

Reserved on :24.02.2026
Pronounced on :13.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.13301 OF 2025

BETWEEN:

- 1 . CHITTARANJAN PRASHAD SINHA @
CHITTARANJAN KUMAR SINHA
S/O. RAMCHANDRA PRASAD,
AGED ABOUT 64 YEARS,
R/O. NO. 55/B, ASHRAM GHAT
AKHARA GHAT CHOWK,
BALUGHAT, NEAR RN COLLEGE,
MUZAFFARPUR,
BIHAR – 842 001.
- 2 . SMT. SHUBHAM SHWETA
AGED ABOUT 31 YEARS,
W/O. RAHUL CHANDRA,
R/O. FLAT G01, GROUND FLOOR,
SAI BRINDAVAN MANSION,
KODIGEHALLI, KADUGODI,
BENGALURU – 560 067.
- 3 . PRANAV PRAKASH
AGED ABOUT 30 YEARS,
S/O CHITTARANJAN PRASHAD SINHA,
R/O. FLAT G01, GROUND FLOOR,
SAI BRINDAVAN MANSION,

KODIGEHALI, KADUGODI,
BENGALURU – 560 067.

ALSO AT NO.556, BANDH ROAD,
BALUGHAT, VTC YEHIYAPUR,
MUZAFFARPUR P.O MARAHLI,
BIHAR – 842 001.

... PETITIONERS

(BY SRI SAMEER SHARMA, ADVOCATE)

AND:

1 . STATE OF KARNATAKA
THROUGH KADUGODI POLICE STATION,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR.

2 . SRI RAHUL CHANDRA
AGED ABOUT 32 YEARS,
S/O RAVISHANKAR SINHA,
R/O. FLAT NO.410,
'MAA NIVASAM',
VIJAY VIHAR LAYOUT,
KODUGEHALI,
BENGALURU – 560 048.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1;
SMT.AMRITA MANCHANDA, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF
BNSS, 2023, PRAYING TO QUASHING THE COMPLAINT DATED
01.10.2024 FILED BY THE RESPONDENT NO.2 HEREIN BEFORE THE
RESPONDENT NO.1 ALLEGING COMMISSION OF OFFENCE BY THE
PETITIONER U/S.3(5), 115(2), 126(2), 351(2), 352 OF BNS 2023
(IMPUGNED COMPLAINT - ANNEXURE 'B'); QUASHING THE FIR

DATED 01.10.2024 REGISTERED BY THE RESPONDENT NO.1 IN CRIME NO.548/2024 ALLEGING COMMISSION OF OFFENCE BY THE PETITIONER U/S.3(5), 115(2), 126(2), 351(2), 352 OF BNS, 2023 (IMPUGNED FIR - ANNEXURE 'C'); QUASHING THE CHARGE SHEET DATED 29.10.2024 ALLEGING COMMISSION OF OFFENCE BY THE PETITIONER U/S.3(5), 115(2), 126(2), 351(2) AND 352 OF BNS 2023 FILED BY THE RESPONDENT NO.1 IN C.C.NO.265/2025 PENDING ON THE FILE OF THE HON'BLE ADDL.CJM BENGALURU RURAL (IMPUGNED CHARGE SHEET- ANNEXURE 'D'); QUASHING THE ORDER DATED 22.01.2025 AND ALL SUBSEQUENT ORDERS RENDERED BY THE HON'BLE ADDL. CJM BENGALURU RURAL DISTRICT IN C.C.NO.265/2025 (IMPUGNED ORDER-ANNEXURE 'A').

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.02.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioners/accused Nos. 1, 2 and 3 are at the doors of this Court calling in question proceedings in C.C.No.265 of 2025 pending before the Additional Chief Judicial Magistrate, Bangalore Rural arising out of crime in Crime No.548 of 2024 registered for

offences punishable under Sections 3(5), 115(2), 126(2), 351(2) and 352 of the BNS.

2. Heard Sri Sameer Sharma, learned counsel appearing for the petitioners, Sri B.N.Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1 and Smt. Amrita Manchanda, learned counsel appearing for respondent No.2.

