused the material on record.

3. Respondent No.2 was a minor aged around 16 years at the relevant point in time, when she became a victim at the hands of the petitioner–accused. Based on the aforesaid information, the respondent No.2 - informant lodges a



complaint before the respondent No.1 - police which becomes a crime in Crime No.17 of 2024. The police after investigation, file a charge sheet against the petitioner-accused. The concerned Court after taking cognizance of the aforesaid offences, registers a case in Spl.C.No.618/2024. It transpires that the petitioner - accused marries the respondent No.2 - victim on 18.05.2025, during the pendency of the proceedings in Spl.C.No.618/2024. Therefore, the subject petition is filed seeking quashment of the proceedings, on the score that, if further proceedings are continued, it would prejudice their married life.

4. The issue now would be, whether on account of marriage, the proceedings against the petitioner-accused could be quashed or otherwise. This issue need not detain this Court for long or delve deep into the matter. The Apex Court in the case of **MAHESH MUKUND PATEL v. STATE OF U.P. AND OTHERS**¹ has held as follows:

"5. On the last date, we had directed learned counsel appearing for the State to get the marriage certificate relied upon by the parties duly verified. Accordingly, an

¹ [2025 SCC Online SC 614]



affidavit has been filed by Dr. Atul Tripathi, ACP, Sarnath in which it is stated that the marriage certificate has been verified and it is found to be genuine and in fact a true copy thereof has been produced along with the affidavit.

6. Our attention is invited to the affidavit filed by the third respondent in which she has accepted the fact that she is happily married to the appellant and they have been residing together. She has disclosed her date of birth as 20th July, 1998. In the record of the Primary School, as can be seen from document at Annexure 'P-1', the date of birth of the third respondent is shown as 20th July, 1998. Ossification test was conducted during the investigation. The report of the test is that on the date of commission of the offence, the age of the third respondent may be between 17½ years to 19 years. There are documents on record to show that the date of birth of the third respondent was 20th July, 1998. Therefore, when the offence was allegedly committed in September, 2016 she was already a major.

7. Now that the appellant and third respondent are happily married, no purpose will be served by continuing the prosecution as it will cause undue harassment to the appellant, the third respondent and their children.

8. Coming to the impugned order, we find that the marriage certificate was placed on record before the High Court. In fact, no objection by the first informant is also recorded in the impugned order. **Surprisingly, the High Court instead of entertaining the petition for quashing on the ground of settlement, has observed that the application for dropping criminal proceedings on the basis compromise may be moved before the Trial Court. The High Court completely lost sight of the fact that the Trial Court could not have recorded the settlement and in fact, this was a fit case for the High Court to have exercised its jurisdiction under Section 482 of the Cr. P.C. by quashing the proceedings. Unnecessarily, the parties have been forced to come to this Court.**

9. The impugned order is set aside. FIR No. 567 of 2016 registered with Cholapur Police Station, District Varanasi and proceedings of the Sessions Trial No. 1332



of 2021 pending before the Special Judge, POCSO Act, Varanasi are hereby quashed."

(Emphasis supplied)

The Apex Court in the aforesaid case observes that, continuation of the criminal proceedings would lead to undue harassment of the accused and victim who are happily married.

5. The parties to the *lis* have filed an application under Section 320(2) r/w Section 482 of the Cr.P.C., before this Court seeking permission to compound the offences supported by the affidavits of the petitioner and respondent No.2. The affidavit filed by respondent No.2 reads as follows:

"1. I am the 2nd respondent in the above petition and I am well aware of the facts and circumstance of the case hence I am swearing to this affidavit.

2. I state that, due to enmity and personal fight between my family and friends against petitioners and their family, I was to lodge a written complaint before the Nelmangala Town PS against the petitioner and same was registered as Crime No.17/2024 vide Spl.C.No.618/2024, for the offences punishable under Section 354(A), 354(C), 354(D), 376(2)(n), 506, 507, 384 of IPC and Section 66(E), 67(A) of information technology Act and Section 4, 5(L), 6, 12, 14, 15 of Protection of children from sexual offences act pending before the Addl District and Sessions Judge FTSC-2, Bangalore Rural District. Meanwhile due to intervention of the well-wishers and friends I decided to not to proceed further and wanted to withdraw the complaint. But I came to know that, the investigation officer has filed final report in Crime No.17/2024 vide



Spl.C.No.618/2024, and the same is pending on the file of the 2nd Additional District and Session Judge, Bangalore Rural at Bangalore.

3. I state that, due to the intervention of the elders, well-wishers of both the family & Friends I decided to resolve the dispute between me and petitioner 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 me and petitioners jointly request that this Hon'ble Court may be please to compound the offences punishable under Section 354 354(A), 354(C), 354(D), 376(2)(n), 506, 507, 384 of IPC and Section 66(E), 67(A) of information technology Act and Section 4, 5(L), 6, 12, 14, 15 of Protection of children from sexual offences act pending before the Addl District and Sessions Judge FTSC -2, Bangalore Rural District and quash the charge sheet and all proceedings in Crime No.17/2024 vide Spl.C.No.618/2024 and acquit the petitioners for the aforesaid offences.

5. When both the Petitioner and 2nd Respondent got married before the jurisdictional Registrar on 18/05/2025. I submit that as the matter is settled between the my family and petitioner family and as the Petitioner and I are major and before the jurisdictional Registrar of Marriage, it is just and expedient that the proceedings before pending the Addl District and Sessions Judge FTSC -2, Bangalore Rural District in Crime No.17/2024 vide Spl.C.No.618/2024 have to be quashed.

6. I state that, I and petitioner herein got married on 18/05/2025 and under the provisions of the Hindu 1955 as registered in the office of sub registered Bidar vide No.BDR-HM00476-2025-26 dated 28/06/2025

7. I state that, I am lawfully married to petitioner. The marriage between us was solemnized on 18/05/2025 out of our own free will and violation, after having attained the age of majority.

8. That we have been in a love affair prior to our



marriage. That we have been continuously residing together as husband and wife since the date of our marriage, and we have been leading a peaceful, happy and harmonious marital life. Our families are cordial with each other and my in laws are supporting and looking after me well. My parents also visit our marital home and my husband and I visit my parents house frequently.

9. That I continue to reside with my husband willingly, happily and voluntarily and I do not have any grievances or complaints against him.

10. That I am making this affidavit voluntary to place the true and correct facts before this Hon'ble Court. Hence the petition filed by my husband, i.e., Appellant, may be allowed.

11. I further state that, I have entered the above compromise and filed this affidavit in my own accord without any force, undue-influence, threat, compulsion, fear and there is no collusion.

12. That the statements made herein above are true and correct to the best of my knowledge, belief, and understanding and nothing material has been concealed there from and I have affixed my signature."

6. In the light of the judgment of the Apex Court and the marriage of the accused with the victim on 18.05.2025, I deem it appropriate to obliterate the proceedings with a rider that in the event, the petitioner would leave the respondent No.2-lady in lurch, the proceedings in Spl.C.No.618/2024 would get revived.



7. For the aforesaid reasons, the following:

ORDER

- (i) The criminal petition is ***disposed***.
- (ii) The proceedings in Spl.C.No.618/2024 pending on the file of the Addl. District and Sessions Judge, FTSC-2, Bangalore Rural District, stand quashed *qua* the petitioner-accused.
- (iii) In the event the petitioner-accused would leave the victim in the lurch later, the impugned proceedings would spring back by its revival.

Ordered accordingly.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**