HC-KAR

NC: 2026:KHC:65213
CRL.A No. 834 of 2011
C/W CRL.RP No. 467 of 2014

CNR: KAHC010826642011

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 834 OF 2011 (A)

C/W

CRIMINAL REVISION PETITION NO. 467 OF 2014

IN CRL.A NO. 834/2011

BETWEEN:

1. SMT. A R MANJULA
   W/O A RUDRACHARI
   HINDU, AGED ABOUT 54 YEARS
   TEACHER,
   R/AT RAMACHANDRA NILAYA,
   2ND CROSS, VIDYANAGARA,
   SHIMOGA -577203

...APPELLANT

(BY SRI. AJAY KUMAR M., ADV. FOR SRI. K. MURTHY.,ADV.)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court of
Karnataka

AND:

1. SRI A RUDRACHARI
   S/O A SHIVALINGACHARI @ ACHARAPPA
   AGED ABOUT 58 YEARS
   HEAD MASTER, GOVT PRIMARY SCHOOL,
   JALI MARADI THANDA,
   BEGUR POST,
   SHIKARIPUR TALUK,
   SHIMOGA DISTRICT, PIN - 577203

2. SMT CHANNAMMA
   W/O A RUDRACHARI

HINDU, AGED ABOUT 46 YEARS
R/AT OPP. KASHIVISHWANATHA TEMPLE,
TERU BEEDI, SHIKARIPUR TALUK
SHIMOGA DISTRICT PIN -577427.

3. SRI RUDRACHARI S/O MARTHANDAPPA
AGED ABOUT 74 YEARS
R/AT HARALAHALLI VILLAGE,
SHIKARIPUR TALUK,
SHIMOGA DISTRICT.

4. SMT LAKSHMAMMA
W/O RUDRACHARI
AGED ABOUT 64 YEARS
R/AT HARALAHALLI VILLAGE,
SHIKARIPUR TALUK,
SHIMOGA DISTRICT.

5. NUGGEHALLI SHIVALINGACHARI
S/O CHANNAPPACHARI
(DEAD ABATED)

6. SMT. CHANDRAMMA,
W/O LATE. SHIVALINGACHARI,
AGED ABOUT 58 YEARS,
R/AT. CHIRADONI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

7. SRI SRIDHARACHARI
S/O LATE KALINGACHARI
AGED ABOUT 57 YEARS
MARUTHI KRUPA
R/AT 7TH CROSS,
3RD MAIN ROAD,
VINOBANAGAR, DAVANAGERE.

8. SMT PREMAMMA
W/O SRIDHARACHARI
AGED ABOUT 54 YEARS

R/AT SRI MARUTHI KRUPA,
7TH CROSS, 3RD MAIN,
VINOBANAGAR, DAVANAGERE.

…RESPONDENTS

(BY SRI. UMESH P. B., ADV. FOR
SRI. R. B. DESHPANDE, ADV. FOR R1-4,
V/O DTD: 23/11/2011 - APPEAL IS ABATED AGAINST R5,
R6 IS SERVED AND UNREPRESENTED.)

CRL.A. FILED U/S. 378(4) CR.P.C BY THE ADV., FOR THE APPELLANT PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DT:11.6.10 PASSED BY THE JMFC-II COURT, SHIMOGA IN C.C.NO.3695/09 (127/00) - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 494 AND 506 OF IPC.

IN CRL.RP NO. 467/2014

BETWEEN:

SMT. MANJULA
D/O. RUDRACHARI,
HINDU MAJOR 55 YEARS,
R/AT RAMACHANDRA NILAYA,
2ND CROSS, VIDYANAGARA,
SHIVAMOGGA-577203.

...PETITIONER

(BY SRI. AJAY KUMAR M., ADV. FOR
SRI. MURTHY K., ADV.)

