



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 12<sup>TH</sup> DAY OF MAY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**CRIMINAL PETITION NO. 200548 OF 2026**  
**(482(Cr.PC)/528(BNSS))**

**BETWEEN:**

1. AMALAPPA  
S/O LALAPPA KATTIMANI,  
AGE : 46 YEARS, OCC: COOLIE WORK,  
R/AT: GIRINAGAR AREA, HOSALLI CROSS,  
JOLADADAGI VILLAGE, TALUKA WADAGERA,  
DISTRICT YADGIRI.
2. HUCHAPPA  
S/O AGANAPPA @ NARSAPPA,  
AGED : 45 YEARS,  
OCC : COOLIE WORK,  
R/O: ALEMARI BUDGA JANGAM COLONY,  
NEAR ANJANEYA TEMPLE, GIRI NAGAR  
VTC MAZAR HOSALLI,  
POST KOILUR TQ: AND DIST: YADGIRI.
3. SHIVANNA  
S/O HANAMANTHA NATEKAR,  
AGE : 45 YEARS, OCC: COOLIE WORK,  
R/AT: GIRINAGAR AREA, HOSALLI CROSS,  
JOLADADAGI VILLAGE, TALUKA WADAGERA,  
DISTRICT YADGIRI.
4. SURESH S/O LALAPPA,  
AGED : 39 YEARS, OCCU: COOLIE WORK,  
R/O: LADIS GALLI STATION AREA, YADGIRI  
TQ. AND DIST. YADGIRI.





5. GOUDAPPA S/O ANAGAPPA  
AGE : 58 YEARS, OCC: COOLIE WORK,  
R/O: BEHIND BUS DEPO, ASHRAYA COLONY,  
VTC SHAHAPUR POST: ADILAPUR  
TQ SHAHAPUR DIST YADGIRI.

...PETITIONERS

(BY SRI GANESH NAIK, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
THROUGH THE STATION HOUSE OFFICER,  
WADIGERA POLICE STATION, YADGIRI DISTRICT.  
ITS REPRESENTED BY ADDL.SPP  
HIGH COURT OF KARNATAKA AT KALABURAGI  
BENCH,  
DIST: KALABURAGI-585103.
2. SRI. YALLAPPA  
S/O NARASAPPA SURYAVAMSHI  
AGE: 50 YEARS, OCC: FISHERMAN,  
R/O: GIRINAGARA AREA NEAR HOSALLI CROSS  
YADGIRI,  
TQ AND DIST YADGIRI 585 203.

...RESPONDENTS

(BY SRI GOPALAKRISHNA B. YADAV, HCGP FOR R1;  
SRI SHIVASHARANA REDDY, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE FIR, IN CRIME NO. 58/2026 REGISTRIES BY THE WADIGERE POLICE STATION, DIST. YADGIRI FOR OFFENCES P/U/SEC. 108 OF BNS 2023 WHICH IS PENDING ON THE FILE OF THE COURT OF CIVIL JUDGE AND JMFC (JN.DN) AT SHAHAPUR IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

**ORAL ORDER**

This petition is filed under Section 482 of Cr.P.C. by the petitioners/accused Nos.1 to 5 praying to quash the entire proceedings in Crime No.58/2026 of Wadigere Police Station registered for the offence punishable under Section 108 of Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'], pending on the file of learned Civil Judge and JMFC, Shahapur, Yadagiri district.

2. On the complaint of respondent No.2 – Yallappa S/o Narasappa Suryavamshi, the case came to be registered in Crime No.58/2026 against the petitioners/accused Nos.1 to 5 for the offence punishable under Section 306 of IPC/108 of BNS, 2023. The matter is now pending for investigation. Hence, taking exception to the same, the petitioners have sought to quash the entire investigation.



3. The accusation made against these petitioners as noted in column No.10 of the first information report is that there was dispute between the family of first informant and the accused persons as the son of first informant by name Erriswamy had illicit relationship with one Annapurna who is none other than the daughter of his wife's sister. In this regard, a panchayat was convened in Hanuman devara temple at Girinagar and accordingly the Panchayatdars told the family of the complainant and his wife to vacate the village for ten years. Accordingly, the panchayat prohibited the members of their community not to extend their help to the family of first informant and his wife. Accordingly, the first informant and his family were staying in Gunj area, Yadagiri where these petitioners came and again abused the wife of first informant. Accordingly, she fell in the Krishna river thereby she committed suicide. Thus, complaint has been lodged which lead to registration of FIR and investigation.



