



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 2850 OF 2019 (482)

BETWEEN:

1. BUDEN SAB
S/O BUDDU SAB
AGED ABOUT 59 YEARS
R/O NO.190/127
2ND CROSS, S V S NAGAR
DAVANAGERE-577002
2. RIYAZ AHMED @RIYAZ
S/O BUDEN SAB
AGED ABOUT 38 YEARS
R/O NO.190/127
2ND CROSS, S V S NAGAR
DAVANAGERE-577002
3. AMJU HUSSAIN
S/O BUDEN SAB
AGED ABOUT 41 YEARS
R/O NO.190/127
2ND CROSS, S V S NAGAR
DAVANAGERE-577002

...PETITIONERS

(BY SRI SYED AKBAR PASHA.,ADVOCATE)

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka





AND:

1. STATE BY WOMEN POLICE
CHITRADURGA TOWN
REP BY PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560001
2. SHAMIN BANU T A
W/O B M MEHBOOB SUBAN
AGED ABOUT 40 YEARS
R/O SIHINEERU HONDAAREA
OPP BARGERAMMA TEMPLE
CHITRADURGA-577501

...RESPONDENTS

(BY SRI. HCGP FOR R1., ADVOCATE)

THIS CRL.P FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO QUASH THE FIR IN CR.NO.35/2018 AND CHARGE SHEET NO.2716/2018 REGISTERED FOR THE OFFENCE P/U/S 354-B,506 AND 504 R/W 34 OF IPC, BY THE 1ST RESPONDENT CHITRADURA WOMEN POLICE, WHICH IS PENDING ON THE FILE OF I ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., CHITRADURGA.

THIS CRIMINAL PETITION IS COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



ORAL ORDER

Challenging FIR in Crime no.35/2018 by Chitradurga Women's Police Station, charge sheet filed and entire proceedings in CC.no.2716/2018 on file of I Additional Senior Civil Judge and JMFC, Chitradurga for offences punishable under Section 354(B), 506, 504, 323 read with Section 34 of IPC this petition is filed.

2. Sri Syed Akbar Pasha, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1 to 3 in complaint filed by respondent no.2-complainant. It was submitted that on 14.04.2018 earlier complaint was filed before Davanagere Women's Police Station alleging that petitioners had developed ill will on account of property dispute and they had abused her in filthy language, threatened to outrage her modesty and sought police to summon accused, warn them against illegal activities and provide protection to complainant. On said complaint, accused were summoned. In their statement, accused denied allegations. Based on same, police closed complaint in NCR no.55/2018 on 17.05.2018. It was submitted failure of



complainant to appear for enquiry and fact that complainant had filed complaint with Chitradurga Women's Police Station registered as Crime no.35/2018 with regard to same incident were noted. It was submitted comparison of said complaint and present complaint would indicate that they did not substantiate any offence. On other hand, complaint filed on 20.04.2018 was embellished with various allegations indicative of improvements on after thought to falsely implicate accused. It was submitted when complaint filed on 14.04.2018 had ended in closure and in case, complainant were aggrieved by same, it could have been pursued by approaching jurisdictional magistrate. It was submitted that complaint dated 14.04.2018 was with specific observation that with regard to the same incident another complaint was filed. It was further submitted that apart from said complaint, complainant had filed another complaint with Hiriya town police station registered as Crime no.80/2019 and for which petitioners/accused were prosecuted for offences punishable under Section 323, 354B, 448, 504 and 506 read with Section 34 of IPC. Same after full-fledged trial ended in acquittal. Attention of this Court was drawn to the fact that the Court had observed that despite efforts of prosecution, the



presence of complainant for prosecution was not secured. It was submitted that allegations in Crime no.80/2019 were similar if not referring to same incident alleging that accused had developed ill-will on account of complainant stalling sale of property, depriving accused of commission and enraging them against complainant. It was submitted that Hon'ble Supreme Court in ***Krishnalal Chawla and Others v. State of Uttar Pradesh and Others***¹ has held filing of multiple complaints in respect of same incident would not be sustainable and quashed same. It was submitted that failure to mention particulars of incident that had occurred on 13.04.2018 in complaint filed on 14.04.2018, failure to appear for enquiry before police and pursue said complaint and proceeding to a different town and filing separate complaint as narrated above and failing to appear and depose in those proceedings indicate that filing of complaints with no other intention than to harass accused which would amount to abuse of process of law. Therefore, sought for allowing petition.