AND:

SRI A RUDRACHARI
S/O.A.SHIVALINGACHAR @ ACHARAPPA,
AGED ABOUT 60 YEARS,
JALI MARADI THANDA,
BEGUR POST,
SHIKARIPURA TALUK,

SHIVAMOGA DISTRICT,
PIN-577203.

...RESPONDENT

(BY SRI. P.B. UMESH, ADV. FOR
SRI. R B DESHPANDE., ADV.)

CRL.RP FILED U/S.397 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET-ASIDE THE ORDER DATED 14.2.2013 PASSED BY THE JMFC-II COURT, SHIVAMOGGA IN CRL.MISC.NO.35/2010 DISMISSING PETITON UNDER SECTION 12 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 (D.V.ACT 2005) AND CONFIRMING THE SAME IN CRL.A.NO.115/2013 BY THE P.O., FTC, SHIMOGA VIDE ORDER DATED 17.2.2014 AND GRANT THE RELIEF'S CLAIMED IN THE MAIN PETITION AND PASS ORDER/S AND OTHER ORDER MAY DEEM FIT AND PROPER UNDER THE GIVEN FACTS AND CIRCUMSTANCES OF THE CASE FOR PROTECTING THE AGGRIEVED PERSON FROM DOEMSTIC VIOLENCE ACT.

THIS CRIMINAL APPEAL AND CRIMINAL REVISION PETITION, COMING ON FOR ARGUMENTS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

CRL.A.NO.834 OF 2011

1. The appellant has preferred Criminal Appeal No.834/2011 against the order dated 11.06.2010 passed in C.C.No.3695/2009 by the JMFC II Court, Shivamogga (for short, 'the trial Court').

2. I have heard the arguments on Admission.

3. Complainant/appellant has filed complaint under Section 200 of Cr.P.C. alleging that the accused Nos.1 to 8/respondents herein, have committed offences punishable under Sections 498-A, 494, 506 read with Section 34 of IPC and offences punishable under Sections 3 and 4 of Dowry Prohibition Act.

4. To prove the guilt the accused, the prosecution has examined 4 witnesses as PWs.1 to 4 and 27 documents were marked as Exs.P1 to P27.

5. The trial Court, after carefully examination of the entire evidence on record, relying on the judgment of the Hon'ble Supreme Court, has held that Complainant has failed to prove the guilt of the accused for the offence under Section 494 of IPC. The trial Court has also held that, admittedly, nowhere either in the complaint or in the course of evidence, any circumstance is brought out by the

complainant which shows that the accused have caused threat to her life.

6. On re-examination of the entire materials on record, I do not find any reason to admit this appeal. Hence, appeal is **dismissed** at the stage of 'Admission'.

CRL.RP.NO.467 OF 2014

7. This revision petition is preferred against the order dated 14.02.2013 passed in Crl.Misc.No.35/2010 by the JMFC II Court, Shivamogga and the order dated 17.02.2014 passed in Criminal Appeal No.115/2013 by the Presiding Officer, Fast Track Court, Shivamogga.

8. The revision petitioner had filed application under Section 12 of Protection of Women from Domestic Violence Act, 2005 ('DV Act') seeking relief of Protection Order, relief of Residence Order and also monetary reliefs from the respondent.

9. The trial Court has observed that, in CC.No.3695/2009 dated 11.06.2010, which is impugned in

Criminal Appeal No.834 of 2011, it was has held that the very marriage of the petitioner with the respondent is not proved and hence acquitted the respondent of the offence punishable under Section 494 of IPC. On this ground, the trial Court has held that the petitioner has failed to substantiate the existence of domestic relationship between herself and the respondent as required and defined under the provisions of Section 2(f) of DV Act. Today, this Court has dismissed the Criminal Appeal No.834/2011, filed by the same revision petitioner.

In view of the dismissal of the Criminal Appeal, Criminal Revision Petition also stands **dismissed**.

Sd/-
(G BASAVARAJA)
JUDGE

DHA