



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 7066 OF 2023

BETWEEN:

SRI. CHIKKAREDAPPA
AGED ABOUT 28 YEARS,
S/O NARAYANASWAMY,
R/AT YARRAKOTA VILLAGE,
CHINTAMANI TALUK,
CHIKKABALLAPUR DISTRICT-563 125.

...PETITIONER

(BY SRI. ABHAY R S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH BY CHINTAMANI TOWN POLICE STATION,
POLICE STATION, REP SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.
2. KUMARI SNEHA
D/O NARASIMHAPPA,
AGED ABOUT 18 YEARS,
R/AT JJ COLONY, CHINTAMANI TOWN,
CHIKKABALLAPUR DISTRICT-563 125.

...RESPONDENTS

(BY SRI. THEJESH P, HCGP FOR R-1;
SRI. BASAVA PRASAD KUNALE, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE CHARGE SHEET IN CRIME NO.138/2021 ON THE FILE OF CHINTAMANI POLICE STATION AND ALSO BEARING SPL.S.C.NO.121/2021 PENDING ON THE FILE OF THE COURT OF LEARNED ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC-I, CHIKKABALLAPURA FOR THE OFFENCE P/U/S 376(2)(n) OF IPC AND SEC. 6 OF POCSO ACT, AGAINST THE PETITIONER.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:





ORDER

Petitioner is sought to be prosecuted for the offence punishable under Section 376(2)(n) of IPC and Section 6 of the POCSO Act, 2012.

2. The case of the prosecution is that, the petitioner-accused had committed penetrative sexual assault on the survivor who was a minor as on the date of the incident.

3. The survivor who is present before this Court along with her father and has filed an affidavit which reads thus:

I, Kum. Sneha, aged about 18 years, Daughter of Narasimhappa, residing at Ward No.21, JJ Colony., JJ Colony, Chintamani, Chikkaballapur, Karnataka-563 125, do hereby state on oath as follows:-

1. That, I am the Complainant/Respondent No.2 in this case and well aware of the facts and circumstances in the above-mentioned case and accordingly I am competent to swear on this affidavit.

2. That I am major by age now, and in support of my age I am submitting my transfer certificate from GHS Doddaganjur along with this affidavit.

3. That, I am in a romantic relationship with the Petitioner, and intend to marry him, and to live a happy married life with him and he has agreed to the same.

4. That, I have no objection to this Hon'ble court exercising its power under section 482 CrPC and quashing the proceedings pending before the Fast Track Sessions Court at Chikkaballapur bearing Spl SC No.121/2021 against the petitioner, for the above-said reasons.

5. That what is stated above is stated out of my own will and volition. That no one has influenced me to swear on this affidavit.

6. That, what is stated above is true and correct to the best of my knowledge information, and belief.



WHEREFORE, through this affidavit, I undertake and express my wish to marry the petitioner herein and accordingly, I have no objection in allowing the above-captioned petition and to this Hon'ble Court exercising its power under section 482 CrPC and quashing the proceedings, pending against the petitioner herein, before the Fast Track Sessions Court at Chikkaballapur bearing Spl SC No. 121/2021 for the offenses punishable under sections 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act, 2012.

4. Petitioner-accused who is in Judicial Custody has been produced by Ramalakshmana AHC 42, and the petitioner has stated that he is willing to solemnize his marriage with the survivor and the sexual intercourse between them was consensual one since they were in relationship.

5. The survivor was examined as P.W.1 and in her examination-in-chief she turned hostile and in the cross-examination nothing is elicited from the survivor by the prosecutor to support the case of the prosecution. The medical records disclose that the survivor was subjected to sexual intercourse when she was minor as on the date of the incident. The survivor who is present before this Court has stated that she intends to solemnize her marriage with the accused, and if the criminal proceedings are allowed to be continued, it would result in incarceration of the accused which would cause more agony and misery to the survivor rather than securing the ends of justice. Therefore, the continuation of the criminal proceedings will not sub-serve the ends of justice and will be an abuse of process of law.

6. Accordingly, the petition is allowed.



i) The impugned proceedings in Spl.S.C.No.121/2021, pending on the file of the Court of Learned Additional District and Sessions Judge, FTSC-1, Chikkaballapura stands quashed. Consequently, the petitioner-accused is acquitted of the offences alleged against him.

ii) The Jail Superintendent of Police concerned to release the petitioner-accused from the judicial custody forthwith, if he is not required in any other case.

iii) This order is subject to the condition that the petitioner-accused shall solemnize his marriage with the survivor within one month from today, and register the same before the competent authority.

List this matter for compliance on 7.12.2023 at 2.30 p.m.

**Sd/-
JUDGE**

HR