3. Facts in brief, germane are as follows: -

3.1.The 1st petitioner is the father-in-law; 2nd petitioner is the wife and the 3rd petitioner is the brother-in-law of the complainant. In the case at hand the complaint by the complainant is against his wife, father-in-law and brother-in-law. The marriage between the 2nd petitioner ('wife') and the 2nd respondent ('husband')/complainant takes place on 20-04-2022 at Muzaffarpur, Bihar. The couple moved to Bangalore on account of their work commitments from Bihar. The relationship between the wife and the husband is said to have floundered on account of various allegations between the two. In the month of September,2024 the 1st petitioner visits Bangalore to resolve the issue between the wife

and the husband, at which point in time, the husband is said to have assaulted the wife and the 1st petitioner. The 1st petitioner/father-in-law registers a complaint before the jurisdictional Police in Crime No.547 of 2024 on 01-10-2024. By the end of the day, the husband also registers a crime in Crime No.548 of 2024 alleging that on 28-09-2024 the 1st petitioner had assaulted him with a bamboo stick and the wife and the 3rd petitioner had abused and threatened the husband.

3.2. The wife files complaint against the husband for instances of domestic violence meted upon her, which becomes a crime in Crime No.45 of 2024. The police who were conducting investigation in the crime registered by the husband in Crime No.548 of 2024 filed charge sheet. The concerned Court registers C.C.No.265 of 2025 for the afore-quoted offences. The complainant and his family members filed Criminal Petition No.14478 of 2024 seeking quashment of crime in Crime No.45 of 2024 registered by the wife against the husband and his family members. On 09-01-2025 a coordinate Bench grants an interim order only insofar as the family members are concerned and not against the

husband/complainant herein. Trial is on against the husband in the said proceedings. The petitioners are before this court calling in question proceedings in C.C.265 of 2025.

4. The learned counsel Sri Sameer Sharma appearing for the petitioners would vehemently contend that even if the allegations are taken on their face value, it would not amount to an offence. The complainant/husband has registered the subject complaint against the petitioners only to wreak vengeance for the crime registered by the wife against the husband. There is no substance in the allegation that, a 64 years old man can assault with a bamboo stick, a 32 years old man. It is only to harass the petitioners, the complainant has registered the complaint.

5. Per contra, the learned counsel Smt. Amrita Manchanda appearing for the 2nd respondent/husband would vehemently refute the submissions in contending that the wound certificate so issued by the appropriate hospital is not completely made a part of the charge sheet. The MLC register of the said date rendered by the Axis Hospital is deliberately left out while filing the charge sheet. She would contend that these are matters of evidence, as the

charge sheet is already filed against the petitioners. Every act of the husband cannot mean that it is an act of wreaking vengeance against the wife or her family members. The husband has been abused and assaulted. Therefore, the proceedings must continue is the submission of the learned counsel for the 2nd respondent.

6. The learned Additional State Public Prosecutor Sri B.N. Jagadeesha would only submit that the Police after investigation have filed a charge sheet. Therefore, it is for the petitioners to come out clean in a full-blown trial.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts, dates and link in the chain of events are all a matter of record. The 2nd petitioner/wife and the complainant/husband got married on 20-04-2022. The relationship between the two began to turn sore. Several instances of the wife being assaulted repeatedly is narrated in the petition. The MLC register of Manipal hospital which records assault of the wife by the

husband is appended to the petition. The husband is said to have assaulted the 3rd petitioner who visited the 2nd petitioner/wife being her brother to check whether the sister was safe. Another Medico Legal Case is registered against the husband on 18-08-2024, which depicts assault by the husband upon the wife or the 3rd petitioner. The wife owing to harassment by the husband registers a complaint on 15-10-2024 narrating vivid details of what has transpired. The complaint reads as follows:

"To,
The Station House Officer
Whitefield Women's Police Station
Whitefield Main Road,
Bengaluru, Karnataka - 560048.