4. Both the parties have filed I.A.No.1/2026 under Section 320 (8) read with Section 482 of Cr.P.C./Section 359(8) read with Section of BNSS, 2023, for compounding of offence alleged. The I.A. is filed by both the parties, signed by them and their respective counsels. Learned HCGP, *de-facto* complainant, petitioners/accused Nos.1 to 5 and their respective counsels are present. The contents of the application reads as follows:

*"1. The 2<sup>nd</sup> respondent/Yallappa, herein is the original complainant in Crime.No.58/2026, pending on the file of the Court of Civil Judge and JMFC (Jn. Dn) at Shahapur arising out of Crime No.58/2026 registered by the 1st respondent police, against the petitioners.*

*2] The 2nd respondent herein had filed the case against the petitioners with misconception of facts and in debilitated mental status and also in a fit of anger against the petitioners. Now the 2nd respondent herein has realized his mistake, he is intending to take back his complaint against the petitioners willfully, voluntarily and without any threat or coercion, and he further has no objection to drop the proceedings against the petitioners which is now pending on the file of the Court of Civil Judge and JMFC (Jn. Dn) at Shahapur in Crime.No.58/2026.*



*3] Both the contesting parties have compromised the matter out of court at the instance of their well-wishers and more so the 2nd respondent herein has voluntarily made up his mind not to prosecute the case any further against the petitioners. Hence, the 2nd respondent herein has voluntarily agreed to quash the entire proceedings against the petitioners pending in Crime.No.58/2026 as they have settled the matter and both the parties intends to leave happily in future.*

*Hence, this petition is filed by the complainant/2nd respondent and the petitioners after understanding the contents made in the above paragraphs. Therefore, since the parties have meted out their differences.*

*It is most respectfully prayed this Hon'ble Court that, the petitioners and 2nd respondent be permitted to compound the offences U/Se. 108 of BNS Act registered in Crime 58/2026 before 1st respondent/Wadigere Police Station and quash the entire proceedings in Crime.No.58/2026 pending on the file of the Court of Civil Judge and JMFC (Jn. Dn) at Shahapur, may be closed in the interest of justice and equity."*

5. Perused the complaint, FIR and I.A. The allegations made in the complaint shows that there was a dispute between the complainant and the accused and same is settled as per the advice of the elders of both family without any compulsion or coercion. Therefore,



continuation of the prosecution against the petitioners is not at all necessary and that would be nothing but abuse of process of law. Since the alleged offences are non-compoundable in nature, the accused prayed to quash the proceedings and permit to compound the offences. As the matter is settled between the parties, it is just and necessary to invoke Section 482 of Cr.P.C. to quash the entire proceedings.

6. The Hon'ble Supreme Court in the case of ***Narinder Singh & Ors vs State Of Punjab & Anr*** reported in **(2014) 6 SCC 466** at Para Nos.31 to 35 has held as under:

*"31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under [Section 482](#) of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

*(I) Power conferred under [Section 482](#) of the Code is to be distinguished from the power which lies in the Court to*



*compound the offences under [Section 320](#) of the Code. No doubt, under [Section 482](#) of the Code, the High Court has inherent power to quash the criminal NC: 2023:KHC-K:6872 proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

*(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

*(i) ends of justice, or*

*(ii) to prevent abuse of the process of any Court.*

*While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.*

*(III) Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for offences alleged to have been committed under special statute 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 NC: 2023:KHC-K:6872 the basis of compromise between the victim and the offender.*

*(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or*



*arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

*(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

*(VI) Offences under [Section 307 IPC](#) would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. 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 proving 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/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the*



*criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

*(VII) While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under [Section 307](#) IPC is committed or not. Similarly, in those cases where the conviction is*



*already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under [Section 307 IPC](#) and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.*

*32. After having clarified the legal position in the manner aforesaid, we proceed to discuss the case at hand.*

