



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.102652 OF 2024
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. SHRI THIMALAPURADA RAJPEER
S/O MAHAMAD ISHAQ,
AGE: 32 YEARS, OCC: BUSINESSMAN,
R/O. 1ST WARD, URAMMA TEMPLE, HADAGALI,
HADAGALI TOWN, TQ. HOOVINAHADAGALI,
DIST. VIJAYANAGARA-583219.
2. SMT. MABUNNI W/O. THIMLAPURA MAHAMAD
ISHAQ SAB, AGE: 55 YEARS, OCC: TEACHER,
R/O. 1ST WARD, URAMMA TEMPLE,
HADAGALI, HADAGALI TOWN,
TQ. HOOVINAHADAGALI,
DIST. VIJAYANAGARA-583219.
3. SMT. NASREENTAJ W/O. HASSAIN N.,
AGE: 31 YEARS, OCC: STATE GOVT EMPLOYEE,
R/O. SDA TP HADAGALI, HADAGALI TOWN,
TQ. HOOVINAHADAGALI,
DIST. VIJAYANAGARA-583219.
4. SHRI THIMLAPURADA MAHAMAD ISHAQ SAB,
AGE: 56 YEARS, OCC: BUSINESSMAN,
R/O. 1ST WARD, URAMMA TEMPLE,
HADAGALI, HADAGALI TOWN,
TQ. HOOVINAHADAGALI,
DIST. VIJAYANAGARA-583219.
5. SMT. ROHINTAJ W/O. H. ASHEEF,



AGE: 28 YEARS, OCC: HOUSEWIFE,
R/O. BEHIND MASZID, MARIYAMMANAHALLI,
TQ. HOSAPETE, DIST. VIJAYANAGARA-583222.

...PETITIONERS

(BY SRI ROSHAN SAHEB CHABBI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH HADAGALI POLICE STATION,
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580001.
2. SMT. THIMLAPURA MABUNNI W/O. T. RAJPEER,
AGE: 27 YEARS, OCC: HOUSEWIFE,
R/O. 1ST WARD, URAMMA TEMPLE,
HADAGALI, HADAGALI TOWN,
TQ. HOOVINAHADAGALI,
DIST. VIJAYANAGARA-583219.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
SRI S. S. BETURMATH, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.528 OF
BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO
QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS
IN C.C.NO.58/2024 PENDING ON THE FILE OF THE CIVIL JUDGE
AND JMFC, HOOVINAHADAGALLI, FOR THE COMMISSION OF THE
ALLEGED OFFENCES PUNISHABLE U/S.498A, 323, 504, 506 OF
IPC, 1860 AND FOR THE ALLEGED OFFENCES PUNISHABLE U/S.3
AND 4 OF THE DOWRY PROHIBITION ACT, 1961 AND ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Learned counsel for the petitioners has filed a joint application under Section 528 read with Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, contending that the parties have amicably settled the dispute and the matter is predominantly private in nature and does not seriously affect the society. Therefore, prays to quash the proceedings by allowing the application filed in this regard.

2. The offence alleged in the present case are under Sections 498A, 323, 504, 506 of the Indian Penal Code, 1860 and for the alleged offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Both the petitioners and the respondents are present before the Court and have filed a joint application duly signed by them. The learned counsels appearing for both sides have also affixed their respective signatures on the said application.

¹ Hereinafter referred to as the 'BNSS, 2023'



4. The learned counsel for the petitioners places reliance on the decision of the Hon'ble Supreme Court in the case of **Ramgopal and Another vs. The State of Madhya Pradesh²**, and another decision in the case of **Narinder Singh and Others vs. State of Punjab and Another³**, in this regard, wherein at paragraph Nos.8, 9, 10, 11 and 12 it is held as under:

"8. We find that there are cases where the power of the High Court under Section 482 of the Code to quash the proceedings in those offences which are uncompoundable has been recognized. The only difference is that under Section 320(1) of the Code, no permission is required from the Court in those cases which are compoundable though the Court has discretionary power to refuse to compound the offence. However, compounding under Section 320(1) of the Code is permissible only in minor offences or in non-serious offences. Likewise, when the parties reach settlement in respect of the offences enumerated in Section 320(2) of the Code, compounding is permissible but it requires the approval of the Court. Insofar as serious offences are concerned, quashing of criminal proceedings upon compromise is within the discretionary powers of the High Court. In such cases, the power is exercised under Section 482 of the Code and proceedings are quashed. Contours of these powers were

² 2021 SCC Online SC 834

³ (2014) 6 Supreme Court Cases 466



HC-KAR

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described by this Court in B.S.Joshi v. State of Haryana⁴ which has been followed and further explained/elaborated in so many cases thereafter, which are taken note of in the discussion that follows hereinafter.

