



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 200638 OF 2025

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

BETWEEN:

1. RAJKUMAR
S/O YAMANAPPA POOJARI
AGE: 33 YEARS, OCC: WELDER
GOA SHIPYARD LTD.,
R/O KURALAGERA, TQ: YEDRAMI
DIST: KALABURAGI-585325
PRESENTLY R/O. HOUSING BOARD COLONY
NEAR PWD WATER TANK, NEW VADEMA
VASCO-DA-GAMA, GOA.
2. GANGABAI
W/O YAMANAPPA POOJARI
AGE: 55 YEARS
OCC: GOVERNMENT SERVANT
R/O KURALAGERA, TQ: YEDRAMI
DIST: KALABURAGI585 325
PRESENTLY R/O. HOUSING BOARD COLONY
NEAR PWD WATER TANK, NEW VADEMA
VASCO-DA-GAMA, GOA.
3. PARVATI
W/O ARJUNA POOJARI
AGE: 35 YEARS, OCC: HOUSE HOLD WORK
R/O NADA VILLAGE, TQ: INDI
DIST: VIJAYAPURA-586 209.

...PETITIONERS

(BY SRI. R S LAGALI., ADVOCATE)





AND:

1. THE STATE OF KARNATAKA
THROUGH YEDRAMI PS. VIJAYAPURA
REPRESENTED BY
ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI-585 102.
2. STM. SUNITA
W/O RAJAKUMAR POOJARI
AGE: 31YEARS, OCC: HOUSE HOLD WORK
R/O KURALAGERA, TQ: YEDRAMI
DIST: KALABURAGI-585 325
PRESENTLY R/O. MAGANAGERA VILLAGE
TQ: YEDRAMI, DIST: KALABURAGI-585 325.

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI. A. M. NAGRAL ADV., FOR R2)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD),
U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS
CRIMINAL PETITION AND THEREBY QUASH THE FIR IN CRIME
NO.64/2024 OF RESPONDENT PS. FOR THE OFFENCES
PUNISHABLE U/S 323, 498(A), 504, 506 R/W S. 34 OF IPC
LODGED BY THE RESPONDENT NO.2 PRODUCED AT
ANNEXURE-A AND ALL FURTHER INVESTIGATION ARISING OUT
OF AND THEREFROM AGAINST THE PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to quash the FIR against the
petitioners in crime No.64/2024, registered by the Yedrami
Police, for the offences punishable under Sections 323, 498A,



504 and 506 r/w Section 34 of IPC, presently pending on the file of Civil Judge (Jr. Dn.) and JMFC, Jewargi, Kalaburagi.

2. Today, learned counsel for the respective parties have filed an application under Section 528 read with Section 359 of BNSS, for compounding and quashing the proceedings. The application is accompanied with the affidavit of petitioner No.1 himself and on behalf of petitioner Nos.2 and 3 and the affidavit of defacto complainant/respondent No.2. It is stated in the affidavit that they have amicably settled their matrimonial dispute.

3. Perused the contents of the affidavits and the charge sheet materials.

4. The dispute is purely private in nature and not against the society at large. Though the offence punishable under Section 498A of IPC is not compoundable in nature, as per the law laid down by the Hon'ble Apex Court in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and Others***, reported in **(2019) 5 SCC 688** at paragraph No.15 i.e.,



HC-KAR

"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. *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;*

15.2. *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;*

15.3. *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;*

15.4. *Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have*



resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

15.5 *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.”*



5. Collocating the above principles of the Hon'ble Apex Court to the facts and circumstances of this case, since the parties have amicably settled their dispute and living peacefully, they are permitted to compound the offences. Accordingly, the application filed by the respective parties is ***allowed***. Hence, I proceed to pass the following:

ORDER

- i) The petition is ***allowed***.
- ii) The proceedings against the petitioners in crime No.64/2024, registered by the Yedrami Police, for the offences punishable under Sections 323, 498A, 504 and 506 r/w Section 34 of IPC, presently pending on the file of Civil Judge (Jr. Dn.) and JMFC, Jewargi, Kalaburagi, is hereby ***quashed***.

**Sd/-
(RAJESH RAI K)
JUDGE**

THM/List No.: 2 SI No.: 1/CT-BH