HC-KAR
NC: 2026:KHC:61388
CRL.P No. 3985 of 2020
CNR: KAHC010119642020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3985 OF 2020

BETWEEN:

1. DR MOHAMMED FAIZAL
AGED ABOUT 34 YEARS
S/O MR. SHAMSUDEEN

2. SMT. JAHANARA SHAMSUDEEN
AGED ABOUT 57 YEARS
W/O MR. SHAMSUDEEN

3. MR. MOHAMMAD IBRAHIM SHAMSUDEEN
AGED ABOUT 62 YEARS
S/O MOHAMAD IBRAHIM

4. MISS. FARHEEN IBRAHIM
AGED ABOUT 25 YEARS
D/O MR. SHAMSUDEEN

ALL ARE R/O NO.4
V.P.M. AVENUE
NOLAMBUR UNINI ROAD
CHENNAI-600095

...PETITIONERS

(BY SRI. SUKUMARAN G, ADVOCATE)

AND:

1. THE STATE BY
THE WOMEN POLICE STATION

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

EAST ZONE
PULAKESHINAGAR SUB-DIVISION
BENGALURU-560054
REP. BY ITS PUBLIC PROSECUOTR
HIGH COURT OF KARNATAKA
BENGALURU – 01

2. MRS. SABA AFZAL
AGED ABOUT 28 YEARS
W/O DR.MD. FAIZAL
NO.7, 1ST FLOOR
V/S PARANJYOTHI ROAD
STEPHENS ROAD
FRAZER TOWN
BENGALURU-560005

…RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI SYED AHMED, ADVOCATE FOR R2 [ABSENT])

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.123/2019 PENDING BEFORE THE 6TH A.C.M.M. COURT AT BENGALURU DATED 08.11.2019 U/S 498A AND 506 OF IPC AND R/W SECTION 3 AND 4 OF D.P ACT OF THE FIRST RESPONDENT/THE WOMEN P.S., SHIVAJI NAGAR, EAST ZONE, BENGALURU AND ETC.

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

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

CNR: KAHC010119642020

ORAL ORDER

This petition is filed praying this Court to quash the FIR in Cr.No.123/2019 initiated against the petitioners for the offences punishable under Sections 498A and 506 of IPC and Section 3 and 4 of D.P. Act.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for respondent No.1/State. Though respondent No.2 is represented through the counsel, the said counsel is absent.

3. The main contention of the counsel appearing for the petitioners that already a complaint was filed by respondent No.2/complainant at Chennai on 30.10.2019 before the Inspector of Police, W8 of All Woman Police Station, Thirumangalam in CSR No.341/2019 wherein allegations of 498A of IPC and Sections 3 and 4 of D.P. Act are made in the said complaint against the petitioners. The counsel also would submit that in view of the registration of the case at Chennai, these petitioners have granted the anticipatory bail in respect of the said crime. The counsel also contend that in continuation

of her nefarious activities, by suppressing the complaint lodged by her at Chennai, second complaint is filed at Woman Police Station, East Zone, Pulakeshi Nagar, Bengaluru alleging similar set of facts of the first complaint. Based on same, FIR was registered in Crime No.123/2019 which is the subject matter of this petition wherein also similar allegations are made against the same petitioners that they are making physical harassment and giving life threat to her and minor child and threatening to share her personal photo and other data.

4. The counsel for the petitioners would vehemently contend there cannot be two complaints making similar allegations. It is nothing but an abuse of process. The counsel also brought to notice of this Court that based on the second complaint, these petitioners also appeared before the Bengaluru Court in respect of Crime No.123/2019. The counsel would contend that the first complaint filed at Chennai is also pending for consideration. Hence, it requires interference of this Court.

5. Per contra, the counsel appearing for the State would submit that both the complaints are different dates.

Earlier complaint is dated 30.10.2019 and present complaint is filed on 08.11.2019. But not disputes the fact that similar allegations are made in both the complaints.

6. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that there are two complaints i.e., one at Chennai and another one at Bengaluru on the similar set of facts. When at the first instance, already complaint was filed at Chennai and case has been registered, if any subsequent complaint is filed, that should be a part of first complaint and if any statements to be recorded by the Chennai police, that only under Section 162 and there cannot be any subsequent registration of the case in respect of the similar set of facts and the same is a settled law.

7. The Court also held that there cannot be two complaints and even if such a subsequent complaint is filed, only under Section 162, statement can be recorded by the earlier police. When such being the case, it is nothing but an abuse of process and there cannot be two complaints in respect

of the similar set of allegations made at the first instance as well as in the subsequent instance.

8. This petition was filed before this Court on 02.03.2020 and this Court had granted the stay on 25.01.2021 but charge sheet was already on 27.09.2020. When complaint was filed earlier at Chennai and the same was registered and again one more complaint is filed in Bengaluru and the same is also registered on the similar set of facts, there cannot be two prosecutions in respect of the similar allegations. Even charge sheet is also filed in the present case and the same cannot be entertained in view of the fact that already case was registered at Chennai, the complainant can pursue the complaint which was filed first at Chennai and not the second complaint filed at Bengaluru on the similar allegations. Hence, it requires interference of this court.

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

ORDER

i. The petition is allowed.

ii. The FIR in Cr.No.123/2019 registered against the petitioners for the offences punishable under Sections 498A and 506 of IPC and Section 3 and 4 of D.P. Act is hereby quashed.

iii. Even subsequent charge sheet filed against the petitioners in C.C.No.3645/2021 is also quashed since the said charge sheet cannot be entertained in view of already case was registered at Chennai and the same can be pursued at Chennai.

Sd/-
(H.P.SANDESH)
JUDGE

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