



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 202121 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. ISHWAR S/O JAMLU PAWAR
AGE: 60 YEARS
OCCUPATION: COOLIE
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
2. SANJU S/O ISHWAR PAWAR
AGE: 24 YEARS,
OCCUPATION: COOLIE
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
3. MANOHAR S/O ISHWAR PAWAR
AGE: 25 YEARS
OCCUPATION: COOLIE
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
4. RAVI S/O ISHWAR PAWAR
AGE: 25 YEARS
OCCUPATION: COOLIE
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
5. SMT. KAVITHA W/O RAVI PAWAR
AGE: 25 YEARS
OCCUPATION: HOUSEHOLD WORK





R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113

6. SMT. LALITHA W/O MANOHAR PAWAR
AGE: 20 YEARS
OCCUPATION: HOUSEHOLD WORK
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
7. SMT. KAVITHA W/O DILIP RATHOD
AGE: 26 YEARS
OCCUPATION: HOUSEHOLD WORK
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
8. SMT. SAVITHA W/O ISHWAR PAWAR
AGE: 25 YEARS
OCCUPATION: HOUSEHOLD WORK
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113
9. SMT. KESHLABAI W/O ISHWAR PAWAR
AGE: 50 YEARS
OCCUPATION: HOUSEHOLD WORK
R/O KOUJALAGI TANADA
TALUK AND DISTRICT VIJAYAPUR-586113

...PETITIONERS

(BY SRI PRAKASH JADHAV, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH GANDHI CHOWK PS
VIJAYAPUR. R/BY SPP
HIGH COURT OF KARNATAKA
KALABURAGI-585101
2. VITHAL S/O UMMALU RATHOD
@ UMMAJI RATHOD
AGE: 65 YEARS
OCC: COOLIE



R/O KOUJALAGI TANDA
TQ: AND DIST: VIJAYAPURA-586113

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SMT. VIJAYA M. PATIL, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C (OLD), U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE ENTIRE PROCEEDING OF CRIMINAL CASE NO.4321 OF 2015, WHICH IS PENDING BEFORE LD. PRL. CIVIL JUDGE AND CJM, VIJAYAPUR FOR OFFENCE PUNISHABLE UNDER SECTION 143, 147, 323, 324, 326, 504 AND 506 R/W 149 OF IPC AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, 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 against the judgment dated 15.07.2019 passed in C.C.No.4321/2015 by the I-Additional Civil Judge and JMFC at Vijayapura (hereinafter referred to as the 'Trial Court'), whereby the Trial Court convicted the accused/petitioners for the offences punishable under Sections 143, 147, 323, 324, 326, 504 and 506 r/w Section 149 of IPC. Since the offence under Section 326 of IPC is punishable with imprisonment for life



or with imprisonment for either description for a term which may extend to ten years and shall also be liable to pay fine, the Trial Court has no power to impose maximum sentence for the said offence. As such, the Trial Court referred the matter to the Principal Senior Civil Judge and CJM, Vijayapura for further action, acting under Section 325 (1) of Cr.P.C. and directed the accused to appear before the said Court. Subsequently, the petitioners/accused appeared before the Principal Senior Civil Judge and CJM, Vijayapura for few dates and later they remained absent. Hence, NBW was issued against them by the said Court. In the meantime, the accused/petitioners and respondent No.2 herein i.e., the injured complainant, amicably settled their dispute by intervention of the elders and well wishers since all of them are relatives. As such they filed this petition to set-aside the conviction judgment passed by the Trial Court and to quash the proceedings against them pending before



the Principal Senior Civil Judge and CJM, Vijayapura, by permitting them to compound the offences.

2. Today the learned counsel for the petitioners and learned counsel for respondent No.2 jointly filed an application under Section 359(2) of BNSS, 2023 to compound the offences and to quash the conviction order of the Trial Court and the proceedings in Prl. Senior Civil Judge and CJM, Vijayapura. In the application they have stated that they belong to same village and community and settled the dispute amicably and presently living peacefully. All the accused persons and the complainant/respondent No.2 have affixed their signatures in the application. No doubt the Trial Court has convicted the accused for the aforementioned offences and presently referred the matter for imposing the punishment before the Principal Senior Civil Judge and CJM, Vijayapura. However, the Trial Court has not imposed any sentence to the accused for any of the offence they have charged, as such, further proceedings is pending before the Principal



Senior Civil Judge and CJM, Vijayapura. In such circumstance, the Hon'ble Apex Court in the case of ***The State of Madhya Pradesh vs. Laxmi Narayan*** 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."

3. Further the Hon'ble Apex Court in the case of ***Ramgopal and another v/s State of Madhya Pradesh*** reported in **(2022) 14 SCC 531** held in paragraph Nos.12 and 13 as under:

"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 482CrPC, 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 paralyse 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 CrPC 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 CrPC 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 and Laxmi Narayan (Supra)."

4. Collocating the findings of the Hon'ble Apex court in the above judgments to the facts and circumstance of this case, since the dispute involved in this case is purely private in nature, the same would not effect the society at large, the parties are living peacefully by settling their disputes amicably and the petitioners have no antecedents, I am of the considered view that the application filed by the parties is liable to be allowed.



Accordingly, the parties are permitted to compound the offences. Hence, I proceed to pass the following:

ORDER

- (i) The petition is ***allowed***.
- (ii) The conviction order dated 15.07.2019 passed in C.C.No.4321/2015 by I Addl. Civil Judge and JMFC, Vijayapura is hereby set-aside and the petitioners/accused are acquitted for the charges leveled against them.
- (iii) Consequently, further proceedings against the petitioners/accused in C.C.No.4321/2015, pending before the Principal Senior Civil Judge and CJM, Vijayapura, is hereby quashed.

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

SWK
List No.: 1 Sl No.: 11
CT-BH