



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 7773 OF 2022

C/W

CRIMINAL PETITION NO. 3035 OF 2021

IN CRL.P.No.7773/2022:

BETWEEN:

SRI SHAMANTH B H
S/O LATE HEMANTH KUMAR
AGED ABOUT 31 YEARS
R/AT#87, 2ND 'A' MAIN ROAD,
MALLATHAHALLI LAKE ROAD,
MALLATHAHALLI,
BENGALURU - 560 056.

...PETITIONER

Digitally signed
by ANUSHA V

Location: High Court of Karnataka [BY SMT.MONICA PATIL, ADVOCATE]

AND:

- 1 . STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
SUBRAMANYAPURA P S
REPRESENTED BY THE
SPECIAL PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001.
- 2 . SRI RAM KUNCHUR
S/O NARASHINHA KUNCHUR



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

AGED ABOUT 37 YEARS
R/AT NO.168,
1ST MAIN, 4TH CROSS
RAMANJANEYA NAGAR
CHIKKALASANDRA
BENGALURU - 560 061.

3. SMT.SHREYASWINI K.R.,
W/O SRI RAM KUNCHUR.,
AGED ABOUT 34 YEARS,
4. SMT. JAYALAKSHMI
W/O LATE K.V.JAYARAM,
AGED ABOUT 63 YEARS,

RESPONDENTS NO.3 & 4 ARE
R/A NO.168, 1ST MAIN ROAD,
4TH CROSS, RAMANJINEYA NAGAR,
CHIKKALASANDRA,
BENGALURU - 560 061.

RESPONDENTS NO.3 & 4 ARE
INCLUDED V/O DATED 14.09.2023.

...RESPONDENTS

(BY SRI MAHESHA P., HCGP FOR R1;
SRI SANDHIPINI H.NEGLUR, ADVOCATE FOR
SRI ARAVIND M.NEGLUR, ADVOCATE FOR R2 TO R4)

THIS CRL.P IS FILED U/S.482 CR.P.C., PRAYING TO
QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN
C.C.NO.9860/2022 PENDING ON THE FILE OF II ADDITIONAL
CHIEF METROPOLITAN MAGISTRATE AT BENGALURU AND
CONSEQUENTLY QUASH THE CHARGE SHEET DATED



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

13.12.2022 (ANNEXURE-F) IN CR.NO.21/2021 FOR THE
OFFENCE P/U/S.448,323 OF IPC.

IN CRL.P.No.3035/2021:

BETWEEN:

- 1 . SRI RAM KUNCHUR
S/O NARASHINHA KUNCHUR
AGED ABOUT 36 YEARS
- 2 . SMT.SHREYASWINI K.R.,
W/O SRI RAM KUNCHUR
AGED ABOUT 34 YEARS,
3. SMT.JAYALAKSHMI
W/O LATE RAJARAM K.V.,

ALL ARE RESIDING AT
NO.168, 1ST MAIN ROAD,
4TH CROSS,
RAMANJINEYA NAGAR,
CHIKKALASANDRA,
BENGALURU - 560 061.

...PETITIONERS

[BY SRI SANDHIPINI H.NEGLUR, ADVOCATE FOR
SRI ARAVIND M.NEGLUR, ADVOCATE]

AND:

1. THE STATE,
REP BY SUBRAMANYAPURA
POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

2. SMT.YESHASHWINI K.R.,
W/O SRI SHAMANTH B.H.,
AGED ABOUT 28 YEARS,
RESIDING AT NO.168,
1ST MAIN, RAMANJINEYA NAGAR,
CHIKKALASANDRA,
BENGALURU - 560 061.

