HC-KAR

CNR: KAHC010720022024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 34952 OF 2024 (GM-RES)

BETWEEN:

1. SMT LALITHAMMA
   W/O LASKHMI NARYANA JETTI
   AGED ABOUT 61 YEARS
   R/AT 2103, 1ST CROSS
   VIJAYANAGARA,
   BANGARPETE TOWN
   KOLAR - 563 114

2. SMT BHAGYALAKSHMI
   W/O MUNIRAJU
   AGED ABOUT 41 YEARS
   R/AT 2103, 1ST CROSS
   VIJAYANAGARA
   BANGARPETE TOWN
   KOLAR - 563 114.

3. MUNIRAJU
   S/O LAKSHMI NARAYANA JETTI
   AGED ABOUT 46 YEARS
   R/AT 2103, 1ST CROSS
   VIJAYANAGARA
   BANGARPETE TOWN
   KOLAR - 563 114.

4. SMT LAKSHMI
   W/O P. BALAJI
   AGED ABOUT 39 YERARS
   R/AT NO 28-19/4/1

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

KOTHA INDLU, M B T ROAD
PUNGANUR, PUNGANUR CHITTTOOR
ANDRA PRADESH - 517 247.

…PETITIONERS

(BY SRI. VINAY N.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY WOMEN POLICE STATION
   MYSURU CITY
   REP BY STATE PUBLIC PROSECUOTR
   HIGH COURT BUILIDNG
   BENGALURU - 560 001.

2. SMT SOUMAY B R ALIS KAVYA
   W/O CHANDRASHEKAR
   AGED ABOUT 31 YEARS
   R/T B 6/2, DRDO COMPLEX
   HEBBAL INDSUTIRAL AREA
   MYSURU CITY - 570 016.

…RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
SRI. K. VISHNU KUMAR., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SEC. 482 OF CR.PC PRAYING TO QUASH THE COMPLAINT AND FIR DATED 30.09.2023, CHARGESHEET DATED 20.04.2024, (PRODUCED AS ANNEXURE-C) COGNIZANCE ORDER DATED 21.05.2024 AND ENTIRE PROCEEDINGS IN CC NO. 233/2024 PENDING ON THE FILE OF THE VII ADDL. CHIEF JUDGE (JR.DN) AND CHIEF JUDICIAL MAGISTRATE, MYSURU FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A), 324, 504,. 506, 149 OF IPC AND SEC 3 AND 4 OF DOWRY PROHIBITION ACT (PRODUCED AS ANNX-H),

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri. Vinay N, learned counsel for the petitioners, Smt. K.P Yashodha, learned AGA for the respondent No.1-State and Sri. K. Vishnu Kumar, learned counsel for the respondent No.2.

2. The present petition is filed under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C with the following prayer:

> *" a) Issue a Writ of Certiorari and Quash the Complaint dated 30.09.2023 (Produced at Annexure- A) FIR dated 30.09.2023 (Produced at Annexure- B), Chargesheet dated 20.04.2024 (Produced at Annexure- C), Cognizance order dated 21.05.2024 (Produced at Annexure- D) and entire proceedings in CC No. 233/2024 pending on the file of the VII Additional Chief Judge (Jr. Dn) and Chief Judicial Magistrate, Mysuru for the offences punishable under sections 498(A), 324, 504, 506,149 of IPC and Section 3 and 4 of Dowry Prohibition Act (Produced at Annexure- H)*
>
> *b) To grant such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

3. The facts in the nut shell which are utmost necessary for disposal of the present petition are as under:

3.1 Respondent No.2 lodged a complaint to Women Police Station, Mysore alleging the commission of the offences punishable under Sections 498A, 324, 504, 506 R/w 149 IPC and Sections 3, 4 of the Dowry Prohibition Act, 1961. Police after thorough investigation filed charge sheet.

4. Column No.17 of the charge sheet would reveal that respondent No.2 was married to the accused No.1 by name Sri. Chandrashekhar L. After the marriage for a brief period there was a happy married life. On account of the ill-health namely typhoid suffered by the respondent No.2, she visited Mysore. When she went for medical checkup, it was found that she was pregnant of two months.

