HC-KAR

NC: 2026:KHC:62842
CRL.P No. 2569 of 2021

CNR: KAHC010129252021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2569 OF 2021

BETWEEN:

1. SRI. K.J. BHUVANESHWARAN,
S/O G. JAGADEESHAN,
AGED ABOUT 39 YEARS,
NO.64, NEAR ANGANAWADI SCHOOL,
MEDARAHALLI, ABBIGERE,
BENGALURU-560090.

2. SMT. KALAVATHI,
W/O JAGADEESHAN,
AGED ABOUT 58 YEARS,
PRESENTLY RESIDING AT NO.4,
KANNADIKUPPAM VILLAGE,
NEAR ANGANAWADI SCHOOL,
BAJANL KOVIL STREET,
MINNUR, VELLORE,
TAMILNADU-635807.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

3. JAGADEESHAN,
S/O GOVINDAN,
AGED ABOUT 62 YEARS,
PRESENTLY RESIDING AT NO.4,
KANNADIKUPPAM VILLAGE,
NEAR ANGANAWADI SCHOOL,
BAJANL KOVIL STREET,
MINNUR, VINNAMANGALAM,
VELLORE, TAMILNADU-635807.

4. RADHAKRISHNA,
S/O G. JAGADEESAN,

AGED ABOUT 36 YEARS,
PRESENTLY RESIDING AT
C/O FLAT NO.116,
MAHAVEER DESIRE APARTMENT,
OLD RAILWAY STATION ROAD,
CHIKKABANAVAR, OPP CHIKKABANAVARA,
BENGALURU-560090.

…PETITIONERS

(BY SRI. GOPALAKRISHNAMURTHY C, ADVOCATE)

AND:

1. STATE BY
SOLADEVANAHALLI POLICE STATION,
REP BY SPP, HIGH COURT OF KARNATAKA,
BENGLAURU-560001.

2. SMT. DAKSHAYINI,
W/O BHUVANESWARAN,
D/O RAMUREDDY,
AGED ABOUT 36 YEARS,
RESIDING AT NO.98, 4TH CROSS,
SAIBABA NAGAR, SRIRAMPURAM,
BENGALURU-560021.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M, HCGP FOR R1;
SRI. RAVINDRANATH M, ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE FIR FILED BY THE 1st RESPONDENT POLICE IN CR.NO.71/2019 VIDE ANNEXURE-A DATED 07.04.2019 AND ALSO C.C.NO.8531/19 PENDING ON THE FILE OF THE CJM RURAL COURT, BANGALORE RURAL VIDE AS PER ANNEXURE-D FOR THE OFFENCES PUNISHABLE UNDER SECTION 498A, 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT AS AGAINST THE PETITIONERS HEREIN.

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

CNR: KAHC010129252021

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

ORAL ORDER

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

2. The factual matrix of the case of the complainant as per Annexure-B complaint dated 07.04.2019, is that the marriage of the complainant and petitioner No.1 was taken place on 22.05.2015 and thereafter, she had joined the matrimonial home and stayed along with the petitioners herein. It is an allegation in the complaint that at the time of marriage, the petitioners demanded an amount of Rs.10,00,000/- and 40 grams of gold. Accordingly, payment of Rs.10,00,000/- and also gold ornaments was made and spent the amount for performing the marriage. It is alleged that after one month of joining of matrimonial home, all of them started subjecting her for cruelty and her husband used to assault her and all the petitioners demanded additional dowry stating that the amount given at the time of marriage was not sufficient. When the

harassment was continued, the complainant insisted for separate house in the month of July and accordingly, the house was taken, but ultimately she was sent out of the house in the month of November 2017. However, she waited that the dispute would be set right, but when they have not come forward to take her back, she has lodged the complaint on 07.04.2019. Based on the complaint, the police have registered the case in Crime No.71/2019 invoking the offence under Section 498A of IPC and Sections 3 and 4 of Dowry Prohibition Act. The police investigated the matter and filed the charge-sheet recording the statement of witnesses, who had participated in the marriage talk as well as subsequently attended the panchayath and advised the petitioners to take care of the complainant.

