HC-KAR
NC: 2026:KHC:59571
CRL.P No. 5304 of 2024
CNR: KAHC010313322024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5304 OF 2024

BETWEEN:

1. LAKSHMIDEVI @ PALLAVI,
   AGED ABOUT 37 YEARS,
   W/O VIJAYKUMAR,
   ARKESHWARANAGARA,
   GUTTALU, MANDYA CITY
   MANDYA DISTRICT - 571 401.

2. VIJAYKUMAR
   AGED ABOUT 44 YEARS,
   S/O SHIVALINGAIAH,
   ABBURUDODDI VILLAGE,
   CHANNAPATNA TALUK,
   RAMANAGARA DISTRICT - 562 160.

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Location: HIGH COURT OF KARNATAKA

3. RAVIKUMAR
   AGED ABOUT 39 YEARS,
   S/O SHIVALINGAIAH,
   ABBURUDODDI VILLAGE,
   CHANNAPATNA TALUK
   RAMANAGARA DISTRICT - 562 160.

4. ANKEGOWDA,
   AGED ABOUT 28 YEARS,
   S/O RAMESH,
   MUDDAGUPPE VILLAGE,

MADDUR TALUK
MANDYA DISTRICT - 571 401.

5. SRINIVASA
AGED 60 YEARS,
S/O KARIVENKATAIAH
THITTAMARNAHALLI VILLAGE
CHANNAPATNA TALUK
RAMANAGARA DISTRICT - 562 160.

…PETITIONERS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY CHANNAPATNA TOWN POLICE
RAMANAGARA DISTRICT,
REP BY HIGH COURT SPP
BENGALURU-560 001.

2. ARPITHA C J
AGED ABOUT 31 YEARS,
NO.1914/313, 4TH CROSS,
MARALUHOLA CHANNAPATNA TOWN,
RAMANAGARA DISTRICT - 562 160.

…RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SRI. M.PARTHA, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE CHARGE SHEET AND FIR IN CR.NO.0108/2023 REGISTERED BY CHANNAPATNA P.S., PENDING ON THE FILE OF THE COURT OF 1ST ADDL. CIVIL JUDGE (JR.DN.) AND JMFC, CHANNAPATTANA, RAMANAGARA DISTRICT, AGAINST THE PETITIONERS FOR THE OFFENCE P/U/S 427, 506, 504,

149, 448 AND 323 OF IPC, 1860, PRODUCED HEREWITH AS DOCUMENT NO.1 AND 2.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the FIR against the petitioners/accused Nos.1 to 5 in Crime No.108/2023 dated 13.09.2023 registered by Channapatna Town Police Station, for the offences punishable under Sections 427, 506, 504, 149, 448, 323 of IPC, on the file of I Additional Civil Judge and JMFC Court, Channapatna, Ramanagara District.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 13.09.2023, alleging that her marriage was solemnized with one Dr. T.M.Honne Gowda on 26.11.2020 at Rathna Mahal, Channapatna Town, Ramanagara District. After the marriage, respondent No.2 started residing at her matrimonial home, and the marital relationship was cordial for a few months. However,

subsequently, matrimonial disputes arose between respondent No.2 and her husband, pursuant to which she started residing separately since September 2022. Though she made an attempt to rejoin her husband, the same did not yield any fruitful result. In the meanwhile, her husband instituted a petition seeking dissolution of marriage under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act. It is further alleged that on 13.09.2023, at about 5:00 p.m., when respondent No.2 was present in her house along with her parents, the accused-petitioners herein entered the house on the pretext of holding a panchayath, abused her in filthy language and foisted life threats. In this regard, respondent No.2 lodged a complaint, which came to be registered in Crime No.108/2023 for the aforementioned offences. Subsequently, respondent No.1-Police conducted an investigation and filed a charge sheet against all the petitioners. Accordingly, the learned Magistrate took cognizance of the alleged offences. Being aggrieved by the same, the petitioners preferred the present petition.

3. The primary contention of the learned counsel for the petitioners is that the complaint has been falsely lodged against

the petitioners as a counterblast to the divorce petition instituted by the husband of respondent No.2. According to him, no such incident had taken place on 13.09.2023. He further submits that petitioner No.1, who is the sister-in-law of respondent No.2, had also lodged a complaint against respondent No.2 and her parents on the very same day, alleging that respondent No.2 had invited the petitioners to her house on the pretext of settlement and had assaulted them. The said complaint came to be registered in Crime No.109/2023 dated 14.09.2023, and the Police have subsequently filed a charge sheet against respondent No.2 and her family members in the said case. Such being the position, the learned counsel contends that based on bald and omnibus allegations, without any specific overt acts being attributed to the petitioners. He further submits that respondent No.2 and her husband were residing together and that the petitioners had no connection whatsoever with the alleged incident. Hence, they have been falsely implicated in the present case. Accordingly, he prays to allow the petition.

4. The learned counsel for respondent No.2 opposed the prayer contending that the charge sheet has already been filed and the statements of the witnesses recorded during the course of investigation clearly disclose the involvement of the petitioners in the alleged offences. Hence, he submits that the matter requires consideration during trial and does not warrant interference at this stage. Accordingly, he prays to dismiss the petition.

5. Learned HCGP also opposed the prayer on the similar ground and submits that there are eye-witness to the incident and prays to dismiss the petition.

6. I have given my anxious consideration both on the submission and perused the entire charge sheet materials.

7. As could be gathered from the charge sheet materials, the relationship between the petitioners and respondent No.2 is not in dispute. The petitioners are the in-laws of respondent No.2, and initially, there were matrimonial disputes between respondent No.2 and her husband, Dr. T.M. Honne Gowda. However, admittedly, they are presently residing together. The

complaint averments disclose that the petitioners visited the parental house of respondent No.2 on 13.09.2023 and picked up a quarrel with respondent No.2 and her parents. It is also not in dispute that petitioner No.1 had lodged a complaint against respondent No.2 and her parents in respect of the very same incident, and the Police have also filed a charge sheet in the said case. On perusal of the complaint averments and the statements of the witnesses, except for certain bald and omnibus allegations, no specific allegations are forthcoming against the petitioners. More particularly, the complaint and the statements of the witnesses do not disclose any specific reason or motive for the petitioners to visit the parental house of respondent No.2 and allegedly indulge in such acts. When respondent No.2 and her husband are presently residing together cordially, *prima facie*, no apparent reason is forthcoming for the petitioners to visit her parental house and allegedly assault her or create a ruckus. In the absence of specific allegations and having regard to the pendency of the case and counter-case arising out of the same incident, the circumstances *prima facie* indicate that the present complaint

may have been lodged out of vengeance in connection with the matrimonial dispute. In such circumstances, the Hon'ble Apex Court, in ***Mahmood Ali v. State of U.P.***, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

> ***"11.*** *At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the court owes a duty to look into the FIR with care and a little more closely.*
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> ***12.*** *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.*
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> ***13.*** *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the*

background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

14.*State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)*

"5. … Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)

8. On collocating the aforesaid findings of the Hon'ble Apex Court to the facts and circumstances of the present case, I am of the considered view that this complaint has been lodged by respondent No.2 out of vengeance. As such, continuation of the proceedings against the petitioners is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

CNR: KAHC010313322024

ORDER

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

ii. The FIR registered against the petitioners/accused Nos.1 to 5 in Crime No.108/2023 dated 13.09.2023 by Channapatna Town Police Station, for the offences punishable under Sections 427, 506, 504, 149, 448, 323 of IPC, on the file of I Additional Civil Judge and JMFC Court, Channapatna, Ramanagara District is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 2