...RESPONDENTS

(BY SRI MAHESHA P., HCGP FOR R1;
SMT.MONICA PATIL, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE ENTIRE CRIMINAL PROCEEDINGS IN
CR.NO.73/2021 FILED BY THE FIRST RESPONDENT NOW
PENDING ON THE FILE OF II ADDITIONAL CHIEF
METROPOLITAN MAGISTRATE AT BENGALURU ON THE FIRST
INFORMATION OF THE SECOND RESPONDENT HEREIN FOR THE
OFFENCES P/U/S.506, 34, 504, 323, 342, 354 OF IPC.

THESE PETITIONS ARE HAVING BEEN HEARD AND
RESERVED FOR ORDERS ON 03.08.2026, THIS DAY, THE
COURT, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

CAV ORDER

Challenging charge sheet and entire proceedings in CC no.9860/2022 pending on file of II ACMM, Bengaluru for offences punishable under Sections 448, 323 of Indian Penal Code, 1860 (**IPC**), Crl.P.no.7773 of 2022 is filed.

2. While Crl.P.no.3035 of 2021 is filed challenging registration of FIR in Crime no.73/2021 by Subramanyapura Police Station, Bengaluru for offences punishable under Sections 506, 504, 323, 342, 354 read with 34 of IPC presently pending on file of II ACMM, Bangalore.

3. Smt.Monica Patil, learned counsel for petitioner in Crl.P.no.7773/2022 submitted that on 09.01.2021, a complaint was filed by Ram Kunchur, his wife Shreyaswini KR and his mother-in-law Jayalakshmi with Dy.Commissioner of Police, Jayanagar, Bengaluru (**Dy.CP**) about non-registration of complaint by Station House Officer (**SHO**), Subramanyapura Police Station. It was alleged that on intervening night/early morning of 25.11.2020, they woke up to a male voice shouting loudly and found an unknown person (later identified to be



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

Shamanth BH - accused) had trespassed into their compound and was banging on their door to force them to open it, which frightened them. After opening door, they tried to stop him from entering, but he pushed them aside and barged in. Due to same, they fell down. When Shreyaswini tried to call Police, he snatched her mobile phone and assaulted her on her face, shoulder, back etc. and tried to strangle her. But she managed to escape and saved her life. They alleged that intruder searched for Yashaswini, sister of Shreyaswini and on finding her, held her hand and tried to drag her outside. Hearing their hue and cries, neighbours arrived to their rescue. On noticing same, intruder fled away. They stated, though on evening of 25.11.2020, they gave complaint to SHO, Subramanyapura Police Station, it was not taken seriously and after registering it as non-cognizable offence, SHO did nothing to obtain permission of jurisdictional Magistrate to investigate. Shamanth was merely summoned to police station and asked to return mobile phone. They alleged that due to inaction and negligence of SHO, Shamanth had by then transferred data from it and apprehended its misuse. They alleged that apart



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

from house trespass, use of criminal force, causing hurt, assault against women, attempt to abduct unmarried daughter and snatching mobile phone etc. he had also committed offence under Information Technology Act, 2000 (**IT Act**) in respect of data stored in mobile phone and prayed for action.

4. Based on directions issued by Dy.CP to register case against Shamanth, conduct investigation and take necessary steps for securing and safely returning data allegedly taken from mobile phone, at 7:30 p.m. on 14.01.2021, FIR in Crime no.21/2021 was registered by Subramanyapura Police Station for offences punishable under Sections 448, 354, 323, 511, 453, 387 of IPC. After investigation, Police filed charge sheet on 13.12.2021 for offences punishable under Sections 448 and 323 of IPC. Based on same, Magistrate in CC no.9860/2022 took cognizance of offences and issued summons to Shamanth. Aggrieved thereby, Shamanth filed Crl.P.no.7773/2022.

5. It was submitted, since complaint was filed 45 days after incident on 25.11.2020, there was inordinate delay in



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

filing complaint and even from date of issuance of NCR no.507/2020 on 28.11.2020, complaint still suffered delay of one and a half months.

