



CNR: KAHC010396332019

NC: 2026:KHC:37678
CRL.P No. 5018 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.5018 OF 2019

BETWEEN:

1. DR VIVEK B S
S/O LATE SRINIVAS MURTHY,
AGED ABOUT 32 YEARS,
2. SMT RENUKA
W/O LATE SRINIVAS MURTHY,
AGED ABOUT 62 YEARS,
3. VINAY B.S
S/O LATE SRINIVAS MURTHY,
AGED ABOUT 36 YEARS,
4. SMT. HEMAVATHI
W/O VINAY B.S,
AGED ABOUT 28 YEARS,

ALL ARE RESIDING AT
809/A2, INCHARA,
SADRAN BADAVANE,
SARASWATHINAGARA,
DAVANAGERE 577005.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONERS

(BY SRI VINOD N., ADVOCATE FOR
SRI SUNEEL S. NARAYAN, ADVOCATE FOR P1 TO P4)

AND:

1. STATE OF KARNATAKA BY
WOMAN POLICE,
DAVANAGERE,
BY STATE PUBLIC PROSECUTOR,



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HIGH COURT BUILDING,
BENGALURU 560 001.

2. DR. SEEMA VIVEK
W/O DR.VIVEK B.S,
AGED ABOUT 35 YEARS,
809/A2, INCHARA,
SADRAN BADAVANE,
SARASWATHINAGARA,
DAVANAGERE - 577 005.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
SRI K.B.PRASANNA, ADVOCATE FOR
SRI RATHNAGIRI SWAMYNATHAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE COMPLAINT AND FIR IN CRIME NO.49/2019
DATED 02.06.2019 REGISTERED BY WOMEN POLICE STATION,
DAVANAGERE, PENDING ON THE FILE OF THE II ADDITIONAL
CIVIL JUDGE (SR.Dn.) AND JMFC COURT, DAVANGERE FOR
THE OFFENCE P/U/S.498-A,323,354-A,504,506,114 R/W
SEC.34 OF IPC AND U/S.4 OF DP ACT, 1961.

THIS PETITION, COMING ON FOR HEARING ON I.A., THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.49/2019 by
Women Police Station, Davanagere on 02.06.2019 presently
stated to be pending on file of II Additional Civil Judge (Sr.Dn.)



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and J.M.F.C., Davanagere for offences punishable under Sections 498(A), 323, 354(A), 504, 506, 114 read with Section 34 of Indian Penal Code, 1860 (**IPC**) and Section 4 of Dowry Prohibition Act, 1961 (**DP Act**), this petition is filed.

2. Sri Vinod N., learned counsel appearing for Sri Suneel S. Narayan, advocate for petitioners submitted that accused were petitioners no.1 to 4 respectively in a complaint filed by respondent no.2 (complainant) on 02.06.2019 alleging that while pursuing education in Dental College at Shivamogga in year 2007, she became acquainted with petitioner no.1 which progressed into an affair and later their marriage on 11.12.2014. It was further stated that though complainant and petitioner no.1 had physical relationship prior to marriage, after marriage however petitioner no.1 avoided physical contact with her on flimsy reasons and did not treat her with love and affection.

3. It was submitted, even petitioner no.2 (mother-in-law), petitioner no.3 (brother-in-law) and petitioner no.4 (sister-in-law) also caused mental harassment force complainant to lose her confidence and instigated suicide, due



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to which she suffered depression. They also harassed her with demands for dowry. Complainant further alleged that on date of marriage, a junior girl of her husband had called complainant stating that she was in relationship with petitioner no.1 and asked her to give up petitioner no.1 and facilitate their marriage, which petitioner no.1 had explained that caller was mentally unwell and made call. However, physical and mental harassment continued and complainant was not provided proper food and also suspected of stealing nosepin from pooja room, and by not allowing her to use water heater, refrigerator, fan or TV etc., they harassed her mentally and physically.

4. It was submitted on 08.05.2019 when petitioner no.1 was caught with a girl behind closed doors in their clinic, petitioner no.2 assaulted complainant by stating that her son had right to have relationship with anyone and prompted complainant to give divorce by taking Rs.2,00,000/- and threatened that in case she filed complaint with Police, Women's Commission or any authority, complainant and her family members would be killed. There was also allegation against complainant of stealing *Mangalya chain*. Subsequently,



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petitioners had demanded complainant to bring Rs.10,00,000/- as dowry to facilitate petitioner no.1 to go abroad for studies. Thus, petitioners had not only ill-treated complainant, but also abused and caused mental and physical harassment.

