HC-KAR

NC: 2026:KHC:55056
CRL.P No. 4658 of 2023

CNR: KAHC010270752023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 4658 OF 2023

BETWEEN:

SRI SHADAKSHARI C.S
C/O C.N. SHANKRAPPA
PRESIDENT
KARNATAKA STATE GOVERNMENT
EMPLOYEE UNION
AGED ABOUT 43 YEARS
R/A NO. ON-4, PWD OFFICERS QUARTERS,
1ST PARALLEL ROAD
BESIDES OFFICERS CLUB
BASAVANAGUDI
SHIVAMOGGA - 577 201.
AGE AND ADDRESS OF THE
PETITIONER MENTIONED AS PER AADHAR CARD.

...PETITIONER

(BY SRI SANDEEP S. PATIL, ADV.)

AND:

Digitally signed by NANDINI M S
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
THROUGH SAGAR TOWN P.S
SAGAR SUB-DIVISION
SHIVAMOGGA, REPRESENTED BY
ITS PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

2. SRI OMKARA S.P.
S/O SAKRE VEERABHADRAPPA
AGED ABOUT 46 YEARS
R/A RANGANATHASWAMY
TEMPLE ROAD, TALAGUPPA
SAGAR TQ, SHIVAMOGGA - 577 430.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;

SRI BIMBADHAR M. GOWDAR, ADV., FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE PRIVATE COMPLAINT IN PCR.NO.88/2023 DATED 25.04.2023 PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE AND J.M.F.C., SAGAR, SHIVAMOGGA.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of Cr.PC is filed by accused No.1 seeking for the following reliefs:

(i) Quash the private complaint in PCR.No.88/2023 dated 25.04.2023 pending on the file of Principal Civil Judge & JMFC, Sagara, Shivamogga;

(ii) Quash the order of reference dated 25.04.2023 passed under Section 156(3) of Cr.PC referring to complaint Respondent - Sagar Town Police, Sagar Sub-Division, Shivamogga for investigation and report;

(iii) Quash the FIR in Crime No.106/2023 dated 15.05.2023 registered by the Respondent - Police for offences under Section 504 & 506 of IPC and consequently quash all further proceedings pursuant thereto pending on the file of Principal

Civil Judge & JMFC, Sagara, Shivamogga, in the interest of justice.

2. Learned Counsel appearing for respondent no.2 has today filed a memo which is taken on record. The same reads as under:

> "The 2nd Respondent/complainant by name Sri Omkar S.V. died on 15/04/2026 leaving behind his widow and two minor children. However, the cause of action in the instant criminal petition survives against the legal representatives of the 2nd respondent. However upon being enquired about their willingness to continue with the proceedings the widow of the deceased Respondent no.2 has refused to participate in the proceedings. Hence, the same may be closed by passing appropriate orders."

3. A perusal of the order sheet in the present case would go to show that further proceedings in the impugned case was stayed by this Court and the said interim order is operating as on this date. Since, the original complainant has now died and the Counsel for respondent no.2 has filed a memo as aforesaid, continuation of the criminal proceedings against the petitioner

herein would amount to abuse of process of law. Accordingly, the following order:

4. Criminal Petition is allowed. The entire proceedings in Crime No.106/2023 dated 15.05.2023 registered by the Respondent - Police arising out of PCR.No.88/2023 for the offences punishable under Section 504 & 506 of IPC pending on the file of Principal Civil Judge & JMFC, Sagara, is quashed as against the petitioner herein.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KK