HC-KAR
NC: 2026:KHC:63884
CRL.P No. 1884 of 2021
CNR: KAHC010092192021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1884 OF 2021

BETWEEN:

1. SRI. RAMAKRISHNA REDDY,
S/O OBALAREDDY,
AGED ABOUT 57 YEARS,
R/AT NO.46, 5TH CROSS,
VINAYAKANAGARA, RAMOHALLI,
KENGERI HOBLI, RAMANAGARA
BENGALURU SOUTH,
KARNATAKA-560 074.

...PETITIONER

(BY SRI. NELADERGA S. VIJAY KUMAR, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA,
BY KUMBALAGUDU POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
DR AMBEDKAR VEEDHI,
BENGALURU - 560 001.

2. SMT. PRASANNA C.,
W/O RAMAKRISHNA REDDY,
AGED ABOUT 47 YEARS,
R/AT NO.15/1, 5TH CROSS,
VINAYAKANAGARA, RAMOHALLI,
KENGERI HOBLI, RAMANAGARA,

BENGALURU SOUTH,
KARNATAKA - 560 074.

ALSO AT NO.80, 1ST CROSS,
4TH MAIN, SLV LAYOUT,
NAGANATHAPURA POST,
BENGALURU - 560 100.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. GIRISH S., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ORDER DATED 07.12.2020 PASSED BY THE LEARNED II ACJM, BENGALURU RURAL, IN CC.NO.11323/2020 AND CONSEQUENTLY CHARGE SHEET FILED BY THE KUMBALAGUDU POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 323, 504 OF IPC.

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 High Court Government Pleader appearing for respondent No.1/State. The learned counsel for respondent No.2/complainant is absent.

2. This petition is filed praying this Court to quash the order dated 07.12.2020 passed by the learned II ACJM,

Bengaluru Rural, in C.C.No.11323/2020 and consequently charge sheet for the offence punishable under Sections 498A, 323 and 504 of IPC.

3. The allegations made in the complaint filed by the complainant wife while lodging the complaint on 22.09.2020 is that an incident was taken place on 19.09.2020 and this petitioner for trivial matter was harassing and causing cruelty and assaulted with hands and abused in a filthy language and subjected for physical assault and he was spending the money what he has earned and hence, prayed to take action against the petitioner.

4. The learned counsel for the petitioner brought to the notice of this Court the complaint Annexure-C given by the petitioner and so also the FIR at Annexure-F lodged by the complainant. The learned counsel would submit that the present complaint is a counter-blast of the complaint given by the petitioner and the said complaint was given when he was subjected to assault by the wife and children. The learned counsel would submit that there is a delay of three days in lodging this complaint. The learned counsel also brought to the

notice of this Court that on account of assault made by the wife and children, he had sustained injuries i.e. abrasion, contusions and the injuries are simple in nature and also brought to the notice of this Court the wound certificate. The learned counsel would submit that the marriage was taken place in the year 1997 and there was no any allegation of subjecting her for cruelty for about 28 years and when the complainant and children had assaulted him, he had sustained the injuries and when he had lodged the complaint on 21.09.2020 on the very next day of the incident, FIR was registered in Crime No.222/2020. The learned counsel would submit that this complaint lodged by the wife is numbered as Crime No.225/2020 and after three days of the incident complaint is lodged. The learned counsel would contend that having considered the allegations made in the complaint with regard to assault, there is no wound certificate in respect of injuries sustained by the wife. When there is no any ingredients in respect of the offence under Sections 323, 504 and 498A of IPC, the criminal prosecution cannot be continued. The Trial

Court committed an error in taking the cognizance for the above offences and it requires interference.

5. Per contra, learned counsel appearing for the respondent submits that an incident was taken place, but there are case and counter cases. Learned counsel appearing for the respondent/State not disputes the fact that this complaint was filed on 22.09.2020 but the incident was taken place on 19.09.2020. However, he contended that an allegation of assault is alleged and statement of witnesses is also recorded. On perusal of the material available on record it is very clear that it is a counter blast complaint, as against the complaint given by the petitioner herein and he had also sustained the injuries and no wound certificate in respect of allegations of 323 of IPC in respect of this case is concerned and also in the complaint an omnibus statement is made with regard to the abuse is made is concerned to invoke Section 504 of IPC. The police also while filing the charge sheet though invoked 504 of IPC, no such ingredients are found. Apart from that, in respect of 498A of IPC is concerned, both of them lived together for a longer period, now it appears that differences are arisen after

23 years of marriage, and having taken note of when the case was registered, at the first instance by this petitioner and also sufficient material discloses that he was assaulted by the wife and children and after thought, the present complaint is filed after 3 days. The police investigated the matter and filed the charge sheet and in the absence of any material on record, there cannot be any criminal prosecution in respect of the offences which have been invoked. Hence, petitioner has made out the ground to quash the proceedings. In view of the discussions made above, I proceed to pass the following order.

This petition is ***allowed*** and the proceeding against the petitioner is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD,AKV
List No.: 1 Sl No.: 15