



HC-KAR

- 1 -

NC: 2026:KHC:8552
WP No. 13877 of 2021
C/W WP No. 13476 of 2021
WP No. 13552 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

WRIT PETITION NO. 13877 OF 2021 (GM-RES)

C/W

WRIT PETITION NO. 13476 OF 2021 (GM-RES)

WRIT PETITION NO. 13552 OF 2021 (GM-RES)

IN WP NO. 13877/2021

BETWEEN:

ABHISHEK RAI
S/O GUNAPALA RAI,
AGED ABOUT 37 YEARS,
R/AT D NO.4-217A,
RADHUKATTE HOUSE,
VITTALAPADNURU, KODANGAI
POST, DAKSHINA KANNADA,
KARNATAKA - 574 253
PRESENTLY R/AT FLAT NO.109,
KRISHNA HERITAGE, B.C. ROAD,
BANTWAL TALUK - 574 153

...PETITIONER

(BY SRI. AJAY PRABHU M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MANGALORE EAST POLICE
STATION, REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 01
2. SMT. POORNIMA RAI,
W/O ABHISHEK RAI,
AGED ABOUT 36 YEARS,
TRIVENI NILAYA, SCHOOL ROAD,
VITTLA BANTWALA TALUK-574153





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DAKSHINA KANAADA

...RESPONDENTS

(BY SRI. RANGASWAMY R, HCGP FOR R1

SRI. PONNANNA M.B., ADVOCATE FOR

SRI. RAHUL CARIAPPA K.S., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CR.P.C. PRAYING TO QUASH ENTIRE PROCEEDINGS CRIME NO.116 OF 2020 ON THE FILE OF THE VI JMFC COURT, MANGALURU CITY, DAKSHINA KANNADA FOR THE OFFENCE PUNISHABLE UNDER SECTION 498A, 497, 494, 307, 506, 120 R/W 3, 4 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT AS PER ANNX-A. AND ETC.,

IN WP NO. 13476/2021

BETWEEN:

1. SMT. MAMATHA G RAI
W/O GUNAPALA RAI
AGED ABOUT 57 YEARS,
R/AT D.NO.4-217A
RADHUKATTE HOUSE,
VITTLAPANDNURU,
KODANGAI POST,
DAKSHINA KANNADA,
KARNATAKA - 574 243
2. ATHMIK RAI
S/O GUNAPALA RAI
AGED ABOUT 25 YEARS,
R/AT D.NO.4-217A
RADHUKATTE HOUSE,
VITTLAPADNURU,
KODANGAI POST,
DAKSHINA KANNADA,
KARNATAKA-574 243
3. AKHIL RAI
S/O GUNAPALA RAI



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AGED ABOUT 28 YEARS,
R/AT D.NO.4-217A
RADHUKATTE HOUSE,
VITTLAPANDNURU,
KODANGAI POST,
DAKSHINA KANNADA,
KARNATAKA-574 243.

ALL THE ABOVE PETITIONER
PRESENTLY R/AT FLAT NO.109,
KRISHNA HERITAGE, B.C. ROAD,
BANTWAL TALUK - 574 153.

...PETITIONERS

(BY SRI. AJAY PRABHU M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MANGALORE EAST POLICE
STATION, REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 01
2. SMT. POORNIMA RAI,
W/O ABHISHEK RAI,
AGED ABOUT 36 YEARS,
TRIVENI NILAYA, SCHOOL ROAD,
VITTLA BANTWALA TALUK-574153
DAKSHINA KANAADA

...RESPONDENTS

(BY SRI. RANGASWAMY R, HCGP FOR R1
SRI. PONNANNA M.B., ADVOCATE FOR
SRI. RAHUL CARIAPPA K.S., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF
CR.P.C. PRAYING TO QUASH ENTIRE PROCEEDINGS CRIME NO.116
OF 2020 ON THE FILE OF THE VI JMFC COURT, MANGALURU CITY,
DAKSHINA KANNADA FOR THE OFFENCE PUNISHABLE UNDER
SECTION 498A, 497, 494, 307, 506, 120 R/W 3, 4 OF IPC AND



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SECTION 3 AND 4 OF DOWRY PROHIBITION ACT AS PER ANNEXURE-
A IN SO FAR AS PETITIONERS. AND ETC.,

IN WP NO. 13552/2021

BETWEEN:

