



CNR: KAHC010108822020

NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6340 OF 2020

BETWEEN:

1. J.K. MOHAN,
S/O LATE KEMPAIAH,
AGED ABOUT 58 YEARS,
JINNAGAR VILLAGE,
AMRUTHURU HOBALI,
KUNIGAL TALUK,
TUMAKURU-572111.
2. ANANTHAMMA,
W/O J.K. MOHAN,
AGE ABOUT 50 YEARS,
JINNAGAR VILLAGE,
AMRUTHURU HOBALI,
KUNIGAL TALUK,
TUMAKURU-572111.
3. J.M. UMESHA,
S/O J.K. MOHAN,
NO.67, 1ST 'A' MAIN,
SHAMBHAVI NAGAR,
PEENYA II STAGE,
BENGALURU-560058.
4. SHANEGOWDA T.K.
S/O KARESHANAIAH,
AGED ABOUT 46 YEARS,
R/AT THAREDAKUPPE,
KOTHAGERE HOBLI,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010108822020

NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

KUNIGAL TALUK,
TUMAKURU DISTRICT-572130.

...PETITIONERS

(BY SRI. B.N. SHIVA KUMAR, ADVOCATE FOR
PETITIONER NOS.2 TO 4,
VIDE ORDER DATED 11.09.2026,
PETITION STANDS ABATED IN R/O PETITIONER NO.1)

AND:

1. STATE OF KARNATAKA,
BY WOMEN P.S., TUMAKURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU -560 001.
2. S.M. SWATHI,
D/O MANJANNA,
R/AT NO.69/A,
SRI PRASAD NILAYA,
BEHIND R.R. RESIDENCY,
HOSA BADAVANE, HEGGERE,
TUMAKURU TALUK,
TUMAKURU DISTRICT-572215.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. D.J.SATHISHA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.PC PRAYING TO QUASH THE PROCEEDINGS IN RESPECT OF THE ABOVE PETITIONERS IN CR.NO.59/2019 (SPL.C.C.NO.399/2019) FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 504, 506, 34 OF IPC AND SECTION 4 OF D.P ACT AND THE SC/ST (POA) ACT UNDER SECTION 3(1)(r)(s), 3(2)(v-a) IN WOMEN P.S. AT TUMAKURU, PENDING BEFORE THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT TUMAKURU.



CNR: KAHC010108822020

NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for petitioner Nos.2 to 4 and the learned High Court Government Pleader appearing for respondent No.1/State.

2. The prayer sought in the petition is to quash the proceedings initiated against the petitioners in Crime No.59/2019, for the offence under Sections 498A, 504, 506 read with 34 of IPC, Section 4 of the Dowry Prohibition Act and Sections 3(1)(r), 3(1)(s) and 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC/ST Act' for short).

3. The factual matrix of the case of the complainant is that the complainant and accused No.2 had a love marriage and both of them were loving each other for a period of eight years. Their marriage was conducted at Someshwaraswamy Temple, Bhadramma Circle, Tumkur, as per the customs. The complainant belongs to SC community and the petitioners



NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

belong to Vokkaliga community. On 26.04.2018, both went to Tumkur Sub-Registrar Office and got registered their marriage. After the marriage, the complainant and accused No.1 Santhosh were living separately. It is alleged that after some days, accused No.1's father and mother along with his brother used to call accused No.1 and instigate him to desert his wife saying that he married a person from lower community. It is alleged that the maternal uncle of her husband by name Shanegowda/petitioner No.4 in front of relatives abused her stating that she belongs to Madiga community and told her to leave accused No.1/her husband and humiliated her. Hence, based on the complainant, police have registered the case and investigated the matter and filed the charge-sheet.