3. The learned counsel for the petitioners would vehemently contend that all the family members have been roped in the matter with an intention to harass them. The learned counsel would contend that the in-laws were staying at Tamil Nadu and petitioner No.4 who happens to be the brother of her husband is also staying separately and to that effect,

produced the documents of Aadhar card. The learned counsel also would vehemently contend that in the M.C. petition filed by the husband, it is categorically stated with regard to the conduct of the complainant and brought to the notice of this Court the discussion made in paragraph Nos.5, 8 and 9. The learned counsel also brought to the notice of this Court the statement of objections filed by the complainant/respondent No.2 wherein in paragraph No.22 she has categorically stated that a separate house was made and husband and wife were residing separately. It is stated that the panchayathdars had advised petitioner No.1 to set up a separate house so as to take responsibility of respondent No.2 and the child and separate house in the month of July 2017 was made and hence, it is clear that at the time of lodging the complaint they were not together. The learned counsel also would submit that this complaint was filed after 1½ years of her leaving the matrimonial house and hence, it is clear that there was a delay in filing the complaint and the same is also an afterthought. The learned counsel also would submit that when the husband filed a petition seeking for restoration of conjugal rights

invoking Section 9 of the Hindu Marriage Act, but wife filed a petition for divorce and hence, the Court can take note of the very conduct of the complainant.

4. Per contra, the learned counsel for respondent No.2/complainant would vehemently contend that marriage was taken place on 22.05.2015 and at the time of marriage, they have received the amount of Rs.10,00,000/- as dowry and to that effect the witnesses Prabhakar and his wife Sarala also participated in the marriage talk along with the parents of the husband of the complainant. Prabhakar and his wife Sarala also participated in the panchayath and advised and their statement is also very clear that they went and advised the petitioners to take care of the complainant and inspite of it, the same is continued and it is a matter of trial and the contradictions pointed out by the learned counsel for the petitioners could be made use of at the time of cross-examination. When the specific allegations are made, the statement of witnesses who participated in the marriage talk as well as in the panchayath, requires to be testified in the cross-examination and hence, no ground is made out.

5. The learned High Court Government Pleader appearing for respondent No.1/State would submit that based on the contents of the complaint, FIR was registered and subsequently investigation was conducted and recorded the statement of witnesses.

6. In reply to this argument, the learned counsel for the petitioners also produced the additional documents for having taken treatment by the in-laws of the complainant. The learned counsel would submit that if the proceedings is continued against the petitioners, it amounts to an abuse of process.

7. Having heard the learned counsel for the respective parties, it is not in dispute that the marriage of petitioner No.1 and the complainant was taken place on 22.05.2015. It has to be noted that they were living together till 2017. In the complaint it is specifically stated that separate accommodation was made in 2017 July, but she was thrown out from the house in the month of November itself. It is also specifically stated that she has waited for sometime and when she came to know that there are no chances of reuniting, she had filed the

complaint and while giving the complaint, explanation is given and hence, the very contention of the petitioners that there was a delay in lodging the complaint cannot be accepted. It is also to be noted that when the police investigated the matter, the witnesses Prabhakar and his wife Sarala have made the statement that they participated in the marriage talks and at the instance of the accused and their family members, they made the payment of Rs.10,00,000/- as dowry. In the complaint specific allegations are made that additional dowry was demanded stating that the amount which was given at the time of marriage was not sufficient. It is specifically stated that panchayath was also convened and Prabhakara and his wife Sarala participated in the said panchayath and advised the petitioners. When such specific accusations are made and when statements of the witnesses are recorded, it is a matter of trial. The grounds which have been urged with regard to the contradictions, the same can be made use of at the time of cross-examination of witnesses. The statement of witnesses i.e., complainant, in-laws and also the witnesses who have participated in the panchayath as well as marriage talk, has to

be considered at the time of trial and hence, I do not find any ground to entertain the petition.

8. The learned counsel for the petitioners brought to the notice of this Court Aadhar card of petitioner No.4 and the same not reflects the date of issuance of the Aadhar card. However, the Aadhar card of the father-in-law of the complainant is dated 12.07.2017 and the accusation made in the complaint is that immediately after one month of marriage, they started harassing. Hence, this will not come to the aid of the petitioners. The Aadhar card issued in respect of the mother-in-law is concerned is dated 03.09.2016. Having taken note of date of issuance of Aadhar card of husband and wife i.e., in-laws, both are different dates. The accusations are made against each of the petitioners and the same will not come to the aid of the petitioners and hence, all these documents also could be used at the time of cross-examination of the witnesses. Hence, not a case for invoking of Section 482 of Cr.P.C. to quash the proceedings against the petitioners. The disputed facts cannot be decided in a petition under Section 482 of Cr.P.C.

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

ORDER

The petition is dismissed.

The Trial Court shall not be influenced by the observations made by this Court while considering the matter on merits.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 17