6. It was submitted, filing of fresh complaint after issuance of NCR no.507/2020 on complaint with regard to very same incident dated 25.11.2020 by Subramanyapura Police Station, by embellishing complaint with particulars to implicate Shamanth of more serious offences would require to be viewed with *malafide* intention and vengeance and required to be quashed as abuse of process of law. It was submitted, High Court of Bombay in **Jitendra Namdev Daravkar v. State of Maharashtra [2025:BHC-AS:31112-DB]**, held that if after issuing non-cognizable offence endorsement, Police desired to register FIR on narration of additional facts, they had to obtain order from Magistrate under Section 155 of CrPC. And in **Tulsidas Gopal Naik and Anr. v. State of Goa and Ors.** reported in **2022 SCC OnLine Bom 6691** and **Asif Khan Pathan v. State through PP and Ors.** reported in **2023 SCC Online Bom 2217**, it was held that Police cannot investigate



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

into NCR, without leave of Magistrate and therefore, should not register FIR.

7. It was submitted, Shamanth and Yashaswini were in love and intended to marry each other. It was submitted that complainants - her family members opposed inter-caste marriage and filed complaints to implicate Shamanth. It was submitted, he went to house of Yashaswini as she was confined by them. It was submitted, Yashaswini had filed complaint on 10.12.2020 and sought police protection against complainants and Subramanyapura Police had issued NCR no.1538/2020 endorsement. On 27.01.2021, Shamanth married Yashaswini. Thereafter, when she went home to retrieve her money and other valuables, her brother-in-law assaulted her and threatened to ruin her life and that of Shamanth. Alarmed by same, she filed complaint against present complainants about house arrest, cruelty, assault, harassment, life threats, and theft of her certificates.

8. In light of above circumstances, invocation of offence under Section 448 of IPC would not be either attracted nor justified. More so, since statements of witnesses



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

contradicted complaint and CWs.1 to 3 admitted relationship of Yashaswini with Shamanth. It was submitted, Hon'ble Supreme Court in **Mahmood Ali v. State of U.P. & Ors.** reported in **(2023) 15 SCC 488**, observed that in a petition under Section 482 of CrPC or Article 226 of Constitution of India for quashing of proceedings on ground of same being frivolous/vexatious or instituted to wreak vengeance, it will not be enough for High Court merely to verify whether essential ingredients of offences are disclosed and that it owed duty *to look into other attending circumstances emerging from record with due care and circumspection, to try and read between lines and need not restrict itself only to stage of a case but rather empowered to take into account overall circumstances leading to initiation/registration of case as well as materials* collected in course of investigation, especially where multiple FIRs are registered over period of time. It was submitted, holistic appreciation of above facts and circumstances would reveal blatant abuse of process of law necessitating interference by this Court and prayed for allowing petition.



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

9. It was submitted, since offence under Section 323 of IPC was non-cognizable and registration of FIR, conduct of investigation and filing of charge sheet without prior permission from Magistrate suffered from fatal procedural violation. Even absence of treatment records or wound certificate would reinforce challenge on ground of credibility of allegation of assault. It was submitted, Hon'ble Supreme Court in **State of Kerala v. Suni alias Sunil** reported in **2025 SCC OnLine SC 2295** had clarified that procedure in a cognizable offence vastly differed from non-cognizable offence. It held, on receipt of information of non-cognizable offence, SHO was required to record it and refer informant to Magistrate and as per Section 155 (2) of CrPC, there can be no investigation without order of Magistrate.

10. Reliance was also placed on decision of Hon'ble Supreme Court in **BN John v. State of U.P.** reported in **(2025) 11 SCC 701**, wherein it was held that even if during investigation of cognizable or non-cognizable offence on basis of FIR, new facts emerged constituting non-cognizable offence, Police can continue with investigation of such non-cognizable



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

offence without written complaint or an order from Court. Further, it held that under Section 155 (4) of CrPC, such a case is deemed to be a cognizable offence, allowing Police to continue investigation seamlessly. However, it clarified that where investigation of cognizable offence itself suffers from legal infirmity and is without jurisdiction from initial stage, entire investigation stands vitiated. Consequently, for this reason, Police cannot seek shield of Section 155 (4) of CrPC when foundational FIR fails to disclose commission of a cognizable offence from its inception.

