HC-KAR
NC: 2026:KHC:59356
CRL.P No. 2227 of 2021
CNR: KAHC010111232021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2227 OF 2021

BETWEEN:

1. SRI. VIJAYA MOGAVEERA,
S/O ANNAPPA THINGALAYA,
AGED ABOUT 40 YEARS,
R/AT SHANTI NIVASA,
MEPU, KOTESHWARA,
KOTESHWARA VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT-576222.

2. SRI. RAMESH DEVADIGA,
S/O SOORA DEVADIGA,
AGED ABOUT 45 YEARS,
R/AT MARKODU KOTESHWARA,
KUNDAPURA TALUK,
UDUPI DISTRICT-576222.

...PETITIONERS

(BY SRI. NAGARAJA HEGDE, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA,
BY KUNDAPURA POLICE STATION,
KUNDAPURA TALUK,
UDUPI DISTRICT-576221,
REP. BY HIGH COURT GOVT. PLEADER,
HIGH COURT BUILDING,
BENGALURU-560001.

2. SMT. CHAITHRA,
D/O BOJA MOGAVEERA,
AGED ABOUT 27 YEARS,
R/AT HODROLI,
BEEJADI VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT-576222.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
SRI. THEJAS RAI K., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CHARGE SHEET FILED IN C.C.NO.2350/2020 FILED BY THE 1ST RESPONDENT POLICE BEFORE THE ADDITIONAL CIVIL JUDGE AND J.M.F.C., KUNDAPURA AS PER ANNEXURE-A.

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 petitioners and the learned High Court Government Pleader appearing for respondent No.1/State.

2. The factual matrix of the case of the complainant by filing a private complaint before the learned Magistrate is that, in paragraph No.2 of the private complaint, an allegation is made against her husband for having demanded

an amount of Rs.3,00,000/- at the time of marriage and also 35 grams of gold and the same was refused by her parents, but it was subsequently settled for 23 grams of gold. An allegation is made that after one year when accused No.1 came to India from abroad, at that time, he abused her in a filthy language and used to assault her and he was there in the village for a period of one month and thereafter, again he went back and he was not in talking terms with her. Even after she gave birth to a child, he did not come and see the child and that on 16.07.2020, she went to her husband house, but he was not having any cordiality with her and he was having an illicit relationship with one Christian lady Soni, who is a resident of Kalyanpura. That on 19.07.2020, he came along with his friend i.e., accused No.2 and abused in a filthy language. However, in paragraph No.7 of the complaint while making an allegation, allegation is made including both accused Nos.1 and 2 that they caused the life threat and left the house. Based on this complaint, matter was referred to the police and the police investigated the matter and filed the charge-sheet.

3. The learned counsel for the petitioners would vehemently contend that the allegations made in the private complaint and also the statement of witnesses is omnibus and only general allegations are made and specific allegations are not made against the petitioners. The learned counsel in support of his arguments relies upon the judgment of the Apex Court in the case of **SIVARAMAN NAIR AND OTHERS v. STATE OF KERALA AND ANOTHER** reported in **2026 SCC Online SC 672** and brought to the notice of this Court the discussion made in paragraph Nos.22 to 24, wherein a specific contention was taken in respect of accused Nos.1, 2 and 3, including the in-laws and the Apex Court comes to the conclusion that the FIR does not attribute to them any specific act of demand, threat or physical assault on any identifiable occasion and hence, quashed the same.

4. The learned counsel also relies upon the judgment of the Apex Court in the case of **DARA LAKSHMI NARAYANA AND OTHERS v. STATE OF TELANGANA AND**

ANOTHER reported in **(2025) 3 SCC 735** and brought to the notice of this Court paragraph No.20, wherein an observation is made that a bare perusal of the FIR shows that the allegations made by respondent No.2 are vague and omnibus. Other than claiming that appellant No.1 harassed her and that appellant Nos.2 to 6 instigated him to do so, respondent No.2 has not provided any specific details or described any particular instance of harassment and hence, quashed the same.

5. Per contra, the learned High Court Government Pleader appearing for respondent No.1/State would submit that apart from the averments made in paragraph No.7 of the complaint, further statement of the victim was recorded as per Annexure-E, wherein the complainant in her further statement made an allegation against accused No.2, who accompanied accused No.1, that he also abused in a filthy language stating as to why she was staying in her parental house without leading her life along with her husband and caused the life threat. The learned counsel would submit

that there is a specific allegation against accused No.2 also that he had abused in a filthy language and also caused the life threat and hence, the offence under Sections 504 and 506 of IPC are invoked against petitioner No.2 and specific allegations are made against petitioner No.1, who is the husband. The learned counsel would submit that the principles laid down in the judgments relied upon by the learned counsel for the petitioners will not come to the aid of the petitioners, wherein specific observation is made that in the FIR no such allegations are made regarding demand as well as causing of threat and also the harassment.

6. Having heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State and also considering the principles laid down in the judgments referred supra, relied upon by the learned counsel for the petitioners, the Court has to look into the contents of the complaint. The document of Annexure-D is the complaint, wherein specific allegations are made that the marriage of the complainant

was solemnized with accused No.1 in 2013. The specific allegations are made against accused No.1 that he had demanded an amount of Rs.3,00,000/- and so also 35 grams of gold at the time of the marriage and the same was refused by her parents. But when accused No.1 caused the threat that he is going to break the marriage proposal, they agreed to pay 23 grams of gold and spent the money for the marriage and conceded the demand of dowry. In paragraph No.3 of the complaint, specific allegations are made against accused No.1 that when he came back to India from abroad, he abused the complainant in a filthy language and also assaulted and he was not in talking terms with her. Specific allegations are made that he abused that she is having an illicit relationship and that the child was not born to him. On 16.07.2020, the complainant along with her child went to his house, but he was not having any cordiality with her. Specific allegations are made against petitioner No.1 i.e., husband that he was having an illicit relationship with one Soni of Kalyanpura, who belongs to Christian religion.

7. No doubt, the learned counsel for the petitioners brought to the notice of this Court that an omnibus allegation is made against both accused Nos.1 and 2 in paragraph No.7 of the complaint. But the learned High Court Government Pleader appearing for respondent No.1/State brought to the notice of this Court Annexure-E further statement of the complainant. The Court has to take note of the specific allegations made in the private complaint. Only the name of accused No.2 is added in the complaint that both accused Nos.1 and 2 caused the life threat. But specific allegations are made against accused No.1 that he abused and assaulted her. There is an improvement in the further statement of the complainant as per Annexure-E that accused No.2 also abused her. CW5 and CW6 in their statement state that they have witnessed the incident, but the same is not stated by CW1 complainant that at the time of abuse and also causing of life threat, CW5 and CW6 were present. It is nothing but a paperwork made by the police for false implication of accused No.2 and the same is not spoken by the complainant in the original complaint filed before the Court and it is an

improvement during the course of investigation to add accused No.2.

8. Having taken note of the principles laid down in the judgments relied upon by the learned counsel for the petitioners, the same is applicable to accused No.2, wherein in both the judgments the Apex Court held that in the complaint no specific allegations are made against the accused. But the very contention of the learned counsel for the petitioners that an omnibus allegation is made against accused No.1 cannot be accepted. In paragraph Nos.2, 3, 4, 5 and 6 of the complaint, specific allegations are made that accused No.1 not only demanded and accepted the dowry, but also subjected her for physical assault as well as abuse in a filthy language. Specific allegation is also made that accused No.1 is having an illicit relationship with one lady. When such being the material available on record, the judgments relied upon by the learned counsel for the petitioners will not come to the aid of accused No.1. Hence,

I do not find any ground to quash the proceedings insofar as accused No.1 is concerned.

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

ORDER

(i) The petition is allowed in part.

(ii) The proceedings initiated against accused No.2 in C.C.No.2350/2020, is quashed.

(iii) The petition in respect of accused No.1 is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 27