



CNR: KAHC010685002023

NC: 2026:KHC:48669
CRL.P No. 9 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 9 OF 2024

BETWEEN:

GAUTAM GURURAJ DESHPANDE
SON OF GURURAJ DESHPANDE
AGED ABOUT 33 YEARS
RESIDING AT AJAG G, HOUSE NO.138,
NEAR AMMA SCHOOL, KPSC,
BENGALURU VISHWAVIDYALAYA,
BENGALURU - 560 056.

...PETITIONER

(BY SRI. KAUSTUBH JAGIRDAR, ADVOCATE)

AND:

Digitally
signed by
PANKAJA S
Location:
HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA BY:
THE STATION HOUSE OFFICER
KAGGLIPURA POLICE STATION
KAGGALIPURA,
BENGALURU.
REP. BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SMT. ANUSHA G
WIFE DAUGHTER OF SHRI.GANESH K.S.
AGED ABOUT 31 YEARS
NO.138, 4TH MAIN ROAD,



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JNABHARATHI
BENGALURU - 560 056.

...RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
R-2 NOTICE SERVED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH
THE FIR DATED 27.07.2023 IN CR.NO.293/2023 KAGGALIPURA
P.S., FOR THE OFFENCE P/U/S 506 AND 504 OF IPC ON THE
FILE OF THE LEARNED II A.C.J.M BENGALURU RURAL AT
BENGALURU.

THIS PETITION, COMING ON FOR ADMISSION, 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 FIR against the petitioner/accused No.1 in Crime
No.293/2023 dated 27.07.2023 registered by Kaggalipura
Police Station against the petitioner and another for the
offences punishable under Sections 504 and 506 of IPC, on the
file of II Additional CJM Court, Bengaluru Rural District,
Bengaluru.



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2. The factual matrix of the case is that respondent No.2 lodged a complaint before respondent No.1-Police on 27.07.2023, alleging that her marriage with the petitioner was solemnized on 14.10.2019 and that, thereafter, she was residing with the petitioner. It is further alleged in the complaint that the petitioner had developed an extramarital affair with accused No.2 and that both of them were residing in Primus Apartment. Accordingly, on 26.07.2023 at about 08:00 p.m., respondent No.2 visited the said apartment and questioned accused No.2 regarding her alleged affair with the petitioner. At that time, accused No.2 allegedly abused respondent No.2 in filthy language and threatened her with dire consequences. Hence, respondent No.2 lodged the complaint. On the strength of the said complaint, respondent No.1-Police registered the FIR, as stated supra. Aggrieved by the registration of the said FIR, the petitioner has approached this Court by filing the present petition.

3. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent No.1 - State.



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4. The primary contention of the learned counsel for the petitioner is that, on perusal of the entire complaint, there is absolutely no allegation whatsoever against the petitioner. According to him, the offences punishable under Sections 504 and 506 of the IPC are not attracted against the petitioner. He further contended that, at the time of the alleged altercation between accused No.2 and the complainant, the petitioner was not present at the spot. Hence, he submitted that registration of the FIR against the petitioner amounts to a sheer abuse of the process of law. Accordingly, he prayed to allow the petition.

5. *Per contra*, the learned HCGP opposed the petition on the ground that the investigation is still in progress.

6. I have given my anxious consideration both on the submission and perused the FIR and complaint and other documents.

7. On perusal of the complaint averments, it is specifically alleged that respondent No.2, being the wife of the petitioner, suspected that the petitioner was having an extramarital affair with accused No.2. Accordingly, she visited Primus Apartment,



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where accused No.2 was serving as a doctor. At that time, an altercation took place between accused No.2 and respondent No.2. Admittedly, the petitioner neither instigated accused No.2 nor was he present at the scene of occurrence. Even if the allegations in the complaint and FIR are taken at their face value, the ingredients of the offences punishable under Sections 504 and 506 of the IPC are not made out against the petitioner.

8. It is by now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted



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with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

9. In such circumstances, continuation of the proceedings against the petitioner would amount to a sheer abuse of the process of law. As such, the FIR registered against the petitioner/accused No.1 deserves to be quashed.



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10. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against petitioner/accused No.1 in Crime No.293/2023 dated 27.07.2023 registered by Kaggalipura Police Station for the offences punishable under Sections 504 and 506 of IPC, on the file of II Additional CJM Court, Bengaluru Rural District, Bengaluru is hereby quashed.
- iii. It is made clear that the proceedings shall continue against accused No.2.

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

GPG
List No.: 1 Sl No.: 23