



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.102406 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SRI YALLALING S/O. SHANKAR LALI,
AGE: 40 YEARS, OCC: POLICE CONSTABLE,
R/O. HARUGERI, TQ. RAIBAG, DIST. BELAGAVI-591220.

...PETITIONER

(BY SRI SACHCHIDANAND BABAJI PATIL P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH IO MARKET POLICE STATION, BELAGAVI,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD-580001.
2. SMT. LAKSHMI W/O. LATE SHIVAYOGI HIREHOLI,
AGE: 40 YEARS, OCC: GOVERNMENT SERVANT,
R/O. BAGADAGERI, TQ. KALGHATAGI-581204,
DIST. DHARWAD, NOW AT SUBHASH NAGAR,
NEAR MARATA MANBUL COLLEGE, BELAGAVI,
TQ. & DIST. BELAGAVI PIN-590001.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
SRI AVINASH M. ANGADI, ADV. OF R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE FIR IN MARKET P.S.CRIME NO.89/2025 DATED 08.05.2025 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 115(2), 333, 352, 351(3) OF THE BHARATIYA NYAYA SANHITA AND UNDER SECTIONS 3(2)(va), 3(2)(vii) OF THE SC & ST (PREVENTION OF ATROCITIES) AMENDMENT ACT 2015 AS AGAINST THE PETITIONER/ACCUSED IN THE INTEREST OF JUSTICE AND EQUITY.



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

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed by the petitioner/accused under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, seeking to quash the entire proceedings and praying for the following relief:

"WHEREFORE, it is most humbly prayed that this Hon'ble Court be pleased to Quash the FIR in Market PS Crime No.89/2025 dated 08.05.2025 for the offences punishable under Sections 115(2), 333, 352, 351(3) of the Bharatiya Nyaya Sanhita & under Sections 3(2)(va), 3(2)(vii) of the SC & ST (Prevention of Atrocities) amendment act 2015 as against the Petitioner/Accused in interest of justice and equity".

2. The complainant and the accused are present before this Court along with their respective learned counsel. They have submitted a memorandum of

¹ Hereinafter referred to as "BNSS, 2023"



compromise petition under Section 359(1) read with Section 528 of BNSS, 2023, stating that they have amicably settled the matter. The accused has prayed to quash the entire proceedings, to which the complainant has consented. Therefore, both the complainant and the accused pray that the criminal proceedings be quashed in view of the settlement.

3. Certain offences are alleged under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, which are non-compoundable.

4. The Hon'ble Supreme Court in the case of The Hon'ble Supreme Court in the case of **RAMGOPAL AND ANOTHER VS. STATE OF MADHYA PRADESH**² has observed at Paragraph Nos.10 to 13, as follows:

"10. *The compendium of these broad fundamentals structured in more than one judicial precedent, has been recapitulated by another 3-Judge Bench of this Court in **State of Madhya Pradesh vs. Laxmi Narayan & Ors***³ *elaborating:*

² 2021 SCC Online SC 834

³ (2019) 5 SCC 688



(1) That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

(2) Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

(3) Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

(4) Xxx xxx xxx

(5) While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc."



(Emphasis Applied)

11. True it is that offences which are 'non-compoundable' cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C. which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of 'compoundable' offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.

12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyze the very object of the administration of criminal justice system.



13. *It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extra-ordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in **Narinder Singh & Ors. vs. State of Punjab & Ors**⁴ and **Laxmi Narayan (Supra)**."*

⁴ (2014) 6 SCC 466



5. Further Hon'ble Supreme Court in the case of ***Ramawatar Vs State of Madhya Pradesh***⁵ in paragraphs Nos.16, 17, 18, 19, 20, 20.1 to 20.6 is held as under:

16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. *The Act* is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The Courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in *Articles 15, 17 and 21* of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying

⁵ (2022) 13 SCC 635



objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.

18. *Adverting to the case in hand, we note that the present Appellant has been charged and convicted under the unamended [Section 3\(1\)\(x\)](#) of the SC/ST Act7, which was as follows:*

*"3. Punishments for offences of atrocities (1)
Whoever, not being a member of a
Scheduled Caste or a Scheduled Tribe,—*

xxxx

*(x) intentionally insults or intimidates with
intent to humiliate a member of a
Scheduled Caste or a Scheduled Tribe in
any place within public view;*

19. *We may hasten to add that in cases such as the present, the Courts ought to be even more vigilant to ensure that the complainant victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the Courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the Courts should consider, would depend on the facts and circumstances of each case.*

20. *Having considered the peculiar facts and circumstances of the present case in light of the*



aforestated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under [Article 142](#) and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

20.1 Firstly, the very purpose behind [Section 3\(1\)\(x\)](#) of the SC/ST is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the aforestated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overwhelmingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

20.2 Secondly, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better



economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

20.3 Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

20.4 Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

20.5 Fifthly, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.

20.6 Sixthly, the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to



advance peace and harmony, it will be prudent to effectuate the present settlement.

6. Considering the principles of law laid down as discussed above, upon perusal of the present complaint on its face, it appears that the dispute is predominantly a monetary transaction between the complainant and the accused, involving the filing of a cheque bounce case. Therefore, the dispute between the complainant and the accused is substantially a financial transaction. It is submitted that the cheque bounce case filed before the Magistrate Court at Belagavi has also been settled.

7. Therefore, if this compromise petition is accepted and the petition is allowed, there would be no adverse effect on the interest of society at large. As the case is found to be substantially and predominantly private in nature between the parties, relating to financial transactions, this Court is of the considered opinion that the compromise petition deserves to be accepted and the entire



criminal proceedings are liable to be quashed. Accordingly,
the following:

ORDER

- i. The petition is ***allowed***.
- ii. The entire proceedings in FIR in crime registered by Market PS Crime No.89/2025 dated 08.05.2025 for the offences punishable under Sections 115(2), 333, 352, and 351(3) of the Bharatiya Nyaya Sanhita and under Sections 3(2)(va) and 3(2)(vii) of the SC & ST (Prevention of Atrocities) Amendment Act, 2015, as against the petitioner/accused, are hereby quashed.
- iii. The complainant belongs to a Scheduled Tribe community. Upon lodging the complaint before the police, she received compensation of Rs.1,00,000/- from the Government through the Social Welfare Department, Belagavi. In view of the settlement entered into with the accused, as stated above, the complainant has consented to return the said compensation amount of



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Rs.1,00,000/- to the Government.
Accordingly, the complainant is directed to
reimburse the said amount to the
Government of Karnataka through the Social
Welfare Department within a period of two
weeks from the date of receipts of certified
copy of this order.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE

ASN /CT-AN
List No.: 2 Sl No.: 70