HC-KAR
NC: 2026:KHC:64454
CRL.P No. 16559 of 2026
CNR: KAHC010746382026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 16559 OF 2026

BETWEEN:

1. SHRI. TEJAS H,
   AGED ABOUT 30 YEARS,
   S/O HANUMANTHAIAH,
   R/A NO. 26, 1ST CROSS, R BLOCK,
   RAJAJINAGAR, BENGALURU 560 010.

2. SMT. MALLIKA
   AGED ABOUT 49 YEARS,
   W/O HANUMANTHAIAH,
   R/A NO. 26, 1ST CROSS, R BLOCK,
   RAJAJINAGAR, BENGALURU 560 010.

3. SHRI. HANUMANTHAIAH,
   AGED ABOUT 60 YEARS,
   S/O CHANNAIAH, R/A NO. 26,
   1ST CROSS, R BLOCK, RAJAJINAGAR,
   BENGALURU 560 010.

4. SHRI. VISHRUTH,
   AGED ABOUT 24 YEARS,
   S/O HANUMANTHAIAH, R/A NO. 26,
   1ST CROSS, R BLOCK, RAJAJINAGAR,
   BENGALURU 560 010.

...PETITIONERS

(BY SRI MAYUR D BHANU,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REPRESENTED BY SHO,

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NORTH WOMEN POLICE STATION,
REPRESENTED BY HCGP, HIGH COURT BUILDING,
DR. AMBEDKAR VEEDHI, BENGALURU 560 001.

2. SMT. RASHMI N
AGED ABOUT 25 YEARS,
D/O NATARAJU T, R/A NO. 30,
1ST CROSS, MAYANNA LAYOUT,
SRIKANTAPURA, NAGASANDRA,
BENGALURU 560 0073.

…RESPONDENTS

(BY SRI M V ANOOP KUMAR, ADDL.SPP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO i. QUASH THE ORDER DATED 07/10/2026, PASSED BY THE LEARNED XXXII ADDITIONAL CHIEF JUDICIAL MAGISTRATE, AT BENGALURU, IN C.C. NO.59895/2026, WHEREBY CHARGES ARE FRAMED AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 351(2), 352 AND 85 READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, AND SECTIONS 3 AND 4 OF THE DOWRY PROHIBITION ACT, 1961.(ANNEXURE D AND E) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional SPP for the first respondent.

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2. It is submitted that the charges framed by the Trial Court are not sustainable on 2 grounds:

(a) Opportunity is not given to the petitioner to address his argument before framing charge;

(b) The charges are composite and same is impermissible

3. In view of the law laid down by the Apex Court in ***State of Maharashtra And Others*** v. ***Som Nath Thapa And Others***[1], and ***V C Shukla*** v. ***State through C.B.I***[2].

4. The learned Additional Special Public Prosecutor would submit that, the petitioner has not moved any application before framing the charge and, did not address his argument, hence, he cannot raise a contention that he has to be heard before passing the orders.

5. It is the further submission that, the charges are framed in accordance with law and there is no need to alter the same.

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[1] (1996)4 SCC 659

[2] 1980 Supp Supreme Court Cases 92

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

7. It is an admitted fact that the petitioners appeared before the Court on 18.09.2026 and 07.10.2026. Charges are framed. In between the case was not posted.

8. It is also noticed that the charges framed are composite charges.

9. The order sheet would indicate that the parties are heard. However, what is required to be noticed is that the charges are not distinct as required to be framed under law. The Apex Court has held that the charges are to be distinct for each offence.

10. Hence the following:

ORDER

(i) The petition is ***allowed.***

(ii) The impugned order dated 07.10.2026 passed by XXXII Additional Chief Judicial Magistrate, Bengaluru in C.C.No.59895/2026 is set aside.

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(iii) The petitioners are permitted to address their arguments before framing the charge.

(iv) The matter is remitted to the Trial Court.

(v) The Trial Court shall pass appropriate orders after hearing both sides.

(vi) It is made clear that nothing is expressed on the merits of the matter or contentions.

(vii) All contentions are kept open.

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ANANT RAMNATH HEGDE

(ANANT RAMANATH HEGDE)
JUDGE

BRN
List No.: 2 Sl No.: 57