1. PRIYANKA SHETTY
D/O VENUGOPALA SHETTY
AGED ABOUT 25 YEARS,
R/AT D.NO.1-92, PELAMPADI
HOUSE, PUDU VILLAGE AND POST,
BANTWAL, D.K. - 574 143
2. VENUGOPAL GOWDA
S/O VENU GOPAL SHETTY,
AGED ABOUT 58 YEARS,
R/AT D.NO.1-92, PELAMPADI
HOUSE, PUDU VILLAGE AND POST,
BANTWAL D.K. - 574 143
3. SARALA SHETTY
W/O VENUGOPALA SHETTY,
AGED ABOUT 25 YEARS,
R/AT D.NO.1-92, PELAMPADI
HOUSE, PUDU VILLAGE AND POST,
BANTWAL D.K. - 574 143
4. PRADEEP ALVA
S/O RAMANATHA ALVA,
R/AT FLAT NO.701,
ABHIMAN APARTMENT,
NEAR S.C.S. HOSPITAL,
BENDOORWELL,
MANGALURU - 575 002.

...PETITIONERS

(BY SRI. AJAY PRABHU M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
MANGALORE EAST POLICE
STATION, REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,



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BANGALORE - 01

2. SMT. POORNIMA RAI,
W/O ABHISHEK RAI,
AGED ABOUT 36 YEARS,
TRIVENI NILAYA, SCHOOL ROAD,
VITTLA BANTWALA TALUK-574153
DAKSHINA KANAADA

...RESPONDENTS

(BY SRI. RANGASWAMY R, HCGP FOR R1
SRI. PONNANNA M.B., ADVOCATE FOR
SRI. RAHUL CARIAPPA K.S., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CR.P.C. PRAYING TO QUASH ENTIRE PROCEEDINGS CRIME NO.116 OF 2020 ON THE FILE OF THE VI JMFC COURT, MANGALURU CITY, DAKSHINA KANNADA FOR THE OFFENCE PUNISHABLE UNDER SECTION 498A, 497, 494, 307, 506, 120 R/W 3, 4 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT AS PER ANNEXURE-A IN SO FAR AS PETITIONERS. AND ETC.,

THESE WRIT PETITIONS, COMING ON FOR HEARING - INTERLOCUTORY APPLN, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL COMMON ORDER

Learned counsel for the petitioners has filed a memo along with certified copy of the memorandum of agreement filed under Section 89 of CPC R/w Rules 24 and 25 of the Karnataka Civil Procedure (Mediation) Rules, 2007 in



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MC.No.26/2025 before the learned Principal Family Judge, D.K.,
Mangaluru.

2. The memorandum of agreement reads as under:

"MEMORANDUM OF AGREEMENT UNDER SECTION 89 OF THE CODE OF THE CIVIL PROCEDURE READ WITH RULES 24 AND 25 OF THE KARNATAKA CIVIL PROCEDURE (MEDIATION) RULES, 2007.

The Parties above name submits as follows:

The aforesaid petition for divorce filed under Section 13(1), (ia), (ib) and (1A) (ii) of the Hindu Marriage Act 1955 was referred to mediation for resolving the disputes between the parties. In the Course of mediation, both the Petitioner and the Respondent have resolved their disputes and have agreed to the following terms and conditions:

- 1. That the Petitioner and Respondent have married on 18.05.2011 at Shri Mangaladevi Temple, Mangalore as per the rites and customs prevailing in Hindu Community and that the marriage was Registered under the provisions of the Hindu Marriage Act 1955 as per Certificate No. MGT-HM93-2010-11 registered on 02.06.2010. That the marriage between the Petitioner and the Respondent was love marriage held in the presents of few of friends and relatives of both the parties.*
- 2. That after the marriage both the petitioner and the Respondent lived together as husband and wife and resided at rented premises for about 8 years and there is no issues out of their wedlock.*
- 3. Gradually as days past difference were arisen and it was revealed to them that they cannot live along happily due to the strong temperamental differences. In spite of the best efforts and attempts there was no harmonies relation between them and hence both the Petitioner and Respondent not residing together since from December 2019.*



