HC-KAR
NC: 2026:KHC:64772
CRL.P No. 10224 of 2021
CNR: KAHC010503862021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 10224 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. SMT. DEVIAK BAYI @ P.L.DEVIKA BAI
   W/O THIRUPATHI NAIK
   AGED ABOUT 41 YEARS
   OCCUPATION: WOMAN POLICE
   R/O BHUMIKA NAGAR
   DAVANGERE CITY - 577 004.

2. SRI TIRUPATI NAIK @ THIRUPATHI NAIK
   S/O GANGA NAIK
   AGED ABOUT 49 YEARS
   OCCUPATION: TEACHER
   R/O BHUMIKA NAGAR
   DAVANGERE CITY
   DAVANGERE - 577 004.

...PETITIONERS

(BY SRI. SUBRAHMANYA P D., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY POLICE SUB-INSPECTOR
   WOMAN POLICE STATION
   DAVANGERE CITY SUB-DIVISION
   DAVANGERE - 577 004
   NOW REPRESENTED BY SPP
   HIGH COURT OF KARNATAKA BUILDING
   BENGALURU - 560 001.

2. SMT. NIRMALA .N
W/O RAJAPPA S
AGED ABOUT 42 YEARS
OCCUPATION: HOUSE WIFE
R/O 2285/560, BEHIND MUNICIPAL OFFICE
CHIKKAMMANNI DEVARAJ URS BADAVANE
WARD NO.36, NITTUVALLI
DAVANGERE - 577 004.

…RESPONDENTS

(BY SRI. SUHAS GOWDA .M, HCGP FOR R1,
SRI PRABHUGOUD B. TUMBIGI, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR AND COMPLAINT IN CR.NO.164/2021 OF WOMEN P.S., DAVANAGERE CITY SUB-DIVISION, WITHIN THE JURISDICTION OF THE II ADDITIONAL CIVIL JUDGE (Sr.Dn) AND JMFC, DAVANAGERE WHICH DO NOT BRING ABOUT THE ESSENTIAL INGREDIENTS OF SEC.498A,323,342,504,506 R/W 34 OF IPC AGAINST THE PETITIONERS BEING ARBITARY, ERRONEOUS AND OPPOSED TO LAW, EQUITY AND JUSTICE APART FROM BEING ABUSE OF PROCESS OF LAW.

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 the learned counsel for the petitioners and also the counsel appearing for the respondent complainant and State.

2. The prayer is sought for quashing FIR in Crime No.164/2021 wherein offences invoked against the petitioners are under Section 498A, 504, 323, 506, 342 read with Section 34 of IPC.

3. The accusation is made in the complaint by the respondent No.2-complainant against the petitioners-accused Nos.2 and 3. Specific accusations are made against the petitioner No.1-accused No.2 that she is having an illicit relationship with husband of the complainant and subjected her for cruelty at the instance of this petitioner and also abused the complainant in filthy language and caused life threat and wrongfully confined her as a result of the act of the first petitioner. In the complaint, a sentence is used "that is done at the instance of petitioner No.2-accused No.3, who is none other than the husband of the first petitioner".

4. Learned counsel appearing for the petitioners would submit that these two petitioners are not the relatives of the husband of complainant and hence, the question of invoking Section 498A of IPC does not arise. The learned counsel also vehemently contended that the allegations made in the complaint are far from the truth. The complaint is only based on suspicion and the concocted story is fixed against these two petitioners. The learned counsel also submitted that the

complaint does not disclose commission of any offences as well as ingredients of the offences which have been invoked. There is no *prima facie* case against these petitioners. The complainant is in the habit of giving false complaints one after the other suspecting the character of her husband alleging illicit relationship with petitioner No.1 only with a personal vengeance and hence, it requires interference of this court.

5. Learned counsel for the respondent-complainant would submit that the offence alleged attracts Section 498A of IPC cannot be decided at the stage of registration of the FIR and the investigation officer has to probe the matter and unearth the truth, whether it constitutes an offence under Section 498A or not, and also in respect of other offences. The Court has to take note of only the accusation made in the complaint, and whether such accusation invokes the offences and constitute the ingredients of the offences to carry out the investigation. Hence, the very contention of the petitioners' counsel cannot be accepted.

6. Learned counsel appearing for the State also submits that based on the allegations made in the complaint, the case is registered. The investigation officer is yet to investigate the matter and unearth the truth and without investigation, this Court cannot interfere with the registration of the case.

7. Having heard the learned counsel appearing for the petitioners and also the learned counsel appearing for the respondent-complainant as well as the State, while exercising the power under Section 482 of Cr.P.C. for quashing the FIR, the Court has to take note of contents of the complaint. Having perused the contents of the complaint, a specific accusation is made against petitioner No.1 that she is having illicit relationship with the husband of the complainant and she is the root cause for both mental and physical cruelty to the complainant. It is also stated that petitioner No.1 abused the complainant in filthy language and also threat was made and assaulted. Though petitioner No.1 is not a relative, but a specific accusation is made that she is having illicit relationship with the husband of the complainant, which has resulted in subjecting the complainant to cruelty.

8. Though the learned counsel appearing for the petitioners brought to the notice of this Court, the definition of Section 498A of IPC, the same is a matter of investigation and the investigation officer has to investigate the matter with regard to the accusation made in the complaint and unearth the truth. This Court cannot interfere with domain of the investigation officer when the specific accusation is made.

9. However, there is a force in the contention of the learned counsel appearing for the petitioners that, in the complaint, only a passing reference was made. The allegation against petitioner No.2 is that he was helping his wife i.e. petitioenr No.1 to have the illicit relationship with the husband of the complainant. When only the passing reference is made and no such accusation to invoke the offence under Section 498A of IPC or the other alleged offences in respect of petitioner No.2 is concerned, this Court can exercise the power under Section 482 of Cr.P.C.

10. Having considered the factual aspects and also the judgment of the Apex Court in ***Dineshbhai Chandubhai Patel***

Vs. State of Gujarat and Others reported in ***(2018)3 SCC 104,*** wherein it is very clear that the High Court should not venture to interfere in the investigation, if the complaint does disclose the offences which constitute against the persons whom such allegations are made Hence, in view of the principles laid down in the aforesaid judgment, it requires interference only in respect of petitioner No.2 and not in respect of petitioner No.1.

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

ORDER

(i) This Criminal Petition is allowed in part.

(ii) The proceedings against the petitioner No.2 herein is quashed.

(iii) The proceedings against the petitioner No.1 herein is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

CS
List No.: 1 Sl No.: 27