*33. In the present case, FIR No.121 dated 14.7.2010 was registered under [Sections 307, 324, 323, 34 IPC](#). Investigation was completed, whereafter challan was presented in the court against the petitioner herein. Charges have also been framed; the case is at the stage of recording of evidence. At this juncture, parties entered into compromise on the basis of which petition under Section 482 of the Code was filed by the petitioners namely the accused persons for quashing of the criminal proceedings under the said FIR. As per the copy of the settlement which was annexed along with the petition, the compromise took place between the parties on 12.7.2013 when respectable members of the Gram Panchayat held a meeting under the Chairmanship of Sarpanch. It is stated that on the intervention of the said persons/Panchayat, both the parties were agreed for compromise and have also decided to live with peace in future with each other. It was argued that since the parties have decided to keep harmony between the parties so that in future they are able to live*



*with peace and love and they are the residents of the same village, the High Court should have accepted the said compromise and quash the proceedings.*

*34. We find from the impugned order that the sole reason which weighed with the High Court in refusing to accept the settlement between the parties was the nature of injuries. If we go by that factor alone, normally we would tend to agree with the High Court's approach. However, as pointed out hereinafter, some other attendant and inseparable circumstances also need to be kept in mind which compel us to take a different view.*

*35. We have gone through the FIR as well which was recorded on the basis of statement of the complainant/victim. It gives an indication that the complainant was attacked allegedly by the accused persons because of some previous dispute between the parties, though nature of dispute etc. is not stated in detail. However, a very pertinent statement appears on record viz., "respectable persons have been trying for a compromise up till now, which could not be finalized". This becomes an important aspect. It appears that there have been some disputes which led to the aforesaid purported attack by the accused on the complainant. In this context when we find that the elders of the village, including Sarpanch, intervened in the matter and the parties have not only buried their hatchet but have decided to live peacefully in future, this becomes an important consideration. The evidence is yet to be led in the Court. It has not even started. In view of compromise between*



*parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. Even though nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings. We, taking all these factors into consideration cumulatively, are of the opinion that the compromise between the parties be accepted and the criminal proceedings arising out of FIR No.121 dated 14.7.2010 registered with Police Station LOPOKE, District Amritsar Rural be quashed. We order accordingly."*

7. The learned counsel for petitioners also relied upon the judgment of co-ordinate Bench in Criminal Petition No.102688/2025 (Dharwad Bench) disposed on 14.10.2025, wherein, the co-ordinate bench at para-5 held as under:

*"In view of the said settlement, the proceedings against the petitioner in S.C.No.42/2024 pending on the file of the Principal District and Sessions Judge, Gadag registered for the offence punishable under Section 306 of IPC are quashed."*



8. From the perusal of the aforesaid decision, judgment of co-ordinate bench and the facts and circumstances and the material available on record, it appears that the second respondent had filed the case against the petitioners with misconception of facts and in a fit of anger. Now second respondent has realized his mistake and he is intending to take back his case registered against the petitioners on the advice of elders of both the family as they are relatives. In this context, the Court finds that, the elders of the village and their family intervened in the matter and parties have settled their disputes and have decided to live peacefully in future. This becomes an important consideration. In view of the compromise held between the parties, further investigation of the case would not be arise and in case if investigation is completed and charge sheet is filed, even at that juncture also there is a minimal chance of the witnesses coming forward in support of the prosecution



case. Even though the role attributed to the accused persons is not clear and the de-facto complainant has not stated in clear terms that there was direct nexus to the death of deceased and an abetment of suicide by the accused persons. Thus, the chances of conviction, therefore, appear to be very remote. It would, therefore, be unnecessary to drag these proceedings. When the Court takes all these factors into consideration cumulatively, the Court is of the opinion that the compromise between the parties be accepted and the criminal proceedings initiated against the accused persons are liable to be quashed.

9. Hence, the compromise petition is accepted. In view of the settlement arrived between the parties and in view of the ratio laid down in the above decisions cited supra, it is necessary to permit the parties to quash the proceedings against the petitioners. Hence, the Court proceeds to pass the following:



ORDER

The criminal petition is allowed.

The proceedings in Crime No.58/2026 registered for the offence punishable under Section 306 of IPC/108 of BNS, 2023 registered by the Wadigera Police Station, Yadagiri District pending on the file of the learned Civil Judge and JMFC, Shahapur, Yadagiri District is hereby quashed.

I.A.No.1/2026 is allowed accordingly.

Pending I.A.s, if any, stand disposed of as they do not survive for consideration.

**Sd/-  
(VENKATESH NAIK T)  
JUDGE**

SWK  
List No.: 1 Sl No.: 31  
CT:VK