IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.200752 OF 2024

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. MEERABAI D/O LATE SRIDHARRAO SUGANDHI,
   AGE: 48 YEARS, OCC: HOUSEHOLD,

2. MOTILAL S/O LATE SRIDHARRAO SUGANDHI,
   AGE: 46 YEARS, OCC: BUSINESS,
   BOTH ARE R/O H.NO.3-1-179, SHUKRWARPET,
   SAVANOOR, TQ. SAVANOOR, DIST. HAVERI-581118.

...PETITIONERS

(BY SRI. NANDKISHORE BOOB, ADVOCATE)

AND:

Digitally signed by SWETA KULKARNI
Location: High Court Of Karnataka

1. THE STATE THROUGH UNIVERSITY P. S.
   KALABURAGI
   NOW REP. BY THE ADDL. S.P.P. HCKB
   AT: KALABURAGI

2. AMBIKA W/O PANNALAL SUGANDHI,
   AGE: 32 YEARS, OCC: HOME MAKER,
   R/O: PLOT NO.9, TELKER COLONY,
   MATHURA NAGAR, KUSNOOR,
   TQ. AND DIST. KALABURAGI-585105.

...RESPONDENTS

(BY SMT. ANITA M. REDDY, HCGP FOR R-1;
NOTICE TO R-2 SERVED, BUT UN-REPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD) 528 OF BNSS-2023 (NEW) PRAYING TO CALL FOR THE ENTIRE RECORDS IN C.C.NO.4236/2018 PENDING ON THE FILE OF III ADDL. CIVIL JUDGE AND JMFC COURT, KALABURAGI, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A), 323, 504 AND 363 READ WITH SECTION 149 IPC AND SECTIONS 3 AND 4 OF D.P. ACT, 1961, AGAINST THE PETITIONERS AND FURTHER REQUEST TO QUASH THE PROCEEDINGS AGAINST THE PETITIONERS / ACCUSED NOS.2 AND 3, BY ALLOWING THIS PETITION.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This petition is preferred by accused Nos.2 and 3 in C.C.No.4236/2018 on the file of III Additional Civil Judge and JMFC, Kalaburagi, praying to quash the entire proceedings.

02. Charge-sheet is filed against accused Nos.1 to 3 for offences punishable under Sections 498(A), 323, 504 and 506 read with Section 34 of IPC. Accused No.1 is said to be no more.

03. A submission was made by the learned counsel for petitioners on 22.11.2024 that inspite of framing of charges on 06.04.2022, the complainant / CW.1 has failed to appear before the Trail Court to adduce her evidence and there is no progress in trial. It was also submitted that the petitioners are finding very difficult to attend the Court on every date of hearing, as they have to travel all the way from Savanoor, Haveri District to Kalaburagi, where the trial is pending. Hence, a direction was issued by this Court to the Trial Court to fix a date for recording of evidence of the complainant / CW.1.

04. Learned counsel for petitioners submitted that pursuant to the direction issued by this Court, the Trial Court has secured the presence of the complainant / CW.1 and recorded her evidence on 13.12.2024. He submitted that the complainant / PW.1 as well as her sister / PW.2 have not supported the case of the prosecution.

05. Since, the trial is in progress, it is not a fit case where the proceedings can be quashed. The Trial Court is however, directed to expedite the trial and conclude the same as far as possible within a period of 03 months from the date of receipt of copy of this order.

06. Appearance of the petitioners herein may be exempted by the Trial Court if a request is made on their behalf by filing an application, unless their presence is required.

07. The parties shall cooperate for the early disposal of the case.

08. With the above observation, petition is ***disposed of***.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

KJJ
List No.: 1 Sl No.: 19
CT:SI