¹ 2021(5) SCC 435



3. Smt.Soumya, learned HCGP on other hand would oppose petition. It was submitted that in so far as instant proceedings, complaint contained necessary allegations containing ingredients for offence alleged and police after investigation had filed charge sheet. It was submitted that there would be no justification for submission that complaint dated 14.04.2018, 20.04.2018 and complaint in Crime No.80/2019 were in respect of same incident and same could not be appreciated at this stage. On said ground, sought for dismissal.

4. There is no appearance on behalf of respondent no.2- complainant.

5. Heard learned counsel for both sides. Perused impugned complaint, charge sheet and material on record. This petition is by accused nos.1 to 3 challenging registration of complaint as well as charge sheet and entire proceedings against accused for offences punishable under Section 354(B), 504, 506, 323. 34 of IPC. Perusal of complaint dated 20.04.2018 reveals that due to expression of intention of complainant against sale of property purchased jointly, there



was some ill will entertained by accused against complainant on the ground that failure of transaction had caused loss of commission. It is alleged that on said ill-will on 06.04.2018 when she was in house of her husband, accused abused complainant in filthy words and threatened to do away with her life. scared of same, when complainant went to Chitradurga, house of her brother on 13.04.2018, accused came there and once again abused complainant and pulled her arm and tore her clothes thereby outraging her modesty and also threatened to kill her son.

6. It is seen that after investigation, prosecution has filed charge sheet in C.C.no.2716/2018. At outset it is seen that complaint refers to incidents stated to have occurred on 06.04.2018 at 06.30 p.m. in her husband's house at Hiriyr and at 7.00 p.m. on 13.04.2018 at house of her brother. A perusal of complaint dated 14.04.2018 reveals that only allegation is about accused abusing her in filthy language. Date and time and other particulars are not mentioned nor abusive words. Said complaint ended with registration of NCR on 17.05.2018. At time of closure of complaint, it is specifically



recorded by police that complainant failed to appear for enquiry and thereafter filed complaint with Chitradurga Women's police station at Chitradurga. Perusal of judgment passed in C.C.no.1778/2021 disposed of on 18.03.2024 by Principal Civil Judge and JMFC at Hiriyuru would reveal that accused were prosecuted on a complaint filed by very same complainant. Complaint allegations extracted in judgment reveal that alleging ill will entertained by accused was on account of loss of commission, accused had trespassed into house of complainant on 29.04.2019 at 9.30 p.m. at Hiriyur abused complainant in filthy language. Incident also involved assault with hands, pulling hand etc. Proceedings ended in order of acquittal.

7. It is observed by learned judge, that there was failure on part of complainant to appear and depose in matter. Though perusal of judgment dated 22.03.2025 passed by II Additional Senior Civil Judge and JMFC, Davangare in CC.No.2451/2020, refers to a different incident, incident alleged to have occurred on 2.02.2020, it was also based on a complaint by same complainant against accused herein. But same is only to find out that said proceedings also ended in



acquittal on account of non-appearance of complainant for deposition. Above material would indicate that several complaints have been filed by respondent no.2-complainant herein against accused. By referring to alleged ill-will entertained by accused on account of failure of sale transaction of a property. It is seen that the first complaint dated 14.04.2018 was devoid of material particulars. Third complaint in Crime no.80/2019 ended in acquittal after full-fledged trial in C.C.no.1778/2021 while another proceedings in C.C. no.2451/2020 also ended in acquittal consistently on common ground that complainant had failed to appear for enquiry or depose in support of her allegation. It is seen that in none of proceedings there is reference to any complaint or action taken by or any other litigation initiated by accused against complainant, indicative of accused deposing confidence in justice delivery system and defending action.

8. In light of above circumstances, it is concluded that failure on part of complainant to pursue complaint filed on 14.04.2018, failure to specifically mention incident occurred on 06.04.2018 and 13.04.2018 respectively in said complaint. But



making said incident basis for present complaint with full particulars would be indicative of afterthought. Especially in light of fact that complaint in instant case is filed 7 days after latest incident that is 13.04.2018 would be indicative of abuse of process of law. Hon'ble Supreme Court in *Krishnalal Chawla and others*(referred supra) has referred to various decisions wherein instances of filing of multiple complaint by same complainant against same accused and held Courts should ensure that a litigant does not suffer due to misutilisation of institution of justice by a party for unjust ends.

9. Hence, Petition is ***allowed.*** FIR in Crime no.35/2018 and charge sheet and proceedings in CC.no.2716/2018 on file of I Additional Senior Civil Judge and JMFC, Chitradurga for offences punishable under Section 354(B), 506, 504, 323 read with Section 34 of IPC stand quashed.

Sd/-
(RAVI V HOSMANI)
JUDGE