



CNR: KAHC010668082024

NC: 2026:KHC:51600
CRL.P No. 13834 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 13834 OF 2024

BETWEEN:

SRI RAHGAVENDRA E
S/O LATE EREGOWDA A
AGED ABOUT 46 YEARS,
R/AT NO.138 7TH CROSS,
10TH MAIN, INDIRANAGAR 2ND STAGE
BENGALURU-560 038

...PETITIONER

(BY SRI. SRINATHA B.V, ADVOCATE FOR
SRI. NANJUNDA GOWDA M.R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY RAMAMURTHYNAGAR POLICE STATION,
BENGALURU REPRESENTED BY STATE PUBLIC
PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU-560001

2. SMT MANJULA V
W/O RAGHAVENDRA
AGED ABOUT 46 YEARS
R/AT NO.1308, 14TH CROSS,
2ND STAGE, INDIRA NAGAR
BENGALURU-560 038

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. SIJI MALAYIL, ADVOCATE FOR R2)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.58704/2022 (CR.NO.190/2022) WHICH IS NOW PENDING ON THE FILE OF X A.C.J.M MAYO HALL BENGALURU FOR THE OFFENCE P/U/S 323,498(A),506 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioner/accused in C.C.No.58704/2022, arising out of Crime No.190/2022 registered by Ramamurthy Nagar Police, for the offences punishable under Sections 498A, 323 and 506 of IPC, presently pending on the file of X Addl. Chief Judicial Magistrate, Mayohall, Bengaluru.

2. The brief facts of the case is that, respondent No.2/complainant lodged a complaint before respondent No.1-Police alleging that her marriage of solemnized with the accused/petitioner on 10.08.2009. Out of the wedlock, the begotten a female child now aged about 11 years. It is further alleged in the complaint that, ever since from the date of marriage, the petitioner subjected her to both physical and



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mental harassment for additional dowry. Out of their earnings, the parents of respondent No.2 contributed a sum of Rs.15,00,000/- to the petitioner. A site was purchased in the joint name of the petitioner and respondent No.2. Thereafter, on obtaining loan of Rs.51,00,000/-, they constructed a building consisting eight houses and those houses were let out for rent.

3. Things stood thus, on 02.06.2022, respondent No.2 and her sister visited the said building to collect the rent from the tenants. At that time, the petitioner assaulted them with a club and caused injuries on them and he also foisted life threat to them. Subsequently, they both were admitted in the Primary Health Center at K.R. Puram. Later, respondent No.2 lodged the complaint before respondent No.1-Police on 07.06.2022. On the strength of said complaint, FIR was registered against the petitioner in Crime No.190/2022. Thereafter, respondent No.1-Police investigated the case and laid charge sheet against the petitioner for the aforementioned offences and the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioner has preferred this petition.



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4. Heard the learned counsel for the petitioner and learned counsel for respondent No.2 as well as learned HCGP for respondent No.1.

5. Apart from urging several contentions, learned counsel for the petitioner primarily contented that the complaint averments does not disclose any offence under Section 498A of IPC and the same is filed out of vengeance. A partition suit was filed by respondent No.2 against the petitioner in O.S.No.279/2024 on 29.01.2022. Thereafter, the petitioner filed divorce petition in M.C.No.6451/2021 against respondent No.2. In the meantime, she lodged this false complaint against the petitioner. He submitted that there is inconsistency in the assertion made in the complaint and in her further statement in respect of the alleged incident. As such, he submits that the continuation of criminal proceedings against the petitioner is nothing but abuse of process of Court. Accordingly, he prays to allow the petition. In order to buttress his arguments, he relied on the judgment of the Hon'ble Apex Court in the case of **ACHIN GUPTA vs. STATE OF HARYANA AND ANOTHER - 2024 LiveLaw (SC) 343**.



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6. *Per contra*, learned counsel for respondent No.2 submitted that on perusal of the complaint averments, it is clear that, ever since from the date of marriage, the petitioner used to harass respondent No.2 both physically and mentally. The said harassment was continued and finally, on 02.06.2022, when respondent No.2 along with her sister visited their building to collect rent from the tenants, the petitioner assaulted respondent No.2 and her sister with a club. Thereafter, they both admitted to the Hospital and treated for the injuries they sustained in the incident. According to him, the offence under Section 498A of IPC is a continuing offence and Police have recorded the statement of injured and also the eyewitnesses to the incident and filed charge sheet against the petitioner. In such circumstances, at this stage, the proceedings cannot be quashed against the petitioner.

7. Learned HCGP also opposed the prayer of the petitioner on the ground that on perusal of the charge sheet, the material witnesses statement clearly disclose that the petitioner was continuously harassing respondent No.2 and on 02.06.2022, he assaulted respondent No.2 and her sister. In such circumstances, he prays to dismiss the petition.



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8. I have given my anxious consideration both on the submission and the documents made available on record.

9. As could be gathered from the complaint averments, it is specifically stated that, ever since from the date of marriage of the petitioner and respondent No.2, the petitioner was continuously harassing respondent No.2 both physically and mentally for additional dowry. Accordingly, respondent No.2, left with no other option, arranged a sum of Rs.15,00,000/- from her parents. Thereafter, they purchased a site at NRI Layout, Bangalore, measuring 30 x 50 feet in the joint name of petitioner and respondent No.2. Subsequently, on obtaining loan of Rs.51,00,000/- from the Bank, they constructed a building consisting of 8 houses and let out six houses for rent. Thereafter, respondent No.2 was receiving some portion of the rent from the said houses. Such being the scenario, after the matrimonial dispute, respondent No.2 filed a suit in O.S.No.279/2024 against the petitioner for partition in respect of the above property. Subsequently, the petitioner filed divorce petition against respondent No.2 in M.C.No.6451/2021. However, the same is also pending for consideration before the Family Court. In the meantime, as per



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the complaint and charge sheet averments, on 02.06.2022, when respondent No.2 and her sister visited the premises to collect the rent from tenants, the petitioner assaulted them with club. Admittedly, respondent No.2 and her sister sustained injuries and both were treated at Primary Health Center, K.R. Puram, and wound certificates issued by the Hospital are part of the charge sheet. The same discloses that both of them have sustained simple injuries. Further, the statement of eyewitnesses reveal that the petitioner was continuously harassing respondent No.2 and on the date of incident i.e., 02.06.2022, he assaulted both respondent No.2 and her sister. In such circumstances, it cannot be said that the complaint is filed against the petitioner only out of vengeance.

10. As rightly contented by learned counsel for respondent No.2, as far as the offence under Section 498A of IPC is concerned, it is a continuing offence and as narrated in the complaint, ever since from the date of marriage, till the incident dated 02.06.2022, the petitioner was continuously harassing respondent No.2 and finally, he physically assaulted her on that day. Now that the Police have completed the investigation and laid charge sheet, merely on the ground that



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a suit for partition and divorce petition filed by the petitioner is pending for consideration, at this stage, the proceedings cannot be quashed against the petitioner. Since there are *prima facie* allegations forthcoming against the petitioner in the charge sheet materials, the judgment cited by learned counsel for the petitioner is distinguishable.

11. On careful scrutiny of the entire charge sheet materials, I am of the considered view that the prima facie case is made out against the petitioner. As such, those allegations has to be tested in a detailed trial and proceedings against the petitioner/accused cannot be quashed, at this stage. Accordingly, the petition, being devoid of merits, is ***dismissed***.

12. It is made clear that the observations made in this petition shall not come in the way while disposing the case before the Trial Court.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 17