



CNR: KAHC010213712022

NC: 2026:KHC:51921
WP No. 9592 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 9592 OF 2022 (GM-RES)

BETWEEN:

SRI. AMITH KUMAR S
S/O SURESH KUMAR S
AGED ABOUT 29 YEARS
R/AT NO. 1622-174
1st CROSS, SOPPINA KERI,
MANDI MOHALLA
MYSURU - 570 021.

...PETITIONER

(BY SRI. MOHAMMED MUJASSIM, ADVOCATE FOR
SRI. VIDYASAGAR R, ADVOCATE)

AND:

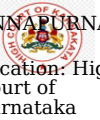
SMT. PAYAL AGARWAL S,
W/O AMITH KUMAR S,
D/O SUNIL KUMAR S,
AGED ABOUT 27 YEARS
R/AT NO. 436, 4th CROSS,
PRASHANTH NAGAR, BHOGADI
MYSURU - 570 026.

...RESPONDENT

(RESPONDENT - SERVED)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA R/W SEC. 482 OF THE CR.PC
PRAYING TO-QUASH THE IMPUGNED ORDER DD 02.03.2022 IN
M.C.NO.156/2020 PASSED BY THE LEARNED III ADDITIONAL
PRINCIPAL JUDGE, FAMILY COURT AT MYSURU VIDE
ANNEXURE-A AND ETC.,

Digitally signed
by
ANNAPURNA
G
Location: High
Court of
Karnataka





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THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

1. Heard Sri.Mohammed Mujassim, learned counsel appearing for Sri.Vidyasagar R., learned counsel for the petitioner. Respondent is served with the notice and remained absent.

2. Petition is filed under Article 226 of the Constitution of India read with Section 482 of Criminal Procedure Code with the following prayer:

"Wherefore the petitioner most humbly prays that this Hon'ble Court pleased to:

- a. Issue a writ of certiorari or any other appropriate writ or direction by quashing the impugned order dated 02.03.2022 in MC No.156/2020 passed by the learned III Additional Principal Judge, Family Court at Mysuru vide Annexure-A.*
- b. Issue a writ of certiorari or any other appropriate writ or direction by quashing the impugned preliminary enquiry dated 02.03.2022 in MC No.156/2020 passed by the learned III Additional Principal Judge, Family Court at Mysuru vide Annexure-B.*



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c. Issue any writ or order or direction as this Hon'ble Court deems fit in the circumstances of the case, including an order as to cost of this writ petition, in the interest of justice and equity."

3. Petitioner herein was the respondent in MC No.156/2020.

4. Said petition was filed by the respondent for divorce under the provisions of the Special Marriage Act. During the course of trial, when the petitioner was in the witness box, a document was confronted to the petitioner herein to establish that he had contracted second marriage during the subsistence of first marriage.

5. Said document was denied by the petitioner and later on respondent was successful in proving the said document and establishing the validity thereof. Therefore, action was initiated for the offence punishable under Section 193 of the Indian Penal Code, 1860 by the jurisdictional Magistrate.

6. Very registration of the case is called in question, in this petition.



7. Having regard to scope of petition filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C., this Court does not find merit in any one of the grounds, as the offence has taken place within the Court proceedings that too when the petitioner has denied the document which ultimately got proved and based on which the divorce petition filed by the respondent came to be allowed.

8. Further, no appeal is filed by the present petitioner challenging the finding recorded by the learned Trial Magistrate insofar as decree of divorce is concerned.

9. It is also noticed that basis for the grant of decree of divorce for the document was the allegation that there was a second marriage contracted by the petitioner herein during the subsistence of the first marriage.

10. Thus, expressing any opinion by this Court, at this stage, would not arise at all nor a case is made out for quashing the pending proceedings.

11. It is always open for the petitioner to establish his innocence if any, before the Trial Court in accordance with law.



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12. With that observation, following:

ORDER

Petition is *dismissed*.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 67