9. At the same time, one has to keep in mind the subtle distinction between the power of compounding of offences given to the Court under Section 320 of the Code and quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction conferred upon it under Section 482 of the Code. Once, it is found that compounding is permissible only if a particular offence is covered by the provisions of Section 320 of the Code and the Court in such cases is guided solitarily and squarely by the compromise between the parties, insofar as power of quashing under Section 482 of the Code is concerned, it is guided by the material on record as to whether the ends of justice would justify such exercise of power, although the ultimate consequence may be acquittal or dismissal of indictment. Such a distinction is lucidly explained by a three-Judge Bench of this Court in Gian Singh vs. State of Punjab⁵. Lodha, J. speaking for the Court, explained the difference between the two provisions in the following manner: (SCC pp. 340-41, paras 57 & 59)

"57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable.

⁴ (2003) 4 SCC 675

⁵ (2012) 10 SCC 303



Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

59. *B.S.Joshi⁶, Nikhil Merchant⁷, Manoj Sharma⁸ and Shiji⁹ do illustrate the principle that the High Court may quash criminal proceedings or FIR or complaint in exercise of its inherent power under Section 482 of the Code and Section 320 does not limit or affect the powers of the High Court under Section 482. Can it be said that by quashing criminal proceedings in B.S.Joshi, Nikhil Merchant, Manoj Sharma and Shiji this Court has compounded the non-compoundable offences indirectly? We do not think so. There does exist the distinction between*

⁶ B.S. Joshi v. State of Haryana, (2003) 4 SCC 675

⁷ Nikhil Merchant v. CBI, (2008) 9 SCC 677

⁸ Manoj Sharma v. State, (2008) 16 SCC 1

⁹ Shiji v. Radhika, (2011) 10 SCC 705



compounding of an offence under Section 320 and quashing of a criminal case by the High Court in exercise of inherent power under Section 482. The two powers are distinct and different although the ultimate consequence may be the same viz. acquittal of the accused or dismissal of indictment.”

10. *Apart from narrating the interplay of Section 320 and Section 482 of the Code in the manner aforesaid, the Court in Gian Singh v. State of Punjab¹⁰ also described the extent of power under Section 482 of the Code in quashing the criminal proceedings in those cases where the parties had settled the matter although the offences are not compoundable. In the first instance it was emphasized that the power under Section 482 of the Code is not to be resorted to, if there is specific provision in the Code for redressal of the grievance of an aggrieved party. It should be exercised very sparingly and should not be exercised as against the express bar of law engrafted in any other provision of the Code. The Court also highlighted that in different situations, the inherent power may be exercised in different ways to achieve its ultimate objective. Formation of opinion by the High Court before it exercises inherent power under Section 482 on either of the twin objectives, (i) to prevent abuse of the process of any court, or (ii) to secure the ends of justice, is a sine qua non.*

¹⁰ (2012) 10 SCC 303



11. *As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines: (Gian Singh case, SCC pp. 340-41, para 58)*

"58. Where the High Court quashes a criminal proceeding having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc. or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and



the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavor having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

12. *Thereafter, the Court summed up the legal position in the following words: (Gian Singh case, SCC pp. 342-43, para 61)*

"61. The position that emerges from the above discussion can be summarized thus: the power of the High Court in quashing a criminal proceeding or an FIR or a complaint in exercise of its inherent jurisdiction is distinct and different from the power



given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidelines engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute, would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act, or the offences committed by public servants while working in that capacity, etc., cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavor stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil,



partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

The Court in Gian Singh case was categorical that in respect of serious offences or other offences of mental depravity or offence of merely dacoity under special



statute, like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity. The mere settlement between the parties would not be a ground to quash the proceedings by the High Court and inasmuch as settlement of such heinous crime cannot have imprimatur of the Court."

5. Considering the factors that the dispute between the parties is predominantly private in nature and that both the parties have amicably settled the matter, allowing the compromise petition would not have any serious impact on the society. Both the parties have agreed to live peacefully. Therefore, in order to secure the ends of justice, the compromise is accepted. Accordingly, the criminal proceedings are hereby quashed in terms of the principles of law laid by the Hon'ble Supreme Court in the above referred cases. Hence, the following:

ORDER

- a) The petition and the joint application filed under Section 528 read with Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are ***allowed.***



- b) Consequently, the FIR in Crime No.207/2023 registered by the Hadagali Police Station for the offence punishable under Sections 498A, 323, 504, 506 of the Indian Penal Code, 1860 and for the alleged offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and all further investigation and proceedings in connection with said case, which is pending on the file of Civil Judge and JMFC, Hoovinahadagalli, in C.C.No.58/2024, are hereby quashed.
- c) Both the parties are hereby cautioned not to repeat or indulge in any such offence.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE