



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 202110 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. PARUBAI W/O RAGHAVENDRA RATHOD
AGE: 38 YEARS
OCC: ASSISTANT SUB-INSPECTOR
R/O BLOCK NO.10, ARKAVATI BUILDING
POLICE QUARTERS
KUVEMPU NAGAR BACK SIDE
NEAR SP OFFICE, KALABURAGI
TQ: KALABURAGI
DIST:KALABURAGI-585104
2. SITABAI W/O DAMALU RATHOD
AGE: 58 YEARS
OCC: HOUSEHOLD
R/O JALWAD VILLAGE
TQ: VIJAYAPUR
DIST: VIJAYAPURA-586120
3. RAJENDRA S/O DAMALU RATHOD
AGE: 35 YEARS,
OCC: PRIVATE WORK
R/O NEAR SEVALAL TEMPLE
JALWAD VILLAGE
TQ: VIJAYAPUR, DIST:VIJAYAPURA-586120

...PETITIONERS

(BY SRI RAVI B. CHAWAN, ADVOCATE)





AND:

1. THE STATE OF KARNATAKA
THROUGH BRAHMPUR POLICE STATION,
KALABURAGI DISTRICT-585101
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585103
2. RAGHAVENDRA S/O TUKARAM RATHOD
AGE: 42 YEARS
OCC: DAR CONSTABLE
NOW WORKING AS TEACHER
NOW R/O PLOT NO.167, SHANTI SADAN, SULEPET
SINDAGI ROAD, DATTA NAGAR, JEWARGI
TQ: JEWARGI, DIST: KALABURAGI-585310

...RESPONDENTS

(BY SRI GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI RAVINDRA H. BABALESHWAR, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C (OLD), U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS PETITION AND QUASH THE FIR NO.41/2014, C.C.NO.20123/2022 OF BRAHAMBPUR P.S. AND COGNIZANCE ORDER DATED 07-11-2022 AGAINST THE PETITIONER/ ACCUSED NO.1 TO 3 FOR THE OFFENCE PUNISHABLE U/SEC. 143, 147, 323, 354, 504, 506 R/W 149 OF IPC WHICH IS PENDING ON THE FILE OF IV ADDL. CIVIL JUDGE AND JMFC AT KALABURAGI.

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 proceedings against the petitioners/accused Nos.1 to 3 in C.C.No.20123/2022, arising out of Crime No.41/2014, registered by Brahmapur Police Station, for the offences punishable under Sections 143, 147, 323, 354, 504, 506 r/w Section 149 of IPC, 1860, pending on the file of IV-Additional Civil Judge and JMFC, Kalaburagi.

2. Today, learned counsel for the petitioners and learned counsel for respondent No.2 filed I.A.No.1/2026 under Section 320 of Cr.P.C./359 of BNSS, 2023 to compound the offences. The application is accompanied with the joint affidavits of the parties. It is submitted by the parties that they have settled their dispute amicably and as such, the proceedings can be quashed.



3. Though the offences punishable under Sections 354, 504 and 506 of IPC are non compoundable in nature, the Hon'ble Apex Court in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and Others***, reported in ***(2019) 5 SCC 688***, held at paragraph No.15 as follows:

"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.”

4. Applying the findings of the above judgment and considering the aspect that the dispute between the parties is purely matrimonial dispute and private in nature, which does not effect the society at large, the parties are permitted to compound the offences. Accordingly, I.A.No.1/2026 is **allowed**.

5. In view of the settlement between the parties, the petition is **allowed**. The proceedings against the petitioners/accused Nos.1 to 3 in C.C.No.20123/2022, arising out of Crime No.41/2014, registered by Brahmapur Police Station, for the offences punishable under Sections 143, 147, 323, 354, 504, 506 r/w Section 149 of IPC, 1860, pending on the file of IV-Additional Civil Judge and JMFC, Kalaburagi, is hereby quashed.

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