



CNR: KAHC010493892021

NC: 2026:KHC:48320
CRL.P No. 18 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 18 OF 2022

BETWEEN:

1. SMT. SARASAMMA
W/O AGANGAIAH
AGED ABOUT 39 YEARS
HOUSE WIFE
RESIDING AT 4TH E CROSS
KAMAKSHIPALYA, VINAYAKANAGAR
BENGALURU - 560 079.
2. SRI. SRINIVAS
S/O LATE AGANGAIAH
AGED ABOUT 55 YEARS
RESIDING AT 4TH E CROSS
KAMAKSHIPALYA, VINAYAKANAGAR
BENGALURU - 560 079.
3. SMT. MUNIRATHNAMMA
W/O SRINIVAS
AGED ABOUT 51 YEARS
HOUSE WIFE,
RESIDING AT 4TH E CROSS
KAMAKSHIPALYA, VINAYAKANAGAR
BENGALURU - 560 079.

...PETITIONERS

(BY SRI. YOGESH N.C, ADVOCATE FOR
SRI. SAMUEL S. DANDIN, ADVOCATE)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AND:

SMT. M. MAMATHA
D/O MANJANNA
AGED ABOUT 33 YEARS
RESIDING AT GUMMASANDRA VILLAGE
KASABA HOBLI, MAGADI TALUK
RAMANGARA DISTRICT - 562 120.

...RESPONDENT

(BY SRI. K.V. NARASIMHAN, ADVOCATE)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.3061/2021 AS PER ANNEXURE-C AGAINST THE PETITIONERS FOR THE OFFENCE P/U/S 494 OF IPC WHICH IS PENDING ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC, MAGADI RAMANAGARA DISTRICT AND DISCHARGE THE PETITIONERS FROM THE ABOVE SAID CASE.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent/complainant.

2. This petition is filed praying this Court to quash the proceedings against accused Nos.2 to 4.



3. The learned counsel appearing for the petitioner brought to the notice of this Court that there is no specific averment in the complaint that these petitioners had abetted the contracting of the second marriage by accused No.1 with accused No.5. There is no specific allegation attributed against the petitioners except for a one-line allegation made in paragraph No.6, and hence, the continuation of the proceedings against them amounts to an abuse of the process of law. The learned counsel would also submit that, according to the complainant, the marriage was performed in January 2014, whereas the complaint was filed in 2022. It is further contended that nothing has been stated in the complaint as to who witnessed the presence of these petitioners at the alleged marriage, and no such witness has been cited.

4. *Per contra*, the learned counsel appearing for the respondent would contend that, in the private complaint, specific allegations have been made in paragraph No.6 stating that the complainant had recently



come to know that accused No.1, with the help of accused Nos.2 to 4, had illegally and unlawfully solemnized the marriage of accused No.5 as his second wife. It is further alleged that a child named Tejaswini M. was born out of the said marriage. The photographs of accused Nos.1 and 5 have also been produced for the perusal of the Court. The said allegations were taken note of by the Trial Court, cognizance was taken, and the matter is pending for consideration of the evidence before charge. The complainant has already been examined as PW.1.

5. Having heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent, this Court not finds that, when the offence under Section 494 of the IPC is invoked, there must be a specific accusation against the petitioners herein that they had participated in or facilitated the solemnization of the second marriage between accused Nos.1 and 5. However, there is no such specific allegation in the complaint. Having perused the complaint, it is only stated that the



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complainant had very recently come to know that accused Nos.2 to 4 had illegally and unlawfully taken accused No.5 as the second wife of accused No.1. Except for this allegation, nothing is stated as to how the complainant came to know about the alleged marriage or about the alleged participation of accused Nos.2 to 4 in the performance of the marriage. Their presence at the alleged marriage is also not specifically stated in the complaint. Further, no witness who allegedly came and informed the complainant about the same has been cited.

6. Having perused paragraph No.6 of the complaint, it is clear that the complainant has obtained the identity card of the child Tejaswini M. and other photographs of accused Nos.1 and 5. The said material pertains only to accused Nos.1 and 5 and not to accused Nos.2 to 4. Nothing has been placed on record, including any photograph, to show that accused Nos.2 to 4 participated in the solemnization of the marriage. The



learned counsel appearing for the petitioners would submit that the petitioners had no knowledge about the alleged marriage and that, in such circumstances, while they are facing criminal ordeal before the Trial Court, there must be some prima facie material to show that they were involved in or participated in the performance of the marriage. To invoke Section 494 of the IPC against the petitioners, there must also be some prima facie material, which has not been placed on record.

7. In such circumstances, though this Court has not granted any stay, the matter is proceeding before the Trial Court and evidence is being recorded before charge. There must be sufficient material on record to justify the continuation of the criminal proceedings, otherwise, such continuation would amount to an abuse of the process of law. Hence, this is a fit case to invoke the inherent jurisdiction of this Court under Section 482 of the Cr.P.C.

8. Having considered the factual aspects of the case as well as the contents of the complaint, and in the



absence of any prima facie material or specific allegation against the petitioners, except for a one-line allegation, this Court is of the considered view that it is a fit case to exercise the inherent jurisdiction under Section 482 of the Cr.P.C. Otherwise, the continuation of the proceedings would amount to an abuse of the process of law. In view of the discussion, I pass the following:

ORDER

- i. The petition is ***allowed.***
- ii. The criminal proceedings initiated against the petitioners/accused Nos.2 to 4 in C.C.No.3061/2021 is hereby quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

TMP
List No.: 1 Sl No.: 24