



CNR: KAHC010055462019

NC: 2026:KHC:36609
CRL.P No. 1482 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 1482 OF 2019 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. SRI RAJU S
S/O SANJEEVAMURTHY
AGED ABOUT 35 YEARS,
R/AT KEMPEGOWDANAGAR
TINDLU MIN ROAD
VIDYARANYAPURAM
BENGLAURU CITY - 577 139
2. SMT PADMAVATHI
S/O LATE SANJEEVA MURTHY
AGED ABOUT 60 YEARS,
R/AT KESARI NILAYA
2ND CROSS,
RANGANATHA BADAVANE,
JAGALUR DAVANAGERE TALUK
DAVANAGERE DISTRICT
PIN - 577 001
3. SUNITHA
D/O SANTHOSHA
AGED ABOUT 32 YEARS,
R/AT NO.2841-16
12TH MAIN, D BLOCK
RAJAJINAGARA,
BENGALURU - 560 010

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SHARADAVANI
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Location: High
Court of
Karnataka





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4. MARUTHI
S/O SANJEEVAMURTHY
AGED ABOUT 40 YEARS,
R/AT KESARI NILAYA
2ND CROSS,
RANGANATHA BADAVANE,
DAVANGERE
DAVANGERE DISTRICT
PIN - 577 001
5. SMT SHAKUNTHALA
W/O SUBRAMANYA
AGED ABOUT 48 YEARS,
R/AT THINDLU MAIN ROAD,
VIDYARANYAPURA
BENGALURU - 566 139
6. KUM RASHMI
S/O SUBRAMANYA
AGED ABOUT 23 YEARS,
R/AT THINDLU MAIN ROAD,
VIDYARANYAPURA
BENGALURU - 566 139

...PETITIONERS

(BY SRI. RAVI L.,ADVOCATE FOR;
SRI. LEELADHAR H P.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY HIRIYUR TOWN POLICE
HIRIYUR CITY
CHITRADURGA DISTRICT
RE: SPP
HIGH COURT BUILDINGS
BENGALURU - 560 001
2. SMT G SUCHITRA
W/O RAJU
AGED ABOUT 30 YEARS,



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R/AT 2ND CROSS,
SRINIVASNAGAR,
HULIYURU TOWN
CHITRADURGA DISTRICT
PIN - 577 598

...RESPONDENTS

(BY SRI. JAVEED S., HCGP FOR R1;

R2 - SERVED AND UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1151/2018, PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC, HIRIYURU CHITRADURGA DISTRICT, FOR THE OFFENCE P/U/S 323, 504, 506, 498A OF IPC R/W SECTION 3 AND 4 OF D.P ACT AND ALLOW THE PETITION IN THE ABOVE CASE.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging proceedings in CC.no.1151/2018 pending on file of Principal Civil Judge and J.M.F.C., Hiriyyuru for offences punishable under Sections 323, 504, 506, 498(A) of Indian Penal Code, 1860 ('IPC' for short) read with Sections 3 and 4 of Dowry Prohibition Act, 1961 ('DP Act' for short), this petition is filed.

2. Sri Ravi L., learned counsel appearing for Sri Leeladhar H.P., learned counsel for petitioners submitted



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that petitioners were arraigned as accused no.1 to 6 in a complaint filed by respondent no.2 on 04.07.2017 alleging that her marriage with accused no.1 (petitioner no.1) was solemnized on 22.12.2016 at Tulasi Kalyana Mantapa at Hiriuru, that petitioner no.2 was mother of petitioner no.1, petitioners no.3 and 4 were sister and brother, and petitioners no.5 and 6 were neighbours. It was submitted that in her complaint, complainant had alleged that at time of marriage, complainant's family had given 22 grams of gold chain, diamond ring and Rs.30,000/- for clothes and also performed marriage by spending Rs.5,00,000/-. After marriage, complainant began residing with petitioner no.1 at an apartment in Vidhyaranyapura, Bengaluru. Soon she realised that her husband intended to marry her neighbour - petitioner no.6 and began ill-treating complainant, which led marital discord, ultimately forcing complainant to go to her maternal house.

3. It was stated that on 14.05.2017, a panchayath was convened at Hiriur, when petitioner no.1 had sought permission to speak to complainant personally and took her at



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a distance from house and assaulted her. Due to her cries, her parents went there and pacified situation. But petitioners threatened complainant and her parents with dire consequences and left. Alleging that offences were committed, complaint was filed. Based on same, Crime no.221/2017 was registered by Hiriya Police Station for offences punishable under Sections 323, 504, 506, 494, 498(A) of IPC read with Sections 3 and 4 of DP Act.

4. In said proceedings, charge sheet was filed on 09.10.2018. In meanwhile, on account of settlement between complainant and petitioner no.1, they filed MC.no.35/2018 before Senior Civil Judge at Hiriya under Section 13(B) of Hindu Marriage Act, 1955 for dissolution of their marriage on consent, and same ended in decree of divorce on 07.03.2019. It was submitted that in course of her deposition, complainant stated about settlement and her intention not to pursue these criminal proceedings and that they would be withdrawn. In view of above, continuation of proceedings against petitioners would not only be futile but also amounted to abuse of process of law and therefore, sought for allowing petition.



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5. Sri Javeed S., learned High Court Government Pleader appearing for respondent - State drawing attention of this Court to Column no.17 of charge sheet, submitted that police after investigation, had filed charge sheet, in which sufficient substance was found to support prosecution. In course of investigation, they had recorded statements of complainant and her parents as eye witnesses and had also drawn mahazar and etc. Same would indicate sufficient basis for prosecution. It was submitted that Section 498(A) of IPC as well as Sections 3 and 4 of DP Act were non-compoundable and therefore, sought for dismissal.

6. Heard learned counsel for parties and perused materials placed on record as well as trial Court judgment.

7. This petition is filed by petitioners (accused no.1 to 6) seeking for quashing of entire criminal proceedings in CC.no.1151/2018 pending on file of Principal Civil Judge and J.M.F.C., Hiriya for offences punishable under Sections 323, 504, 506, 498A of IPC read with Sections 3 and 4 of DP Act.



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8. Perusal of deposition of respondent no.2 - complainant in divorce proceedings would indicate that there was settlement between complainant and petitioner no.1 whereunder she had agreed for withdrawal of complaint and criminal proceedings. Thus, complainant herself is noted to have withdrawn from prosecution. Column no.17 of charge sheet would reveal main basis for invocation of offences under Sections 323, 504, 506, 498(A) of IPC read with Sections 3 and 4 of DP Act are allegations made by complainant herself except incident occurred on 14.05.2017. Even in respect of said incident, complainant's parents are cited as eye witnesses, but careful perusal of statements recorded by police would not indicate that they were eyewitnesses to incident of assault.

9. When above materials are considered in light of statement of complainant that she intends to withdraw criminal prosecution, chances of conviction of accused no.1 are bleak. Thus, continuation of proceedings would amount to abuse of process of law. Even if charge sheet and material collected by police is taken on its face value alleged offences would not be



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substantiated. Hence, to secure ends of justice and invoking inherent powers, following:

ORDER

- i) Petition is ***allowed***.
- ii) Proceedings in CC.no.115/2018 on file of Principal Civil Judge and J.M.F.C., Hiriyrur for offences punishable under Sections 323, 504, 506, 498(A) of IPC read with Sections 3 and 4 of DP Act, are quashed.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

PHM
List No.: 1 Sl No.: 16