11. It was further submitted that this Court in **Vaggeppa Gurulinga Jangaligi v. State of Karnataka** reported in **2019 SCC OnLine Kar 2708** and in **Melwin Vishwas D'Souza v. State of Karnataka [2022:KHC:2635]**, held it mandatory to obtain order of Magistrate under Section 155 (2) of CrPC before commencing investigation into a non-cognizable offence. And clarified that such permission was to be by a formal order and not by mechanical endorsements like '*permitted*' or '*approved*', which would vitiate all further proceedings.



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

12. Smt.Sandhipini H Neglur, learned counsel appearing for Sri Aravind H Neglur, advocate for respondents no.2 to 4 also opposed petition and submitted, complaint contained allegations of cognizable as well as non-cognizable offences. It was submitted, offence of house trespass under Section 448 of IPC would be attracted as Shamanth was alleged to have jumped compound wall, satisfying definition of house trespass under Section 442 of IPC. Further, allegation of Shamanth slapping Shreyaswini, snatching her mobile phone corroborated by statements of charge sheet witnesses attracted offence under Section 323 of IPC. In view of above, registration of FIR, investigation and filing of charge sheet was by following all legal procedure and challenge was without merit and prayed for dismissal.

13. And appearing for petitioners in Crl.P.no.3035/2021 submitted that challenging FIR in Crime no.73/2021 by Subramanyapura Police Station for offences punishable under Sections 506, 504, 323, 342, 354 read with 34 of IPC presently



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

stated to be pending on file of II Additional Chief Metropolitan Magistrate, Bangalore, above petition was filed.

14. It was submitted that petitioners – Ram Kunchur, Shreyaswini and Jayalakshmi were accused in complaint filed by Yashaswini on 12.03.2021, falsely stating that when she was residing with her brother-in-law, sister and mother (***accused***), she was forced by her mother to leave her Job, attend household responsibilities and take care of her sister's kid. She stated that she was treated as a slave. That Ram Kunchur ill-treated her and accused commented on her appearance. After she expressed her desire to go away and lead her life by marrying person of her choice, there was harassment and violence from accused. She was assaulted and confined in house against her will. She also alleged that Ram Kunchur held her hand, pulled her, assaulted her on head and face, held her by neck and abused her in vulgar language, while Shreyaswini allegedly pulled her hair, assaulted her on stomach. She further stated that on 25.11.2020, when Shamanth and another came to take her for short vacation, she was house arrested. In their presence, accused assaulted her and filed false complaint of



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

assault against Shamanth and his friend. She further stated that on 10.12.2020, she went to Subramanyapura Police Station and expressed her unwillingness to continue residing with accused. At that time, her mother tried to represent to Police that she was mentally unsound and sought to detain her in house. And though Police supported her, no FIR was registered by treating it as family dispute.

15. Thereafter, she went to house of Shamanth and was planning her marriage with him. On 08.01.2021, her mother convinced her to come home and take her belongings and sever relationship with her family. But when she went home, it was vacant and her employment certificates, salary and valuables purchased with her salary were missing. She alleged that on same day, Ram Kunchur abused and assaulted her and threatened to ruin her life and her husband's career. She alleged that without any incident, Ram Kunchur called Police and filed complaint based on false allegations and that in her statement, she stated correct facts. She further alleged about false complaint filed against her husband in second week of January and about attempt by accused to harass her and



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

ruin her life and about threats by accused to her and her in-laws. Same was registered as Crime no.73/2021 by Subramanyapura Police Station for offences punishable under Sections 506, 34, 504, 323, 342 and 354 of IPC. Aggrieved by same, petition was filed.

