



CNR: KAHC010457582023

NC: 2026:KHC:51268
CRL.P No. 8449 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 8449 OF 2023

BETWEEN:

K.A. ISAK
S/O ABDULLA,
AGED ABOUT 39 YEARS,
R/O PADIYANI, YEMMEMADU VILLAGE,
MADIKERI TALUK,
KODAGU DISTRICT-574224.

...PETITIONER

(BY SRI. ABDUL ANSAR P.,ADVOCATE)

AND:

1. STATE BY NAPKOLU POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
AMBEKDAR VEEDHI
BENGALUR - 560 001.

2. M.A. ZAKARIYA
S/O ALI HAJEE,
AGED ABOUT 37 YEARS,
R/O HODAVADA,
HODAVADA VILLAGE,NAPOKLU,
KODAGU DISTRICT - 571 214.

...RESPONDENTS

(BY SRI.CHANNAPPA ERAPPA, HCGP;
R2- V/O DATED 26.07.2024 NOTICE SERVED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH
THE CRIMINAL PROCEEDINGS INITIATED AGAINST THE
PETITIONERS FOR THE OFFENCE P/U/S 498A, 306 R/W 34 OF
IPC IN S.C.NO.16/2023 REGISTERED BY THE RESPONDENT

Digitally signed
by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA





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NAPOKLU POLICE STATION IN CR.NO.97/2018, PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE, KODAGU DISTRICT AT MADIKERI.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.2 in S.C.No.16/2023 pending before the Court of Prl. District & Sessions Judge, Kodagu, sitting at Madikeri, arising out of Crime No.97/2018 registered by Napoklu Police Station, Kodagu District, for the offences punishable under Sections 498A, 306 read with 34 IPC, is before this Court in this petition filed under Section 482 of Cr.PC with a prayer to quash the entire proceedings in the aforesaid case against him.
2. Heard the learned Counsel for the parties.
3. Learned Counsel for the petitioner submits that accused no.1 who was tried for the charge-sheeted offences has been acquitted by the Trial Court in S.C.No.19/2019 by judgment and order of acquittal dated 02.03.2020. The said judgment and order of acquittal has attained finality. He submits that the allegation of ill-treating and torturing the deceased in her



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matrimonial home is found in the charge sheet only as against accused no.1 who is the mother of the petitioner. He submits that after the marriage, petitioner was working abroad and deceased was staying along with accused no.1 in her matrimonial home. He, accordingly prays to allow the petition.

4. Per contra, learned HCGP who has opposed the petition does not dispute the submission made by the learned Counsel for the petitioner.

5. Perusal of the material on record would go to show that deceased Sumaya was the wife of the petitioner herein. It appears that after marriage, petitioner had gone abroad on employment. The allegation in the charge sheet is that accused no.1 who was the mother-in-law of deceased Sumaya who was ill-treating her in her matrimonial home and she also has taken her gold jewellery and had pledged the same. It is further alleged that accused no.1 had made false allegation against Sumaya stating that she had illicit relationship with other workers, and accordingly had also informed her son who was working abroad. Deceased had, therefore, committed suicide by hanging herself on 23.10.2018.



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6. Accused no.1 who was tried for the charge-sheeted offences has been acquitted by the Trial Court in S.C.No.19/2019 by judgment and order of acquittal dated 02.03.2020. As rightly contended by the learned Counsel for the petitioner, the allegation of ill-treating and torturing deceased in the matrimonial home is found in the charge sheet primarily against accused no.1 who is now acquitted in S.C.No.19/2019. Petitioner is facing trial in a split-up case for the very same offences. Since accused no.1 has been already acquitted in the present case, the chances of petitioner being convicted for the charge-sheeted offences is remote. Continuation of criminal proceedings as against the petitioner would, therefore, be a futile exercise and also waste of the court's precious time. Under the circumstances, I am of the opinion that the prayer made by the petitioner needs to be granted. Accordingly, the following order:

7. Petition is allowed. The entire proceedings in S.C.No.16/2023 pending before the Court of Prl. District & Sessions Judge, Kodagu, sitting at Madikeri, arising out of Crime No.97/2018 registered by Napoklu Police Station,



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Kodagu District, for the offences punishable under Sections 498A, 306 read with 34 IPC, is quashed as against the petitioner herein.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK