HC-KAR

NC: 2026:KHC:62172
CRL.P No. 1932 of 2024
C/W CRL.P No. 1992 of 2024

CNR: KAHC010115812024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1932 OF 2024

C/W

CRIMINAL PETITION NO. 1992 OF 2024

IN CRL.P No. 1932/2024

BETWEEN:

1. SMT M.L. DAMAYANTHI
   AGED ABOUT 73 YEARS
   W/O SRI VENKATEGOWDA K.S
   KONEGADDE
   BOMLAPURA VILLAGE
   KOPPA TALUK
   CHIKKAMAGALURU-577 120

2. MR VENKATEGOWDA
   AGED ABOUT 77 YEARS
   S/O LATE SRI. SANNEGOWDA
   KONEGADDE
   BOMLAPURA VILLAGE
   KOPPA TALUK
   CHIKKAMAGALURU-577 120

...PETITIONERS

(BY SRI. PRABHAKARA LAXMANA SHETTY, ADVOCATE)

AND:

1. THE STATE BY HARIHARAPURA POLICE
   REPRESENTED BY SPP
   HIGH COURT BUILDING
   BANGALORE-560001

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

2. SMT THIRTHA B.A
AGED ABOUT 38 YEARS
W/O SRI GIRISH K.V
R/A KONEGADDE
BOMLAPURA VILLAGE
KOPPA TALUK
CHIKKAMAGALURU-577 120

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. UDAYA KUMAR REDDY B.R, ADVOCATE FOR
SRI. ABHINAY Y.T)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.952/2023 (CR.NO.11/2023 OF THE 1ST RESPONDENT POLICE) ON THE FILE OF CIVIL JUDGE AND J.M.F.C., KOPPA, CHIKKAMAGALURU FOR THE OFFENCE P/U/S 504, 506, 323 R/W 34 OF IPC.

IN CRL.P NO. 1992/2024

BETWEEN:

1. SMT CHAITHRA K.V
AGED ABOUT 52 YEARS
W/O SRI .GOPALA GOWDA
THOTADA MANE
BOMLAPURA VILLAGE
KOPPA TALUK
CHIKKMAGALURU-577 120

2. SMT CHARITHA K.V
AGED ABOUT 46 YEARS
W/O SRI DEVENDRA R
YETAGALLU RASTE
YETAGALLU
KODURU VILLAGE

HOSANAGAR POST
SHIVAMOGGA-577 418

...PETITIONERS

(BY SRI. PRABHAKARA LAXMANA SHETTY, ADVOCATE)

AND:

1. THE STATE BY HARIHARAPURA POLICE
   REPRESENTED BY SPP
   HIGH COURT BUILDING
   BANGALORE-560 001

2. SMT THIRTHA B.A
   W/O SRI GIRISH K V
   AGED ABOUT 38 YEARS
   RESIDING AT KONEGADDE
   BOMLAPURA VILLAGE
   KOPPA TALUK
   CHIKKAMAGALURU
   KARNATAKA-577 120

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. UDAYA KUMAR REDDY B.R, ADVOCATE FOR
SRI. ABHINAY Y.T, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.952 OF 2023 (CRIME NO.11 OF 2023 OF THE HARIHARAPURA POLICE) ON THE FILE OF THE CIVIL JUDGE AND JMFC AT KOPPA, CHIKKAMAGALURU, FOR THE OFFENCE P/U/S 504, 506, 323 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. Crl.P.No.1992/2024 is filed by accused Nos.1 and 2 and Crl.P.No.1932/2024 is filed by accused Nos.3 and 4 under Section 482 of Cr.P.C. seeking to quash the proceedings against them in C.C.No.952/2023 arising out of Crime No.11/2023 registered by the 1st respondent - police for the offences punishable under Sections 504, 506, 323 read with Section 34 of IPC, pending on the file of the learned Civil Judge & JMFC, Koppa.

2. Accused Nos.1 and 2 are the sisters-in-law and accused Nos.3 and 4 are the mother-in-law and father-in-law of respondent no.2.

3. The factual matrix of the case is that, respondent No.2 lodged a complaint against the accused-petitioners alleging that the marriage of respondent no.2 was solemnized with one Girish K.V. (son of accused Nos.3 and 4) and it was an inter-caste marriage. As such, the petitioners opposed the said marriage. However, on 15.03.2023 at about 08:45 p.m., the petitioners, trespassed into the house of respondent no.2 and

abused her in filthy language. Thereafter, they also foisted life threat to her. However, the complaint came to be lodged on 18.03.2023, after lapse of three days. On the strength of the said complaint, FIR came to be registered in Crime No.11/2023 for the aforementioned offences. Subsequently, the police investigated the case and laid charge sheet against the petitioners. The learned Magistrate took cognizance of the offence. Aggrieved by which, the petitioners are before this Court.

4. Heard the learned counsel for the petitioners, learned counsel for respondent No.2 and the learned HCGP.

5. The contention of the learned counsel for the petitioners is that though accused No.3 lodged a complaint before the 1st respondent - police on 15.03.2023 against respondent No.2, the same was registered after two days in Crime No.9/2023 i.e., on 18.03.2023, on which day, respondent No.2 also lodged the present complaint. The police, after investigation in Crime No.9/2023, laid charge sheet against respondent No.2 in C.C.No.865/2023. According to the learned counsel, the instant complaint was lodged as a counter

blast out of vengeance since accused No.3 filed an application before the Assistant Commissioner & Chairman, Parents-Senior Citizen Maintenance Tribunal, Chikkamagaluru, seeking necessary protection and maintenance of Rs.15,000/- every month and to release the house from her son i.e., the husband of respondent No.2. Hence, he prayed to allow the petitions.

6. The prayer is opposed by learned counsel for respondent no.2 on the ground that the charge sheet has been filed and the statement of material witnesses prime facie reveal the involvement of the petitioners in the offences for which they have been charge sheeted. The prayer is also opposed by learned HCGP. They both prayed for dismissal of the petitions.

7. On careful scrutiny of the complaint averments and charge sheet material, the relationship between the parties are not in dispute and it is also not in dispute that there is a family dispute between the petitioners and respondent no.2 and her husband i.e., the son of accused Nos.3 and 4. The said dispute culminated with filing of cases by respondent no.2 against the petitioners and, by the petitioners against respondent no.2. However, the complaint lodged by accused No.3 against

respondent no.2 ended up with acquittal. On perusal of the complaint averments, it is clear that the instant complaint has been filed after lapse of 3 days i.e., on 18.03.2023 from the date of incident i.e., 15.03.2023. Except some bald and omnibus allegations, no specific averments are made against these petitioners in the complaint. In such circumstances, it could be presumed that the instant complaint has been lodged by respondent No.2 out of vengeance as a counter blast to the complaint lodged by accused No.3.

8. Accused Nos.3 and 4, being the senior citizens and the parents-in-law and accused Nos.1 and 2, being the sisters-in-law of respondent No.2, even if the entire charge sheet averments taken on its face value, there is no offence made out against the petitioners for which they have been charge sheeted. In such circumstances, continuation of proceedings against the petitioners amounts to abuse of process of Court. Hence, the proceedings against the petitioners in both the petitions in C.C.No.952/2023 arising out of Crime No.11/2023 registered by the 1st respondent - police for the offences punishable under Sections 504, 506, 323 read with Section 34

of IPC, pending on the file of the learned Civil Judge & JMFC, Koppa, are hereby quashed.

The petitions are accordingly allowed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 18