HC-KAR
CNR: KAHC010103532021

NC: 2026:KHC:61467
CRL.P No. 2083 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2083 OF 2021

BETWEEN:

1. SMT. RANJITHA,
W/O LATE PRADEEP,
AGED ABOUT 20 YEARS,
D/O OMKARAPPA,
V. BANNIHATTI,
VADDANAHAL (P), CHANNAGIRI (T),
DAVANAGERE (D)-577215,
KARNATAKA STATE.

2. SRI. OMKARAPPA D.S.,
S/O SIDDAPPA,
AGED ABOUT 49 YEARS,
V. BANNIHATTI,
VADDANAHAL (P), CHANNAGIRI (T),
DAVANAGERE (D)-577215,
KARNATAKA STATE.

3. SMT. PREMA,
W/O SRI. OMKARAPPA D.S.,
AGED ABOUT 38 YEARS,
V. BANNIHATTI,
VADDANAHAL (P), CHANNAGIRI (T),
DAVANAGERE (D)-577215,
KARNATAKA STATE.

...PETITIONERS

(BY SRI. RAJARAM SOORYAMBAIL, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   BY AGUMBE POLICE STATION,
   REP. BY ITS STATE PUBLIC PROSECUTOR,
   HIGH COURT BUILDING,
   HIGH COURT OF KARNATAKA,
   BANGALORE-560001.

2. SRI. NINGAPPA M.,
   S/O PARIMALLAPPA,
   AGED ABOUT 61 YEARS,
   KANADASAALU BADAVANE,
   NEAR MANJUNATHA TALKIES,
   CHANNAGIRI TOWN,
   DAVANAGERE (D),
   9535443006.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. N.R. RAVIKUMAR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO ALLOW THIS PETITION AND QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.4/2021 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 306, 34 OF IPC ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, THIRTHAHALLI, SHIVAMOGGA.

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

CNR: KAHC010103532021

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for petitioners, learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2-complainant.

2. The prayer is sought for quashing the proceedings initiated against the petitioners in C.C.No.4/2021 invoking the offence under Section 306 read with Section 34 of IPC, wherein allegations are made against the wife as well as in-laws of the deceased. The complainant made allegation against all of them that marriage engagement occurred on 09.08.2020 and marriage was performed on 16.08.2020. Thereafter, the wife had disclosed that she was not interested to marry him and the said statement was made on the very next day of the marriage i.e., on 17.08.2020 and though she was not willing to marry the deceased, but she married only to satisfy her parents and also not only disclosed the same, even caused threat to husband not to disclose the same. If he discloses the same, she will file a dowry case against him and also his parents and she

has adopted blackmail tactics against him. As a result, the son lost his confidence in the wife and he took the extreme step of committing suicide and he committed suicide. Hence, allegations are made against the wife that on account of her conduct itself, he took the extreme step and committed suicide. Even though the said fact was brought to the notice of accused Nos.2 and 3, they also did not pursue the issue. Hence, all of them are responsible for the death of the deceased. It is also stated that the said fact was also brought to the notice of his brother-in-law as well as his friend and during the investigation, statement of these witnesses were also recorded by the police and cited the witnesses C.W.1 to 23 to substantiate the offence under Section 306 read with Section 34 of IPC.

3. Learned counsel appearing for the petitioners would submit that the allegation made in the complaint is that only with an intention to harass the petitioners and to wreck vengeance and no such ingredient of offence under Section 306 read with Section 34 of IPC attracts. The counsel also would submit that the deceased died voluntarily and he left the house

on 8th August, 2020 itself and later came to know that he had committed suicide and there is no proximity to cause of death.