4. The learned counsel for petitioner Nos.2 to 4 would vehemently contend that petitioner Nos.2 to 4 have not participated in the marriage. The complainant and accused No.1 fell in love and they married in a temple and the said marriage is also not performed by the family members and they have been falsely implicated. It is alleged that they were abusing her over the phone with the husband, but not stated in



CNR: KAHC010108822020

the complaint the particular date, except making an omnibus statement of allegation including the maternal uncle. The learned counsel would contend that the alleged incident stated in the charge-sheet took place in the house and not in the public view. The learned counsel would contend that they have not participated in the marriage. The learned counsel would contend that on 18.07.2018, the complainant started quarrelling with accused No.1 and accused No.1 tried to avoid quarrel since she was shouting and making galata near the house of accused No.1 and later a false complaint is filed making false allegations. The learned counsel would submit that in the charge-sheet in column No.17, mentioned the date as 15.07.2018 and according to CW1 and CW2, the incident was taken place near Bangalore SRS Shanti Nivasa. The allegation against accused No.4 is that he took accused No.1 along with an advocate.

5. The learned counsel for respondent No.2/complainant is absent.

6. The learned High Court Government Pleader appearing for respondent No.1/State would submit that specific



allegations are made in the complaint against the petitioners that they were abusing her by taking her caste name over the phone. The differences were arisen between the parties within a span of three months of the marriage. The marriage was taken place on 25.04.2018 and divorce petition was filed on 27.05.2019 and in between the complaint was given on 18.07.2018 and no action was taken when the complaint was filed and police have given the endorsement and advised both of them. But the present complaint is filed afterthought, that too after filing divorce petition and also while filing the complaint roped the family members.

7. Having heard the learned counsel for petitioner Nos.2 to 4 and also the learned High Court Government Pleader appearing for respondent No.1/State, it is clear that marriage was taken place on 25.04.2018, in a temple and it was a love marriage. It is specifically contended that none of the family members have participated in the said marriage and both of them have lived separately after the marriage. However, allegations are made in the complaint that the petitioners were instigating accused No.1 over the phone by abusing her caste



NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

CNR: KAHC010108822020

name, but no specific date is mentioned in the complaint that an incident had taken place. However, during the course of investigation, the police have mentioned the date as 15.07.2018 i.e., within 3 months of the marriage, that too mentioned that the incident took place near the house of SRS Shantinivas. When such being the case, the invoking of SC/ST Act does not arise. If any incident has taken place inside the house and if it is not within the public view, the question of invoking the special enactment does not arise in view of the judgment of the Apex Court in the case of **HITESH VERMA v. STATE OF UTTRAKHAND** reported in **(2020) 10 SCC 710**.

8. Having perused the charge-sheet also, except mentioning accused No.5 took accused No.1 along with him and the advocate, nothing is alleged in the respect of these petitioners who have been arrayed as accused Nos.3 to 5. The other members of the family including the maternal uncle is also arraigned as accused and though an allegation is made that he also abused in the presence of the public, but not stated the date of incident in the complaint and this Court has already pointed out that in the complaint specific date of



CNR: KAHC010108822020

**NC: 2026:KHC:51492
CRL.P No. 6340 of 2020**

incident is not mentioned and only an improvement is found that the incident took place near the house when CW1 and CW2 requested the accused persons and only an omnibus allegation is made that they took the caste name and abused. This Court already pointed out that while invoking the special enactment, there must be a humiliation in the presence of the general public or otherwise the question of invoking the special enactment does not arise. Having considered the material on record, it is nothing but an attempt made to rope the family members even though they are not the participants of the marriage. It is clear case of love marriage between the complainant and accused No.1 and subsequently, when differences arose between both of them, falsely implicated the family members. The Apex Court also repeatedly held that it is nothing but an abuse of process by invoking the offence under Section 498A of IPC roping all the family members. When there is an omnibus allegation, the question of these petitioners facing the criminal ordeal is nothing but an abuse of process, which leads to miscarriage of justice.



NC: 2026:KHC:51492
CRL.P No. 6340 of 2020

CNR: KAHC010108822020

9. In view of the discussions made above, I pass the following:

ORDER

- (i) The petition is allowed in part.
- (ii) The proceedings initiated against petitioner Nos.2 to 4/accused Nos.3 to 5 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 44