HC-KAR
NC: 2026:KHC:63929
CRL.P No. 13039 of 2026
CNR: KAHC010584052026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 13039 OF 2026

(482(Cr.PC)/528(BNSS))

BETWEEN:

SMT. ARUNA G,
D/O LATE GOPAL,
AGED ABOUT 30 YEARS,
R/AT 5, PWD QUARTERS,
KEB MAIN ROAD,
KOTHITHOPU,
TUMAKUR - 572 103.

...PETITIONER

(BY SRI. G.S.VENKAT SUBBARAO, ADVOCATE)

AND:

Digitally signed by REKHA R
Location: High Court of Karnataka

1. STATE OF KARNATAKA
   REPRESENTED BY
   CHIEF MINISTERIAL OFFICER,
   PRL.FAMILY COURT TUMAKUR
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU - 560 001.

2. SRI. MAHESH R.V.,
   S/O VEERAMALLAIAH,
   AGED ABOUT 37 YEARS,
   R/AT 2ND MAIN, 4TH CROSS,
   SRINAGAR, KYATHASANDRA,
   TUMAKURU.

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[AMENDED VIDE COURT
ORDER DATED 29.08.2026]

…RESPONDENTS

(BY SRI. NAGHARISH G.S. ADVOCATE FOR R1,
SRI. MAHESH R.V. PARTY-IN-PERSON)

THIS CRL.P IS FILED UNDER SECTION 482 CR.PC (FILED U/S 528 BNNS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH ALL ENTIRE PROCEEDINGS IN THE PRIVATE COMPLAINT FILED BY THE RESPONDENT IN PCR NO.5/2024 (C.C.NO.65/2024) ON THE FILE OF PRL.CIVIL JUDGE SR.DIVISION AND CJM TUMAKUR VIDE ANNEXURE-P AND SET ASIDE THE IMPUGNED ORDER DATED:05.03.2024 BEING ORDER TAKING COGNIZANCE PASSED BY THE PRL.CIVIL JUDGE (SR.DN) AND C.J.M IN PCR NO.5/2024 VIDE ANNEXURE-C AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioner and the respondent No.2/party-in-person.

2. The petitioner before this Court has questioned the order dated 05.03.2024 passed by the Chief Judicial Magistrate in PCR No.5/2024 and also the order dated 09.02.2024 passed by the Family Court, Tumkur in Crl.Misc.No.30/2023.

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3. The petitioner also seeks to quash the private complaint filed by the respondent No.1 in PCR.No.5/2024, which is now registered as C.C.No.65/2024 by the Chief Judicial Magistrate, Tumkur.

4. The office has raised objection relating to the maintainability of the petition on the ground that order dated 09.02.2024 passed by the Family Court, Tumkur, in Crl.Misc.No.30/2023 is an appealable order.

5. Learned counsel appearing for the petitioner would submit that, though statutory appeal is provided to challenge the order dated 09.02.2024 in Crl.Misc.No.30/2023 passed under Section 340 of the Code of Criminal Procedure (Cr.P.C), 1973, the petitioner has also questioned the consequential proceedings namely, the complaint registered in PCR No.5/2024 referred to above and also the order dated 05.03.2024 taking cognizance for the offence by the Chief Judicial Magistrate in PCR

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No.5/2024. Thus, it is the contention that the petition is maintainable.

6. The second respondent/party-in-person submits that the order dated 09.02.2024 is appealable order, as such, the petition is not maintainable.

7. It is the further submission that subsequent orders are the consequential orders to the order dated 09.02.2024, as such, the petitioner cannot question the same before this Court as the complaint is filed pursuant to the order dated 09.02.2024.

8. The learned counsel for the petitioner by way of reply would submit that the petitioner be permitted to challenge the order dated 09.02.2024 before the Appellate Court and the present petition be continued in respect of the remaining prayers.

9. The Court has considered the contentions raised at the Bar and perused the records.

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10. There is no dispute over the fact that the order dated 09.02.2024 passed by the Family Court, Tumkur, in Crl.Misc.No.30/2023 is an appealable order.

11. It is an admitted fact that the petitioner had questioned the said order before this Court in W.P.No.6665/2024 and said petition is later disposed of as not maintainable with the liberty to the petitioner to approach the proper forum.

12. Though the learned counsel for the petitioner would submit that the petition to challenge the complaint and the order taken cognizance is maintainable, the Court is of the view that the complaint is filed pursuant to the order dated 09.02.2024 in Crl.Misc.No.30/2023.

13. That being the position, the present petition cannot be entertained to consider the plea to quash the complaint in PCR No.5/2024 and the said complaint is filed pursuant to the judicial order.

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14. In case the petitioner avails the appellate remedy before the Appellate Court challenging the order dated 09.02.2024 in Crl.Misc.No.30/2023 referred to above and in case if any stay granted to the operation of the said order, there cannot be any further proceedings pursuant to the complaint in PCR.No.5/2024 and the said proceeding has to wait till the outcome of the appeal, in case appeal is filed by the petitioner.

15. Thus, the present petition is not entertained.

16. The liberty is granted to the petitioner to avail the statutory remedy. The registry to return the original/certified copies of the documents to the petitioner.

17. The time spent in prosecuting the writ petition referred to above, and also the petition before this Court i.e., from 19.08.2026 till date has to be excluded in computing the limitation.

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18. In case appeal is filed, the respondents are entitled to file objection to any application seeking stay of the order and said application shall be considered on merits without being influenced by any of the observations made in this order, as this Court has not considered the grounds of appeal on merit.

19. The petition is ***dismissed***.

20. The registry shall return all the documents to the petitioner after retaining the photocopy of the same.

21. The petitioner had the benefit of interim order since 2024, and that benefit is extended for two weeks from today and not beyond.

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ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

RR
List No.: 2 Sl No.: 1