



CNR: KAHC010406352026

NC: 2026:KHC:44090
CRL.RP No. 999 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL REVISION PETITION NO. 999 OF 2026
(397(Cr.PC) / 438(BNSS))

BETWEEN:

1. SRI. HEMANTHA K N
S/O. NARASIMHEGOWDA,
AGED ABOUT 41 YEARS,
R/AT ASHTALAKSHMI LAYOUT,
1ST CROSS, JP NAGARA,
7TH STAGE,
BENGALURU CITY - 560 078.
2. SMT. LAKSHMI,
W/O. KUMAR K H,
AGED ABOUT 42 YEARS,
R/AT 5TH CROSS,
LEELAVATHI EXTENSION,
MADDURU TOWN,
MANDYA DISTRICT - 571428.
3. KUMARI @ BINDU,
W/O. RANGANATHA,
AGED ABOUT 39 YEARS,
R/AT PETE BEEDI,
GORURU VILLAGE,
HASSAN TALUK AND DISTRICT - 573120.

...PETITIONERS

(BY SRI. G.B.SHARATH GOWDA, ADVOCATE)

Digitally
signed by
RAKSHA
Location:
High Court
of Karnataka



CNR: KAHC010406352026

NC: 2026:KHC:44090
CRL.RP No. 999 of 2026

AND:

1. STATE OF KARNATAKA
BY MADDUR POLICE STATION,
MANDYA DISTRICT,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560001.
2. RENUKA
D/O THIMMARAYAPPA,
AGED ABOUT 35 YEARS,
RESIDING AT KONASANDRA VILLAGE,
KALLUBALU POST,
JIGANI, ANEKAL TALUK,
BENGALURU-560105.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;
SMT. SAVITRA U H., ADVOCATE FOR R2)

THIS CRL.RP IS FILED U/S 397 R/W 401 OF CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO a) SET ASIDE THE ORDER DTD 29.05.2026 PASSED IN SPL.C.NO.232/2022 ON THE FILE OF THE V ADDL. DISTRICT AND SESSIONS JUDGE, MANDYA, DISMISSING THE DISCHARGE APPLICATION FILED BY THE PETITIONERS U/S 250 OF BNSS, 2023. b) DISCHARGE THE PETITIONERS FROM ALL THE OFFENCES ALLEGED AGAINST THEM IN SPL.C.NO.232/2022 ON THE FILE OF THE V ADDL. DISTRICT AND SESSIONS JUDGE, MANDYA.

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



CNR: KAHC010406352026

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

Heard learned counsel for the petitioners and learned High Court Government Pleader for respondent No.1/State and learned counsel for respondent No.2-Defacto complainant.

2. The petitioners have filed this petition under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023('BNSS' for short) praying to set-aside the order dated 29.05.2026 passed in Spl.C.No.232/2022 on the file of V Addl. District and Sessions Judge, Mandya dismissing the discharge application filed by the petitioners under Section 250 of BNSS, 2023.

3. For the sake of convenience, the parties herein are referred to as per the ranks before the trial Court. Revision petitioners are accused Nos.1 to 3 and respondent No.1 is State and respondent No.2 is the Defacto complainant.

4. The brief facts of the prosecution case is as follows:-

On 03.08.2022, the defacto complainant lodged a complaint against the petitioners at Maddur Police station,



CNR: KAHC010406352026

Mandya District, against the accused for the offences punishable under Sections 376(2)(n), 417, 420, 323, 504 and 506 IPC and Section 3(2) (va) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities), Amendment Act, 2015, stating that during the year 2020-2021, the victim was working with accused No.1 in Network Marketing at Bengaluru and they got acquainted with each other and they started to love each other. Initially, the victim-defacto complainant rejected the proposal made by accused No.1 on the ground that accused No.1 belonged to vokkaliga community and she belonged to Scheduled caste community. Thereafter, she consented for the relationship. At this stage, accused No.1 introduced the victim to accused No.2. who is his sister and both accused Nos.1 and 2 forced the victim to marry accused No.1. On 02.01.2021, accused No.1 took the victim to the house of accused No.2 at Madduru, where in the house of accused No.2, accused No.1 committed rape on the victim against the will of the victim and told her not to reveal said aspect to anybody and also undertook to marry her. Thereafter, accused Nos.1 and 2 in connivance with each other, borrowed