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4. *That during the mediation both the Petitioner and Respondent have not come to a centre decision to resolve their dispute and live together. Therefore both the Petitioner and Respondent finally decided to dissolve their marriage and live separately under following conditions:*
- a) *That the petitioner shall agreed to pay a sum of Rs. 11,00,000/- (Rupees Eleven Lakh only) to the respondent towards the final and complete life time maintenance of the respondent as permanent alimony by way of Demand Draft drawn on Nationalised Bank before the Hon'ble Family Court at the time of evidence.*
- b) *That the Petitioner agreed to release his undivided half right in the immovable Property situated in Sy.No. 53/1P. (As per RTC 53/1P2), converted measuring 3.85 cents of Kunjathbail Village, Surathkal Hobli, Magnalore Taluk in favour of the respondent by way of Registered Release Deed. All the expenses relating to the execution of the release Deed, Stamp Duty etc,, shall be borne by the Respondent herself. The above Release Deed shall be executed after withdrawing all the pending litigation. Further the Petitioner agreed to provide his Aadhar Card, Photo and PAN Card Copy to the Respondent to enable her to update the E-Khata relating to the above property.*
- c) *That the Petitioner shall agreed to take necessary steps to with draw all the pending cases filed by him such as - R.P.F.C. No. 238/2023, R.P.F.C No. 119/2025, W.P.No.13877/2021, W.P.No.13476/2021, W.P.No.13552/2021, W.P.No. 29574/2024, W.P.No.16703/2022. Pending before the Honorable High Court of Karnataka at Bangalore with against Cr. No. 116/2020 of Womens Police Station Mangaluru. And also O.S. No. 51/2023 pending before the honorable 1st Family Court Mangalore.*
- d) *That the Respondent also agreed to take necessary steps to withdraw all the pending cases filed by her such as Crl.M.C. No. 1/2021, Crl.M.C. No.2/2022 Crl.M.C. No.5/2023 pending before the Hon'ble JMFC VI Court Mangalore and Crl. M.C. 110/2023 pending before the Hon'ble Principal Family Court Magnalore and also P.C.*



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No. 2/2021 pending before the Hon'ble II CJM Court Mangalore.

- e) That in view of the aforesaid agreement both the Petitioner and Respondent mutually agreed for divorce without any kind of future maintenance and that they have no claims whatsoever nature against each other in respect of maintenance, inheritance of moveable and immovable properties, compensation, alimony, assets etc.,*
 - f) All the allegations made against each other as been withdrawn.*
 - g) That both the parties have agreed to bear the expenses arise whatsoever individually.*
 - h) That both the Petitioner and Respondent agreed for the separation and dissolve the Marriage solemnized on 18.05.20211 at Shri. Mangaladevi Temple, Mangalore and the marriage was registered under the provision of the Hindu Marriage Act and also the dissolution of Marriage Certificate dated 02.06.2010 bearing No. MGT-HM93-2010-11 in the office of the Hindu Marriage Registrar, Mangaluru.*
- 5. That the Petitioner and the Respondent herein voluntarily and out of their own free will and the own accord without any coercion or undue influence have mutually agreed for mutual separation and dissolve the marriage and consented to the above terms and conditions.*

In view of the aforesaid agreement entered into between the parties, the parties pray that the Hon'ble Family Court may be pleased to pass necessary orders.

Parties will appear before the Hon'ble Court on next hearing date for passing necessary Orders/decree in terms of the above said agreement."

3. Learned counsel for the petitioners submits that pursuant to the agreement entered into between the parties, all



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the proceedings between the parties are settled and the present petitions are to be allowed to quash the criminal proceedings in the interest of justice.

4. Learned counsel for respondent No.2 admits the contentions taken by the learned counsel for the petitioners. He also admits that memorandum of agreement referred to above and submits no objections to allow these petitions.

5. The memo along with memorandum of agreement and the submissions are placed on record. In view of the settlement arrived at between the parties, I deem it appropriate to allow the petition by quashing the criminal proceedings initiated against the petitioners. Accordingly, I proceed to pass the following:

ORDER

- (i) The writ petitions are ***allowed***.
- (ii) The criminal proceedings initiated in Crime No.116/2020 of Mangalore East Police Station, registered for the offences punishable under Section 498A, 497, 494, 307, 506, 120 R/w



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Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, are hereby quashed against the petitioners in all the writ petitions.

In view of the disposal of the main petition, pending IA No.1/2024 stands disposed off in WP.No.13877/2021.

Sd/-
(M G UMA)
JUDGE

BH
List No.: 1 Sl No.: 7