HC-KAR

CNR: KAHC010345322024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7126 OF 2024

BETWEEN:

SRI MANJUNATH @ PUTTA
S/O LATE SURESHA,
AGED ABOUT 31 YEARS,
R/AT MUDALAKOPPALU,
PALYA HOBLI, ALUR TALUK,
HASSAN DISTRICT - 573 201.

...PETITIONER

(BY SRI. SATHISHA D.J, ADVOCATE)

AND:

1. STATE BY HASSAN EXTENSION POLICE STATION
HASSAN SUB-DIVISION,
HASSAN - 573 201.
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT BANGALORE - 560 001.

2. SRI SANTHOSH KUMARA B.K
S/O KARIYAIAH,
AGED ABOUT 30 YEARS,
R/AT VARALAKSHMI NILAYA,
HOYASALA NAGARA,
HASSAN TOWN,HASSAN - 573 201.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. NISHIT KUMAR SHETTY, ADVOCATE FOR R2)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO ALLOW THIS PETITION AND QUASH THE PROCEEDINGS IN CC.NO.991/2022 AT ANNEXURE-C IN PURSUANCE OF CHARGE SHEET DATED 15.11.2021 IN CR.NO.261/2021 FOR THE OFFENCE P/U/S 143,341,448,504,323,324,506,114 R/W 149 OF IPC PENDING BEFORE THE PRL.CIVIL JUDGE AND J.M.F.C AT HASSAN AGAINST THE PETITIONER IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed by accused No.4 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C.No.991/2022 arising out of FIR registered in Crime No.261/2021 for the offences punishable under Sections 143, 341, 448, 504, 323, 324, 506 and 114 read with Section 149 of IPC, pending on the file of the learned Principal Civil Judge and JMFC, Hassan.

2. The factual matrix of the case is that, respondent No.2 and one Ranjeetha, who is the daughter of accused Nos.1 and 6 got married and from the wedlock they had one female child. The marital relationship between them was cordial for one and half a year and thereafter, their relationship got

strained. As such, Ranjeetha left the matrimonial home and started to reside at her parental house and thereafter, she lodged a complaint against respondent No.2 for the offence under Section 498A, 323, 504, 307, 506 & 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, which was registered in Crime No.80/2021 on 25.06.2021 by the Hassan Women Police Station. Thereafter, she also instituted proceedings under the provisions of Domestic Violence Act against respondent No.2 and his family members. Even respondent no.2 instituted proceedings for divorce against his wife Ranjeetha. All these proceedings are pending. When things stood thus, it is alleged that on 16.10.2021 at about 08:15 p.m., the accused persons came near the house of respondent No.2 and picked up quarrel against him and his family members and also assaulted him and threatened him with dire consequences and asked him to withdraw the divorce petition. As such, he lodged the complaint against the petitioner and others. On the strength of the complaint, FIR came to be registered in Crime No.261/2021 dated 17.10.2021 and subsequently, the 1st respondent police, after investigation, laid charge sheet against the petitioner and

others for the aforesaid offences and the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner, learned counsel for respondent No.2 and the learned HCGP.

4. The primary contention of the learned counsel for the petitioner is that respondent no.2 himself harassed his wife both physically and mentally and thrown her out from the matrimonial home and thereby deserted her. Thereafter, she filed the case against him both under the provisions of IPC as well as the DP Act and also instituted the case under the provisions of Domestic Violence Act. Later, he also filed a petition for dissolution of marriage. As a retaliation for the complaint lodged by his wife Ranjeetha, the present complaint has been filed by respondent no.2. He submits that the complaint is purely lodged out of vengeance for matrimonial dispute arising between respondent no.2 and his wife. The petitioner is no way connected to the same and is totally a third party. In such circumstances, he submits that continuation of

proceedings against the petitioner would be abuse of process of Court. Accordingly, he prays to allow the petition.

5. The prayer is opposed by learned HCGP as well as learned counsel for respondent No.2 on the ground that now the charge sheet has been filed and the statement of the material witnesses including the wound certificate reveal that the petitioner is involved in the offences alleged against him, proceedings cannot be quashed at this stage. As such, they pray to dismiss the petition.

6. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the entire charge sheet materials.

7. As could be gathered from records, the petitioner, who has been arrayed as accused no.4 is the friend of accused nos.1 and 6 i.e. the father-in-law and mother-in-law of respondent no.2. Admittedly, the relationship between respondent no.2 and his wife Ranjeetha was strained and said Ranjeetha is residing at her parental home. Nevertheless, she also lodged a complaint against respondent no.2 and his family

members as stated supra and she also initiated proceedings under the Domestic Violence Act, which are pending consideration. Even respondent no.2 initiated proceedings against his wife Ranjeetha for dissolution of marriage. Such being the position, the present complaint has been filed by respondent no.2 alleging that the petitioner and other accused made an attempt to trespass his house and also assaulted him. On perusal of the complaint and the statement of witnesses, except some bald and omnibus allegations, no such specific allegations are forthcoming against this petitioner who is accused no.4. The only allegation in the complaint against this petitioner is that he insisted the others to assault respondent No.2. Such being the position, the participation of this petitioner in the alleged incident appears to be doubtful. In such circumstances, the continuation of the proceedings against this petitioner amounts to abuse of process of court. Hence, I proceed to pass the following:

ORDER

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

ii. The proceedings against the petitioner in C.C.No.991/2022 arising out of FIR registered in Crime No.261/2021 for the offences punishable under Sections 143, 341, 448, 504, 323, 324, 506 and 114 read with Section 149 of IPC, pending on the file of the learned Principal Civil Judge and JMFC, Hassan, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 34