5. She gave birth to a child. After the confinement period and birth of the child, she came back to the matrimonial home. There was no proper treatment and parents of the respondent No.2 were abused in filthy language and Sri. Chandrashekhar L, said to have assaulted the father of the respondent No.2 with a brick, which resulted in taking back the respondent No.2 back to her parents' place and lodging the complaint.

6. There was also a petition filed before the Family Court and there was a counseling held. With an intention to have a bright and comfortable future for the child, respondent No.2 said to have reconciled the matter.

7. However the harassment further continued and there was a demand for additional dowry apart from Rs.2,00,000/- in cash and the gold ornaments that were given at the time of the marriage.

8. Therefore, police after thorough investigation filed the charge sheet for the offences punishable under Sections 498A, 324, 504, 506 R/w 149 IPC and Sections 3, 4 of the Dowry Prohibition Act, 1961.

9. Learned Trial Magistrate took cognizance and summoned the petitioners and proceeded with the criminal trial in C.C.No.233/2024.

10. The order of taking cognizance and proceeding with the criminal case is called in question in this petition by the petitioners herein.

11. Sri. Vinay N, learned counsel for the petitioners reiterating the grounds urged in the petition would contend that the allegations against the petitioners herein is far from truth and these petitioners had no role whatsoever in the alleged incident wherein the differences arose between the Sri. Chandrashekhar. L, and respondent No.2.

12. Learned counsel for the petitioners would further contend that petitioner Nos.1 to 3 are residing in a separate floor in the very same building, where Sri. Chandrashekhar L, and respondent No.2 were residing. whereas, petitioner No.4 is a permanent resident of Punganur, Andra Pradesh in her husband place and therefore, following the dictum of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam and others Vs. State of Bihar and others*** reported in ***(2022) 6 SCC 599***, the criminal proceedings insofar as the petitioners are concerned need to be quashed and sought for allowing the petition.

13. *Per contra*, Smt. K.P Yashodha, learned AGA for the respondent No.1-State and Sri. K. Vishnu Kumar, learned counsel for the respondent No.2 in unison would support the

continuation of the criminal case by contending that the Investigation Agency has collected such materials, which are necessary to continue with the trial and sought for dismissal of the petition.

14. Having heard the arguments of both sides, this Court perused the material on record meticulously.

15. On such perusal of the material on record, whether at all petitioner Nos.1 to 3 and respondent No.2 along with the accused No.1-Sri. Chandrashekhar L, shared the common roof or not is a matter of trial, as admittedly all of them were residing in the same house.

16. The contention of the petitioners herein that petitioner Nos.1 to 3, did not reside in the same house and they resided in a separate floor in the very same house is a matter of evidence that needs to be looked into and role assigned to the petitioner Nos.1 to 3 herein are to be adjudicated by placing necessary material evidence on record.

17. But insofar as, petitioner No.4 is concerned, even as per the charge sheet materials, she is permanent resident of

Punganur, which is situated in Andhra Pradesh. Petitioner Nos.1 to 3 house is situated in Bangarpete, Kolar District and it is highly unexpected of that every day the petitioner No.4 used to visit from Punganur to Bangarpete, Kolar only with an intention to harass and support the other petitioners in the alleged harassment.

18. Therefore, following the dictum of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam and others*** (Supra), petitioner No.4 is entitled for an order of quashing the pending criminal proceedings. Accordingly following:

ORDER

(i) Petition is ***partly allowed.***

(ii) Petition insofar as petitioner Nos.1 to 3 is hereby ***dismissed***.

(iii) All defences available to petitioners Nos.1 to 3 are reserved to be urged in the pending trial in accordance with law.

(iv) Petition is ***allowed*** insofar for the petitioner No.4.

(v) Consequently, pending proceedings in C.C.No.233/2024, pending on the file of VII Additional Chief Judge (Jr. Dn) and Chief Judicial Magistrate, Mysore is hereby quashed insofar as petitioner No.4.

(vi) Quashing of the pending proceedings for the petitioner No.4 shall not affect the rights of the prosecution in respect of other petitioners.

Sd/-
(V SRISHANANDA)
JUDGE

RL
List No.: 1 Sl No.: 18