HC-KAR
NC: 2026:KHC:59549
CRL.P No. 3076 of 2022
CNR: KAHC010154972022

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.3076 OF 2022

BETWEEN:

1. SMT. SHIVAMMA G.C.
   D/O LATE CHIKKA CHOWDAIAH
   W/O SHIVARAM K.,
   ADVOCATE-KAR.NO.2728/20
   AGED ABOUT 45 YEARS
   R/O NO.55, 7TH MAIN ROAD
   SHARADA APARTMENT
   SHARADA COLONY
   BASWESHWARA NAGAR,
   BENGALURU-560 079.

...PETITIONER

(BY SMT. TEJASWINI V., ADVOCATE FOR
SRI. SHANKARAPPA S., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY BANASWADI P.S.
   REPRESENTED BY SPP
   HIGH COURT BUILDING
   BENGALURU-560 001.

2. SMT. KALAVATHI
   D/O D. SHANKAR
   R/O. NO.691/C, A.K.COLONY
   NEAR LITTLE ROBBIN SCHOOL
   TANNERY ROAD

FRAZER TOWN
BENGALURU-560 005.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.55205/2018 (CR.NO.379/2017) OF THE BANASAWADI POLICE STATION, BENGALURU CITY, PENDING ON THE FILE OF THE XI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A, 504, 506 R/W SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT.

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 learned counsel for petitioner and learned High Court Government Pleader for respondent No.1. The respondent No.2-complainant is served and unrepresented.

2. The prayer is sought in this petition to quash the proceedings in C.C.No.55205/2018 for the offence punishable under Sections 498(A), 504, 506 read with Section 34 of IPC and Sections 3 and 4 of DP Act.

3. The contention of learned counsel for the petitioner is that this petitioner is accused No.2 and brought to notice of this Court that in the first complaint there is no such allegation against this petitioner and she has not been arraigned as accused. In the first complaint dated 01.07.2017, except referring that in the marriage hall, this petitioner made the dispute as she is a lawyer and she went away from the marriage hall after spending lakhs together for the marriage purpose, no other allegations. The counsel brought to notice of this Court that after 12 days of this complaint with an intention to include this petitioner, an improvement is made in the second statement of complaint that sister of her husband used to abuse in bad words and she gave a call to owner and she connects her and owner and he goes to sister and brother-in-law office and he is talking to all the Managers to remove from the job sheet is attached to message and this allegation is

found. But, in the charge sheet, no such allegations, including the contents of the second complaint and except stating in Column No.17 of the charge sheet that she is also insisting her to get more money, but she has not given dowry amount and gold ornaments and making galatta that she has to leave the house and subjected her for cruelty. The counsel would submit that this improvement is found at the time of filing of the charge sheet. Hence, it is a fit case to quash the proceedings.

4. Learned High Court Government Pleader for respondent No.1-State would submit that though the said allegation is not found in the first complaint, but she has shown dissatisfaction in the marriage and subsequently, after 12 days, a further statement was given by the complainant, wherein she has made an allegation against this petitioner and during the investigation found the role played by this petitioner. Hence, she has been arraigned as accused and it is a matter of trial.

5. Having heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1-State and having perused the first complaint, except the fact that she left the marriage hall on that day, no allegations and

there is a force in the contention of learned counsel appearing for the petitioner that in the second complaint dated 12.07.2017, there is an improvement adding her role. But, having taken note of contents of second complaint, the same is not in consonance with the allegations made in the charge sheet and the allegations in the charge sheet are different from the contents of both the earlier complaints. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C. and it is nothing but an abuse of process adding the present petitioner as accused No.2 when there was no specific allegation in the complaint and the second statement made by the complainant is an afterthought improvement made only with an intention to add sister of the husband as accused. Hence, if the proceedings initiated against the petitioner is not quashed, it amounts to miscarriage of justice and abuse of process.

6. In view of the discussion made above, I pass the following:

ORDER

(i) The criminal petition is ***allowed***.

(ii) The proceedings initiated against the petitioner i.e., accused No.2 in C.C.No.55205/2018 for the offence punishable under Sections 498(A), 504, 506 read with Section 34 of IPC and Sections 3 and 4 of DP Act, is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 43