HC-KAR

NC: 2026:KHC:62045
WP No. 5652 of 2025

CNR: KAHC010128942025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.5652 OF 2025 (GM-RES)

BETWEEN:

MRS SRILAKSHMI NARAYANASWAMY
W/O NAGAVARMA PRABHU.A
AGED 41 YEARS,
R/A FLAT NO.2914,
PRESTIGE KEW GARDENS,
BEHIND OLD AIRPORT ROAD,
YAMLUR, BENGALURU-560037

...PETITIONER

(BY SMT.LAKSHMY IYENGAR, SENIOR ADVOCATE FOR
SRI N GOWTHAM RAGHUNATH, ADVOCATE)

AND:

MR NAGAVARMA PRABHU A
S/O LATE GOPALAKRISHNA ANANTHAN,
FLAT NO.207, ARJUN AURA APARTMENT
97/4, 5TH CROSS, BILEKAHALLI,
OPP. BANNERGHATTA ROAD,
BANGALORE-560 076

...RESPONDENT

(VIDE ORDER DATED 04.11.2026, SERVICE OF NOTICE TO RESPONDENT IS HELD SUFFICIENT)

Digitally signed by R MANJUNATHA
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO CALL FOR RECORDS AND QUASH THE CRIMINAL PROCEEDING IN C.C.51829/2021 AS AGAINST THE PETITIONER PENDING ON

THE FILE OF THE XXIX ADDL. METROPOLITAN MAGISTRATE, MAYO HALL BENGALURU (ANNEXURE-A) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Smt.Lakshmy Iyengar, learned Senior Advocate for the petitioner. Respondent served with the notice of the writ petition, remained absent.

2. Petition under Article 227 of the Constitution of India r/w Section 482 of the Code of Criminal Procedure with the following prayer:

> *"Quash the criminal proceeding in C.C.51829/2021 as against the petitioner pending on the file of the XXIX Addl. Metropolitan Magistrate, Mayo Hall, Bengaluru (Annexure A)"*

3. Smt.Lakshmy Iyengar would submit that the matrimonial relationship between the petitioner and the respondent stood strained and there were legal proceedings. One of the reasons for the strained relationship according to the petitioner is that the respondent had illicit relationship.

4. While narrating the said aspect of the matter, the word 'paramour' is used in the pleadings which is a legally permissible word to depict a particular factual circumstance and the same is blown out of proportion and out of context to call it as a defamatory word and a private complaint came to be filed by the respondent.

5. The learned Trial Magistrate after recording the statement, without considering the fact that usage of the word 'paramour' simpliciter without attributing any further intention thereof and to explain a specific factual circumstance, has issued the process resulting in miscarriage of justice besides the abuse of process of law as the usage of the word 'paramour' *per se* would not amount to defamation and thus sought for allowing the petition.

6. Having given the anxious consideration to the material on record, especially the allegations found in the complaint and the pleadings in the matrimonial proceedings pending between the parties and also the criminal case, this Court is of the considered opinion that taking cognizance for the offence

punishable under Section 500 of the Indian Penal Code punishable by the learned Trial Magistrate by impugned order marked at Annexure-A is totally uncalled for and therefore needs to be quashed, as continuation of the proceedings thereof would amount to abuse of process of law.

7. Accordingly, the following:

ORDER

i. Petition ***allowed***.

ii. Consequently, C.C.No.51829/2021 pending on the file of the XXIX Additional Metropolitan Magistrate, Mayo Hall, Bengaluru, *qua* petitioner is quashed.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 51
CT:VRR