16. It was submitted, impugned complaint dated 12.03.2021 was counterblast to complaint dated 09.01.2021 filed against her husband Shamanth in Crime no.21/2021. It was submitted, Hon'ble Supreme Court in **Ram Murti Shukla v. State of UP and Anr. [Crl.A.no.2788/2023]** disposed of on 12.09.2023], held that a complaint filed as counter blast to ongoing litigation or continuing such proceedings amounted to abuse of judicial process and quashed same. And that Hon'ble Supreme Court in **Mahmood Ali's** case (supra) held that in a quashing petition, Court owed duty to look into circumstances emerging with due care, try and read between lines and if proceedings found to be vexatious not to hesitate to quash them. And in **Naresh Aneja v. State of UP [2025 INSC 19]**, cautioned against mini trial while ascertaining essential ingredients of offences alleged in quashing petition. Further,



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

submitted that this Court in **Sri Vivekananda v. State of Karnataka [2023:KHC-D:10044]** held mechanical invocation of Sections 504 and 506 of IPC in matrimonial cases amounted to abuse.

17. It was submitted that in **State of Haryana v. Ch.Bhajan Lal and Ors.** reported in **1992 Supp (1) SCC 335**, it was held where allegations in complaint, even if taken on face value do not prima facie constitute any offence or where criminal proceedings are manifestly attenuated with *mala fide* or maliciously instituted etc. High Court can exercise power under Section 482 of CrPC. It was lastly submitted that there were no specific overt acts or allegations against Jayalakshmi. Therefore, impugned proceedings against her could not be continued. On above grounds, sought for allowing petition.

18. Opposing said petition, Smt.Monica Patil, learned counsel submitted that in her complaint, Yashaswini clearly implicated accused of harassment, assault wrongful confinement etc. against her family members due to opposition



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

of her marriage with Shamanth. She later married Shamanth on 27.01.2021. It was submitted, said acts attracted offences as invoked and therefore, petition for quashing was without merit. On above grounds, sought for dismissal.

19. Sri Mahesha P., learned HCGP for respondent - State in both petitions opposed same.

20. Heard learned counsel and perused material on record.

21. Both petitions are for quashing of criminal proceedings. While Crl.P.no.7773/2022 is by Shamanth challenging charge sheet and entire proceedings for offences punishable under Sections 448 and 323 of IPC mainly on ground of 45 days delay in filing complaint; complaint filed with *malafide* intention to wreak vengeance and harass him; illegality in registration of FIR after issuance of non-cognizable offence endorsement on earlier complaint on same cause of action; registration of FIR in respect of non-cognizable offence and abuse of process of law as filing of complaint is to oppose inter-caste love marriage.



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

22. Crl.P.no.3035/2021 is by accused challenging registration of FIR for offences punishable under Sections 506, 504, 323, 342, 354 read with 34 of IPC, on ground of complaint being counterblast to earlier complaint in Crime no.21/2021 against husband of complainant; absence of material particulars in complaint and complaint not containing essential ingredients of offences alleged.

In Crl.P.no.7773 of 2022:

23. Several contentions are urged for quashing of entire proceedings, one of them is about illegality of registration of FIR on second complaint, which would go to root of matter and therefore, taken upfront. Admittedly, in respect of incident dated 25.11.2020, complaint was filed against Shamanth on 25.11.2020. On examination, NCR no.507/2020 was issued. If aggrieved by same, option open to complainants therein would be to approach Superintendent of Police or in this case, Commissioner of Police under Section 154 (3) of CrPC or proceed under Section 156 (3) of CrPC.



