HC-KAR

NC: 2026:KHC:61307
CRL.P No. 492 of 2025

CNR: KAHC010018122025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 492 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. SATHEESH SOMAN
S/O SOMAN.S
AGED ABOUT 48 YEARS,
R/AT NO 6. SOWPARNIKA 21ST CROSS,
AKSHAYA NAGAR, II STAGE,
T.C. PALYA MAIN ROAD,
RAMAMURTHY NAGAR,
BANAGLORE-560016

ALSO
SR. PROGRAMMER
G.E.INDIA INNOVATION CENTER
#11, BRIGADE TERRACES, CAMBRIDGE ROAD,
ULSOOR, BENGALURU-560008

2. SAYA P.
W/O SATHEESH SOMAN
AGED ABOUT 37 YEARS,
R/AT NO 6. SOWPARNIKA 21ST CROSS,
AKSHAYA NAGAR, II STAGE,
T.C. PALYA MAIN ROAD,
RAMAMURTHY NAGAR,
BANAGLORE-560016

3. MRS. VASANTHKUMARI,
W/O SOMAN.S
AGED ABOUT 71 YEARS,
R/AT NO 6. SOWPARNIKA 21ST CROSS,
AKSHAYA NAGAR, II STAGE,
T.C. PALYA MAIN ROAD,
RAMAMURTHY NAGAR,

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BANAGLORE-560016

…PETITIONERS

(BY SRI. KAMALUDDIN., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY RAMAMURTHY NAGAR POLICE
   REPRESENTED BY SPP
   HIGH COURT OF KARNATAKA
   HIGH COURT BULIDING,
   BENGALURU-560 001

2. NEEMA,
   AGED ABOUT 41 YEARS
   W/O SATHEESH SOMAN
   R/A, NO.291, NISHIMA DASAPPA LAYOUT,
   3RD BLOCK, 1ST A MAIN,
   RAMAMURTHY NAGAR
   KARNATAKA-560016

…RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. SIJI MALAYIL., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR AND COMPLAINT IN CRIME NO. 353/2023 BEFORE THE RAMAMURTHY NAGAR POLICE STATION ARISING OUT OF P.C.R.NO. 55918/2021 NOW PENDING ON THE FILE OF XTH ADDL. CMM COURT, AT BENGALURU CITY, FOR HE OFFENCES PUNISHABLE UNDER IPC 420, 465, 471 READ WITH 34 OF IPC (ANNEXURE-A).

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

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1. The petitioners are before this Court seeking for the following reliefs:

> *i. Quash the FIR and complaint in Crime No. 353/2023 before the Ramamurthy Nagar Police Station arising out of P.C.R.No. 55918/2021 now pending on the file of Xth Addl. CMM court, at Bengaluru City, for he offences punishable under IPC 420, 465, 471 read with 34 of IPC (Annexure-A).*

2. Respondent No.2, who is admittedly the wife of petitioner No.1, initially attempted to lodge a complaint with the jurisdictional police. As no action was taken, she approached the Commissioner of Police. Thereafter, alleging that no action had been taken, she instituted a private complaint in P.C.R. No.55918/2021. The learned Magistrate referred the complaint for investigation under Section 156(3) of the Code of Criminal Procedure. Pursuant thereto, the Ramamurthy Nagar Police registered FIR in Crime No.353/2023 for the offences punishable under Sections 420, 465 and 471 read with Section 34 of the IPC. The petitioners have called in question the said proceedings.

3. Sri Kamaluddin Ahmed, learned counsel appearing for the petitioners, advances three principal

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submissions. First, the allegations made in the complaint are false. Secondly, the specific allegation that petitioner No.1 purchased a property using the proceeds from the sale of the gold articles belonging to respondent No.2 is also false. According to the petitioners, the property was purchased from the funds of petitioner No.1. Thirdly, learned counsel submits that respondent No.2 has already initiated other proceedings against petitioner No.1 in respect of allegations attracting Section 498A of the IPC and under the Protection of Women from Domestic Violence Act, 2005. He contends that the present proceedings, in addition to those proceedings, subject the petitioners to what is described as triple jeopardy and amount to an abuse of the process of law on account of multiplicity of proceedings.

4. On being called upon to indicate the material on the basis of which the petitioners contend that the property was purchased exclusively from the funds of petitioner No.1, learned counsel is unable to point to any material placed on record in support of that assertion. No material disclosing the source of funds utilised for the purchase of the property has been produced. The assertion that the property was purchased from the funds of petitioner No.1,

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therefore, raises a factual issue which cannot be adjudicated in the present proceedings.

5. The pendency of proceedings alleging an offence under Section 498A of the IPC and proceedings under the Protection of Women from Domestic Violence Act, 2005, does not, by itself, render the present criminal proceedings an abuse of process. The nature and subject matter of those proceedings are distinct from the allegations forming the basis of the present complaint, which concern the alleged use of respondent No.2's gold articles, or the proceeds thereof, for the purchase of a property. The mere institution of separate proceedings arising out of the matrimonial relationship does not establish that the present prosecution is impermissible.

6. At this stage, the petitioners have not placed any material to demonstrate that the allegations in the complaint, even if taken at face value, do not disclose the ingredients of the offences alleged, or that the proceedings are otherwise liable to be quashed. The disputed question concerning the source of funds used for purchasing the property is a matter to be considered in the proceedings before the jurisdictional Court. The petitioners are at liberty

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to raise all permissible defences before that Court, which shall consider them in accordance with law and on the basis of the material placed before it.

7. In the circumstances, no ground is made out for interference with the impugned proceedings. The petition is accordingly **dismissed**.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 9