5. It was further stated that on 02.06.2019 at 1:45 a.m., when petitioner no.2 assured to sort out issues between complainant and petitioner no.1 and complainant's parents had arrived for discussion, they were not only abused but also assaulted. It was alleged that petitioner no.1 had beaten complainant on her head and back, pulled her hair and assaulted her parents and thereafter, petitioner no.3 (brother-in-law) had torn her dress and assaulted her and petitioner no.4 (sister-in-law) had also torn her dress and assaulted complainant. Therefore, complainant sought action. Said complaint was registered as Crime no.49/2019 for offences punishable under Sections 498(A), 323, 354(A), 504, 506, 114 read with Section 34 of IPC and Section 4 of DP Act, this petition is filed.

6. It was submitted, complaint was nothing but a counterblast to legal notice dated 28.05.2019 got issued by



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petitioner no.1 demanding divorce from complainant and suit filed by petitioners no.2 and 3 in OS no.244/2019 on file of Civil Judge (Jr.Dn.) Davanagere for permanent injunction against complainant. Insofar as incident dated 02.06.2019, it was submitted that petitioner no.1 was victim of assault and had taken treatment at Chigateri District Hospital, Davanagere for sustained injuries. Same would belie occurrence of incident as alleged and initiation of proceedings not only against petitioner no.1 but also his mother, brother and sister would substantiate abuse of process of law and sought for quashing.

7. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1 - State would oppose petition. It was submitted, offences alleged were cruelty to married woman, voluntarily causing hurt, making of sexually coloured remarks, intentional insult and criminal intimidation as well as abetment and demand of dowry, for which ingredients were present in complaint. Therefore, registration of FIR against petitioners did not call for interference. It was submitted, contentions urged were in nature of defence and would be matter for investigation and trial. On said grounds prayed for dismissal of petition.



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8. Sri K.B. Prasanna, learned counsel appearing for Sri Ratnagiri Swamynathan, advocate for respondent no.2 (complainant) opposed petition by adopting submission of learned HCGP and prayed for dismissal of petition.

9. Heard learned counsel and perused material on record.

10. This petition is by accused (petitioners) challenging registration of FIR. It is settled law that in case of challenge of FIR/complaint, Court would require to examine whether contents of complaint taken on face value indicate commission of offence. Even circumstances surrounding registration of complaint could also be referred to. Perusal of complaint dated 02.06.2019 would reveal that complainant's grievance against petitioners was about mental and physical harassment with demands for dowry, assault, intentional insult, causing hurt, criminal intimidation etc.

11. *Prima facie* essential ingredients for offences appear present in complaint. Veracity of allegations would be a matter for investigation and trial and cannot be examined at this



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stage. However, complaint allegations would indicate that matrimonial relationship between complainant and petitioner no.1 had turn sour and there was demand for divorce on part of petitioner no.1. Though, it is alleged that complaint is filed as a counter blast to legal notice got issued by petitioner no.1 demanding divorce on 28.05.2019 prior to filing of complaint herein, perusal of copy of notice appended to this petition would not indicate that it was issued or served prior to complaint, except that it is dated 28.05.2019. That apart OS no.244/2019 is alleged to have been filed by petitioners no.3 and 4 is on 07.06.2019, which would also be after complaint in question.

12. Reliance by complainant on outpatient record would only indicate that petitioner no.1 was examined at Chigateri District Hospital for certain injuries allegedly on account of assault involving biting by his wife at 2:30 p.m. on 02.06.2019. Indeed, medical examination has been endorsed as a medico legal case but whether complaint is registered and proceedings initiated in pursuance thereof is not clarified. Be that as it may, time of incident would be subsequent to incident's in question



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and there is no allegation of assault on petitioner no.1. Thus, contention that impugned complaint was as a counterblast is not substantiated at this stage. Same would be matter for investigation and trial. Reserving liberty to urge all contentions in case charge sheet is filed, petition is ***dismissed*** as devoid of merit.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 SI No.: 7