



CNR: KAHC010163042026

NC: 2026:KHC:50180
CRL.P No. 3562 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 3562 OF 2026

BETWEEN:

MR. ASHUTOSH SING
S/O AWADESH SING
AGED ABOUT 31 YEARS,
RESIDING AT NO 176, MALAIYA NAGAR,
KUNRAGHAT, GORKAHPUR,
UTTAR PRADESH-273008.
ALSO AT
AT D 405, CONCORDE TECH TURF APARTMENT,
SHIKARIPALYA, JIGANI HOBLI, ANEKAL TALUK,
BANGALORE - 560105.

...PETITIONER

(BY SRI SHANTH KUMAR S P, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY HEBBAGODI PS
REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA AT BANGALORE.

2. SMT. JYOTHI PRIYA MALL,
W/O ASHUTOSH SING,
AGED ABOUT 32 YEARS,
AT D 405, CONCORDE TECH TURF APARTMENT,
SHIKARIPALYA, JIGANI HOBLI,
ANEKAL TALUK, BANGALORE 560105.

...RESPONDENTS

(BY SRI NAGHARISH G S, HCGP FOR R1,
SMT TARJANI DESAI, ADV. FOR R2)

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RAMNATH HEGDE





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THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THE PETITION AND QUASH THE CRIMINAL PROCEEDINGS INITIATED/CONTINUED AGAINST THE PETITIONER, IN C.C.NO.3321/2025 IN CR.NO.76/2025 REGISTERED BY THE HEBBAGODI POLICE STATION PENDING BEFORE THE 2nd ADDL CIVIL JUDGE (Jr.Dn.) AND JMFC COURT, ANEKLA BENGALURU RURAL DISTRICT, PRODUCED AS ANNEXURE B AND C FOR THE OFFENCE P/US/ 323,324,504 OF IPC 1860.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner/accused No.1 and the learned HCGP for respondent No.1 and the learned counsel for the respondent No.2.

2. This petition is filed to quash the charge sheet in C.C. No.3321/2025 registered in Crime No.76/2025 by the Hebbagodi Police. Matter is pending before the JMFC Anekal, Bengaluru Rural District.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the husband of de-facto complainant/respondent No.2. The alleged incident has taken

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place on 22.01.2024, whereas the complaint is filed on 17.02.2025.

4. It is the further submission that the complainant/respondent No.2 has a suicidal tendency, and suffering from hypertension, and respondent No.2 is prone to inflicting injuries on herself and that is evident from the medical records produced by the AIMS, Gorakhpur, where respondent No.2 has taken for treatment initially after the alleged incident dated 22.01.2024.

5. Learned counsel would also submit that the investigation agency has not considered the medical reports and has not considered the petitioner's version appropriately and erroneously filed the charge sheet. Thus, learned counsel would contend that the prosecution is nothing but abuse of the process of the Court.

6. It is also further submission that the petition filed by the wife seeking dissolution of marriage is pending and a matrimonial dispute is sought to be converted into a criminal case.

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7. Learned HCGP would submit that the police after investigation have filed the charge sheet and eye witnesses are available and there are records to show that the complainant has suffered injuries and the circumstances would suggest that the petitioner has caused the injury.

8. Learned counsel for respondent No.2 would submit that though the complaint is filed almost 1 year after the alleged incident, the complainant has provided with proper explanation about the delay and police have filed the charge sheet after investigation.

9. It is further submission that when the petitioner suffered fracture after the incident dated 22.01.2024, the complainant was unconscious and was taken to the hospital by the petitioner and cause of injury, is narrated by the petitioner and not by the complainant. Thereafter, respondent No.2 had undergone surgery and it took some time for recovery and she was pressurized by the husband not to disclose the incident to anyone else and because of the pressure put by the husband/accused No.1 the complainant did not disclose the incident to anyone else. It is when the husband continued to



harass and assault the complainant, respondent No.2 had to lodge a complaint.

10. The learned counsel for the petitioner by way of reply would submit that whenever the complainant has tried to inflict injuries on herself because of the suicidal tendency, the petitioner being the responsible husband has made an attempt to rescue the complainant and in the process, he has suffered injuries and those records are produced along with the petition.

11. The Court has considered the contentions raised at the Bar and perused the records.

12. The police have produced the records which would indicate that, after the complaint filed by the complainant, the case is treated as medico legal case. However, earlier to that, it was not treated as a medico legal case. To this, the complainant has offered an explanation in the complainant's statement stating that the information relating to the incident was not provided by the complainant. It was provided by the husband/accused No.1 as the complainant was unconscious after the fracture.

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13. Whether it was a simple case of fracture due to fall or was due to assault is required to be considered after the trial. The contentions raised by the petitioner as well as the contentions raised by the complainant are based on disputed facts. In a proceeding under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), the Court cannot act on a disputed facts.

14. Under these circumstances the petition is ***dismissed***.

15. All contentions raised by the petitioner is to be considered at the time of trial without being influenced by the this order of dismissal.

16. Observations made in this order are only confined to the scope of the petition under Section 528 of BNSS and nothing beyond.

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(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 2 SI No.: 13