4. The counsel also in support of his argument relied upon judgment of the Apex Court delivered in **CRIMINAL APPEAL NO.611/2011 (Arising out of SLP (Crl.) No.2550/2010** in **M. MOHAN vs. THE STATE REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE** dated **01.03.2011** and brought to notice of this Court particularly paragraph No.37, wherein the Apex Court dealt with regard to ingredients of offence under Section 306 and so also, counsel brought to notice of this Court paragraph No.40, wherein also discussion was made with regard to 'Abetment of a thing' under Section 107 and referring this judgment, the counsel would contend that there is no ingredients of offence under Section 306 and also abetment to commit suicide. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. or otherwise it amounts to miscarriage of justice.

5. Per contra, learned counsel appearing for the respondent No.2-complainant would vehemently contend that specific allegations are made against the wife and on the very

next day of her marriage, she had disclosed that she was not interested to marry him and she would have informed the same to her parents prior to the marriage and after contracting marriage, on the next day, expressed that she was not willing to marry him and even when the said fact was brought to notice of accused Nos.2 and 3, who are the parents and they also did not pursue the matter. As a result, the deceased took the extreme step of committing suicide and it is a matter of trial with regard to whether there is proximity to cause of death and also as to blackmailing attitude of the wife. Hence, it is not a fit case to exercise the power under Section 482 of Cr.P.C.

6. The learned High Court Government Pleader for respondent No.1-State would submit that having considered the contents of complaint dated 14.09.2020, police have registered the case and investigated the matter and recorded the statement of witnesses C.W.1 to C.W.23 and some of the witnesses gave the statement that the deceased before committing suicide informed the conduct of petitioner No.1 i.e., the wife and the said statement is also recorded and the same is a matter of trial.

7. Having heard learned counsel appearing for the petitioners, learned counsel appearing for respondent No.2-complainant and the learned High Court Government Pleader for respondent No.1-State, the Court has to look into the contents of Document No.1 i.e., complaint and based on the complaint, Document No.2 FIR was registered and thereafter, police have investigated the matter and filed the charge sheet as per Document No.3 and while filing the charge sheet also, recorded the statement of complainant i.e., C.W.1 and so also, C.W.2 and C.W.3, who are the inquest witnesses and C.Ws.9, 10, 11 and 12 are cited as eye witnesses and C.W.13 is the Panchayathdar. When statements are made that deceased before committing suicide had informed about the blackmailing conduct of petitioner No.1 and specific allegations are made that on the very next day of marriage on 17.08.2020 itself, she has expressed that she was not interested to marry him which has resulted in taking extreme step of committing suicide. No doubt, it has emerged during the investigation that he left the house on 08.09.2020 without informing any family members i.e., within one month of marriage and it is clear that this

marriage was subsisting for a period of 20 days. When specific allegations are made against the wife that she indulged in instigating her husband to take extreme decision to commit suicide and the same requires trial and the Court has to look into the statement of witnesses with whom he made the statement before committing the suicide.

8. However, only allegation made against petitioner Nos.2 and 3 i.e., in-laws is that even though the conduct of the wife is brought to their notice, they did not properly respond to the same. Hence, they have been arraigned as petitioner Nos.2 and 3/accused Nos.2 and 3 and in order to attract Section 306 of IPC as contended by learned counsel appearing for the petitioners, there must be proximity to cause of death and the same is not found, except an omnibus allegation that they did not respond when the same was brought to their notice. Hence, there cannot be invoking of Section 306 of IPC against accused Nos.2 and 3 and therefore, it is a fit case to exercise the power under Section 482 of Cr.P.C. in respect of petitioner Nos.2 and 3/accused Nos.2 and 3, who are in-laws and in respect of petitioner No.1/accused No.1 is concerned, it requires trial.

9. In view of the discussion made above, I pass the following:

ORDER

(i) The criminal petition is ***allowed in part.***

(ii) The proceedings in C.C.No.4/2021 invoking the offence under Section 306 read with Section 34 of IPC is quashed in respect of petitioner Nos.2 and 3/accused Nos.2 and 3 and in respect of petitioner No.1/accused No.1 is concerned, the petition is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

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