CNR: KAHC010406352026

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CRL.RP No. 999 of 2026**

hand loans from the victim. On 01.04.2021, both accused Nos.1 and 2 took the victim to Subha Sai Hotel, where accused No.2 booked a room in her name for her stay. Accused Nos.1, 2 and the victim stayed in the said hotel room and when accused No.2 left the room for a while, accused No.1 committed sexual intercourse on the victim against her consent. Therefore, the victim insisted accused No.1 to marry her. However, on 08.02.2022, accused No.2 called the victim near Kempanna temple, where accused Nos.1, 2 quarreled with the victim and accused No.3 voluntarily caused hurt to her, intentionally insulted her by taking her caste. Hence, the victim lodged the complaint. Based on the complaint, the SHO registered the case. The Investigating Officer conducted the investigation and filed the charge sheet against the accused for the aforesaid offences. The trial court took cognizance of the aforesaid offences. Being aggrieved by the same, the petitioners filed a discharge application under Section 250 BNSS. The trial court rejected the same. Hence, the petitioners have filed this Criminal Revision Petition.



CNR: KAHC010406352026

5. Shri G.B. Sharath Gowda, learned counsel for the petitioners/accused vehemently contended that the provisions of Sections 376(2) (n), 420, 417, 504, 506 of IPC and Sections 3(2)(va) of the SC/ST Act are not attracted and the petitioners have been falsely implicated in the case. There is no prima-facie material against these petitioners. The trial court has rejected the discharge applications filed by the petitioners without observing the merits of the case. Though the victim in her 164 statement has categorically admitted, there is no specific role of accused Nos.2 and 3 as to the alleged offences. It is contended that none of the prosecution witnesses have attributed the role of accused Nos.2 and 3. Hence, the learned counsel contended that upon considering the record of the case and documents submitted along with the charge-sheet, there is no sufficient ground for proceeding against accused Nos.2 and 3 and hence he prayed to discharge accused Nos.2 and 3.

6. The learned counsel for the petitioners relied upon the following decision:-

1. ***Jaspal Singh Kaural v. State of NCT of Delhi and another*** reported in ***(2025) 5 SCC 756***.



CNR: KAHC010406352026

7. Learned HCGP appearing for respondent No.1-State and learned counsel for respondent No.2-defacto complainant vehemently contended that there is sufficient material against the petitioners and the grounds urged in the petition are not sufficient to allow the petition. Infact, petitioner Nos.1 to 3 actively participated and accused Nos.1 and 2 in connivance with each other induced the victim, borrowed the amounts from her, accused No.1 had sexual intercourse with her without her consent and the victim insisted accused No.1 to marry her, accused No.3 voluntarily caused hurt, intentionally insulted her provoking breach of peace by taking her caste. Therefore, there is prima-facie material against the accused for the aforesaid offences. Hence, learned counsel prayed to reject the petition.

8. Having heard learned counsel for the petitioners, learned HCGP for respondent No.1 State and learned counsel for respondent No.2-defacto complainant, it appears that the present case is registered against the petitioners for the aforesaid offences. As per para 10 of the first information report, column No.17 of the charge sheet and the statement of the victim recorded under Section 164 CrPC, the victim in



categorical terms has stated about the active role of accused Nos.1 and 2, the manner in which they induced the victim, accused No.1 committed the offence punishable under Section 376 of IPC, accused Nos.1 and 2 borrowed hand loan from her with an assurance of marrying her. Therefore, in order to ascertain the role of accused Nos.1 and 2, it requires full-fledged trial and at this juncture, there is sufficient material against accused Nos.1 and 2. Moreover, the trial court has rightly framed the charges and the matter is set down for fixing date for trial. Insofar as accused No.3 is concerned, according to the victim, she came in contact with accused No.3 in front of Kempamma Temple, where, accused No.3 picked up a quarrel with the victim, voluntarily caused hurt, intentionally insulted her by taking her caste. The allegation against accused No.3 both in the charge-sheet as well as in 164 Statement appears to be general and omnibus in nature, and the court cannot conveniently convict accused No.3 for the aforesaid offences. Hence the revision petition filed by the petitioners deserves to be allowed-in part.



NC: 2026:KHC:44090
CRL.RP No. 999 of 2026

CNR: KAHC010406352026

Accordingly, I pass the following order:-

1. The petition filed by petitioners Nos.1 and 2/accused Nos.1 and 2 is ***dismissed***.
2. Insofar as petitioner No.3/accused No.3 is concerned, the petition is ***allowed***. Accused No.3 is discharged under Section 227 CrPC for the aforesaid offences.
3. Registry is directed to send copy of this order to the trial Court forthwith.

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MN

List No.: 1 Sl No.: 34