IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 11252 OF 2024

BETWEEN:

MRS. SHWETHA N.K
W/O SRI. SURESH G.N.,
AGED ABOUT 31 YEARS,
RESIDING AT NO.704,
TOWER 4,
RAINTREE BOULEVARD APARTMENT,
BYATARAYANAPURA,
BENGALURU CITY,
KARNATAKA - 5600 92.

...PETITIONER

(BY SRI. DINESH KUMAR K RAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH KODIGEHALLI POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

2. MR. SURESH G N.,
S/O SRI. NEELAKANTAIAH G.H,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 704,
TOWER 4, L & T APARTMENT,
BYATARAYANAPURA,
BENGALURU CITY,
KARNATAKA - 560 092.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.B.K. SWAMY, ADVOCATE FOR R2)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN CRIME NO. 150/2024 FOR THE OFFENCES P/U/S 506 OF IPC, PENDING ON THE FILE OF VII ADDL. CHIEF JUDICIAL MAGISTRATE, BENGALURU.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 17.11.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioner/accused No.1 in C.C No.844/2025, arising out of Crime No.150/2024 registered by Kodigehalli Police Station for the offences punishable under Sections 504 and 506 r/w 34 of IPC, pending on the file of the VII ACMM, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2-complainant, after obtaining permission from the learned Magistrate in NCR No.102/2024, lodged a complaint before respondent No.1-Police alleging that, owing to matrimonial differences between him and his wife, namely, Shwetha N.K, she was frequently conversing with some person over the phone and threatening to drive him out of the matrimonial home or otherwise teach him a lesson. It is further alleged that

one Muniraju @ Raj, stated to be the boyfriend of said Shwetha N.K, was assisting her and following respondent No.2 in the vicinity of his apartment and also on Ballari Road, which he used to commute in connection with his official duties. It is further alleged that Shwetha N.K and the said Muniraju @ Raj were hatching a conspiracy with an intention to cause harm to respondent No.2 and his minor son and thereby compel him to leave the house. Hence, respondent No.2 lodged the complaint against them.

3. On the strength of the said complaint, FIR came to be registered in Crime No.150/2024 dated 21.04.2021 against the petitioner and the said Muniraju @ Raj for the offences punishable under Sections 506 of IPC. Upon completion of investigation, respondent No.1-Police laid charge sheet against the petitioner and said Muniraju @ Raj for the offences punishable under sections 506 r/w 34 of IPC by arraying the petitioner as accused No.1. However, the learned Magistrate took for the offences punishable under Sections 504 and 506 r/w Section 34 of IPC. Aggrieved by the same, the petitioner has preferred this petition.

4. Heard the learned counsel for the petitioner, the learned HCGP for respondent No.1 - State and the learned counsel for respondent No.2.

5. Apart from urging several other contentions, learned counsel for the petitioner contended that respondent No.2, being the husband of the petitioner, has lodged a false complaint against her out of vengeance. According to the learned counsel, the averments made in the complaint do not, *prima facie*, constitute an offence punishable under Section 504 and 506 of the IPC, as no such offence has been committed and the complaint has been lodged only as a precautionary measure on the allegation that the petitioner, in collusion with one Muniraju @ Raj, was conspiring to cause harm to respondent No.2. It is further contended that respondent No.2 had earlier lodged a similar complaint against the petitioner and the said Muniraju @ Raj on 12.09.2023, making substantially similar allegations, with an intention to wreak vengeance against the petitioner, defame her and prevent her from claiming maintenance from respondent No.2, who, according to the petitioner, had subjected her to physical and mental harassment after their marriage. On these grounds, learned counsel for the petitioner seeks to allow the petition.

6. *Per contra,* learned counsel for respondent No.2 contended that, pursuant to investigation, the charge-sheet has been filed and the statement of respondent No.2 and other material witnesses discloses the involvement of the petitioner in the alleged offence along with her paramour, namely, Muniraju @ Raj. He further contended that the petitioner and the said Muniraju @ Raj had earlier assaulted respondent No.2 on 11.09.2023, in respect of which respondent No.2 lodged a complaint against them, which came to be registered in Crime No.250/2023 dated 12.09.2023 by respondent No.1-Police and is pending consideration. It is further contended that the averments made in the complaint *prima facie* disclose the ingredients of the offence punishable under Section 504 and 506 of the IPC. Accordingly, learned counsel seeks dismissal of the petition.

7. Learned High Court Government Pleader appearing for respondent No.1-State also opposed the prayer in the petition and prays to dismiss the petition.

8. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire materials on record.

9. As could be gathered from records, the relationship between the petitioner and respondent No.2 is not in dispute. They had married about 12 to 13 years prior to the alleged incident and have a male child, who is presently aged about 13 years. It is evident from the records that, after a few years of their marriage, their marital relationship got strained. In this regard, respondent No.2 lodged a complaint against the petitioner on 12.09.2023 alleging that she had assaulted and insulted him on account of his suspecting her alleged extramarital relationship with one Muniraju @ Raj. On the same day, the petitioner also lodged a complaint against respondent No.2 alleging stalking and harassment meted out to her by respondent No.2. Further, the petitioner lodged another complaint against respondent No.2 on 17.04.2024, pursuant to which an FIR came to be registered by Bengaluru North East Women Police in Crime No.8/2024 for the offences punishable under Sections 498A, 323, 504 and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

10. In the backdrop of the aforesaid facts, if the averments made in the complaint are carefully scrutinized, at the outset, there is no allegation that the petitioner had threatened respondent No.2 with any injury to his person,

reputation or property, with an intention to cause alarm or to compel him to do an act which he was not legally bound to do, or to omit to do an act which he was legally entitled to do, as contemplated under Section 503 of the IPC, so as to attract Section 504 of IPC. On the contrary, the substance of the allegation in the complaint and the charge-sheet is that the petitioner and her alleged paramour, Muniraju @ Raj, were conspiring to cause harm to respondent No.2 and his son. Admittedly, the petitioner and respondent No.2 are residing separately and several proceedings are pending between them, apart from the proceedings referred to supra. Respondent No.2 has instituted a divorce petition against the petitioner, while the petitioner has instituted criminal miscellaneous proceedings under the provisions of the Domestic Violence Act, 2005.

11. On careful scrutiny of the complaint and the statements of the witnesses recorded during investigation and forming part of the charge-sheet, except certain bald and omnibus allegations, there is no specific allegation attributing any act of criminal intimidation to the petitioner. In such circumstances, the allegations on record, when considered in the backdrop of the strained marital relationship and the multiple proceedings pending between the parties, *prima facie*

indicate that the complaint has been lodged by respondent No.2 against the petitioner with an intention to wreak vengeance.

12. In such circumstances, the complaint and charge sheet averments on face of it reveals that the same is filed out of vengeance. The Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

> *"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-*
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> > *"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
> >
> > *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an*

investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the

institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. 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. 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. 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 482 of the CrPC 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.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, 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:-

> *"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, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, 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)*
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> *14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."*

13. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, I am of the considered view that even if the entire allegations of the complaint and charge sheet are taken on its face value, no such *prima facie* case is made out against the petitioner for the offence she has been charge sheeted. In such circumstances, continuation of the proceedings against petitioner-accused No.1 would amount to abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

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

ii. The proceedings against the petitioner/accused No.1 in C.C No.844/2025, arising out of Crime No.150/2024 registered by Kodigehalli Police Station for the offences punishable under Sections 504 and 506 r/w 34 of IPC, pending on the file of the VII ACMM, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K