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

24. In **Tulsidas's** case (supra), Division Bench of High Court of Bombay, while considering challenge against registration of FIR based on second complaint made to Superintendent of Police (**SP**) after issuance of NCR by jurisdictional Police earlier, quashed proceedings. Telephonic direction to register FIR or endorsement 'discuss', SP were held unacceptable. **Asif Khan's** case (supra) also involved challenge of FIR on ground of violation of Section 155 (2) of CrPC. It was held, after initial complaint by wife was issued with NCR, registration of FIR based on complaint made next day with additional allegations with regard to same incident without leave of Magistrate under Section 155 (2) of CrPC was held illegal. Above ratio was reiterated in **Jitendra's** case (supra).

25. In instant case, though subsequent complaint dated 09.01.2021 is styled as appeal against non-registration of earlier complaint, issuance of NCR is omitted and complaint embellished with ingredients for more severe offences under Sections 349, 350, 319, 354, 362, 366, 383, 387 and 506 of IPC and Sections 66B and 66C of IT Act. On it, Dy.CP endorsed 'PI Subramanyapura to register FIR and investigate' leading to



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

registration of impugned FIR. In view of ratio in **Tulsidas, Asif Khan** and **Jitendra's** cases (supra), registration of FIR without leave of Magistrate under Section 155 (2) of CrPC after issuance of NCR on earlier complaint in respect of same incident would be illegal. Consequently, all further proceedings vitiate and Crl.P.no.7773/2022 would succeed.

In Crl.P.no.3035 of 2021:

26. Careful perusal of impugned complaint reveals that insofar as allegations about incidents upto 25.11.2020, complainant was issued with NCR no.538/2020 on 10.12.2020. Though registration of FIR in Crime no.73/2021 on 12.03.2021 is mentioned to be in respect of incidents from 11.12.2020 upto 12.03.2021 allegations are vague and omnibus without particulars as to date, time and place of incidents, in absence of which complaint would fall foul of requirements of law as held by Apex Court in **Ghanshyam Soni v. State (Govt. of NCT of Delhi) and Anr.**, reported in **2025 SCC OnLine SC 1301**.

27. Besides, in **Mohammad Wajid and Anr. v. State of UP & Anr.** reported in **2023 SCC OnLine SC 951**, it held:



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

"38. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

28. Given multiple FIRs registered between parties, overall circumstances must be evaluated by reading between lines, in accordance with **Mohammad Wajid's** case (supra) and also as per **Mahmood Ali's** case (supra) relied in both cases.

29. Apparently, genesis of allegations/complaints between parties herein appears to be familial resentment towards an inter-caste love marriage of Yashaswini and



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

Shamanth, with parties attempting to trade allegations with counter allegations, which has to be viewed as abuse of process of law. Consequently, even Crl.P.no.3035/2021 would succeed.

30. At this stage, need to sensitise them about position in law that there is no prohibition against consensual adults marrying against family wishes and observations of Hon'ble Supreme Court in **Lata Singh v. State of U.P.** reported in **(2006) 5 SCC 475** that once a person attains age of majority, he or she would be entitled to choose their life partner with dignity, free from domestic violence or illegal physical restraint from family members. And to similar observations in **Shakthi Vahini v. Union of India and Ors.** reported in **(2018) 7 SCC 192**, wherein among remedial measures suggested (though in context of preventing honour killing), included providing police protection to such couple. Hoping that present situation does not aggravate to invite directions, following

ORDER

(i) Crl.P.no.7773/2022 is ***allowed.*** Entire proceedings in CC no.9860/2022 pending on file of



CNR: KAHC010364942022

NC: 2026:KHC:55242
CRL.P No. 7773 of 2022
C/W CRL.P No. 3035 of 2021

II ACMM, Bengaluru for offences punishable under Sections 448, 323 of IPC are *quashed*;

(ii) Crl.P.no.3035/2021 is ***allowed***. FIR in Crime no.73/2021 by Subramanyapura Police Station, Bengaluru for offences punishable under Sections 506, 504, 323, 342, 354 read with Section 34 of IPC presently pending on file of II ACMM, Bengaluru and all further proceedings are *quashed*.

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

GRD,YKL,AV
List No.: 1 Sl No.: 58