Sir,

Subject: Complaint regarding infliction of cruelty and demand of dowry by Mr. Rahul Chandra, Mr. Ravishankar Sinha, Mrs. Sarita Sinha, Mrs. Supriya Shekhar, Mr. Swarnesh Shekhar, Mr. Abhimanyu Aditya and Mrs. Suchita Suchi.

I, the undersigned Mrs. Shubham Shweta, W/o. Mr. Rahul Chandra, aged about 31 years, residing at No.**MaaNivasam, flat no 410** state the chain of events which have led to the filing of the present complaint: -

1. I state that I am filing the present Complaint seeking the registration of a First Information Report (FIR) and initiation of criminal proceedings against the following persons for the infliction of cruelty and harassment as

against me, coupled with the demand of dowry, both of which are offences punishable under the Bharatiya Nyaya Sanhita (BNS), 2023 and under the Dowry Prohibition Act, 1961, the details and facts pertaining to which shall be stated elaborately in the following parts of the present Complaint: -

Mr. Rahul Chandra - my husband.
Mr. Ravishankar Sinha - my father-in-law.
Mrs. Sarita Sinha - my mother-in-law.
Mrs. Supriya Shekhar - my sister-in-law.
Mr. Swarnesh Shekhar - my brother-in-law.
Mr. Abhimanyu Aditya - my brother-in-law.
Mrs. Suchita Suchi - my sister-in-law.

2. I state that I am constrained to prefer the present Complaint as against the aforesaid persons as a result of continuous cruelty, verbal, physical & mental harassment and repeated instances of threats to safety of my life and well-being that has been meted out upon me, primarily by my husband, however, also actively aided and abetted by my in-laws, right from the inception of my marriage. Being genuinely fearful of my life and well-being, as well as being aggrieved by the repeated instances of cruelty and abuse meted out upon me by my in-laws, I am filing the present Complaint for your kind consideration and suitable action from your end. The facts forming the basis of the present Complaint are as follows:-
 - I. **Demand for Dowry**: I state that I got married to my husband, Mr. Rahul Chandra, in Muzaffarpur, Bihar, on 20.04.2022, upon following Hindu religious customs. I state that the same was an arranged marriage, that was conducted with the majority share of expenses having been borne by my parents. It is pertinent to note that my present in-laws were extremely adamant that the lion's share of the expenses of the wedding and all ceremonies be borne by my parents. It is also in line with this desire of my in-laws that my father and my family were forced to furnish dowry to the tune of Rs. 20,00,000/- (Rupees Twenty Lakhs Only) in cash and Rs. 15,00,000/- (Rupees Fifteen Lakhs Only) in the form of gold in favour of my

husband's family. Copy of the Marriage Invitation Card in relation to my marriage with my husband is produced as **Document No. 1**. Copy of the jewellery bill, which evidences the purchase of a portion of jewellery in furtherance of payment of dowry in favour of my husband's family is produced as **Document No. 2**.

- II. I state that it was because of excessive and relentless demands for dowry that my parents were forced to make payments in the form of cash and gold in the manner as stated above.
- III. **Financial abandonment:** Post marriage, I state that I continued to work from home in my job, which was a contract-based employment in a company based in Hyderabad. My husband, at that point in time was working for Siemens. Shortly after the aforesaid marriage, we moved to Bangalore in June 2022. Immediately upon shifting to Bangalore, differences started arising between my husband and myself over the smallest of issues all because of the insensitive attitude displayed by my husband. The said differences initially began in the form of lack of financial contribution by my husband, in respect of household expenses and other financial commitments of my own. I state that, every time where there arose requirement either on my part or pertaining to household expenses which required my husband to contribute financially, he would flatly refuse and start throwing tantrums characterised by aggressive behaviour and short temper. I state that as a result of such situation, I myself had to take care of all the aforesaid expenses between July 2022 till January 2023, despite my contract in the above mentioned job having come to an end. Therefore, this marks the most vivid instance of financial abandonment by my husband.
- IV. **Unreasonable restrictions on movement:** I also state that in addition to financially abandoning me, my husband started placing unreasonable and draconian restrictions with regard to my movement. I was specifically threatened by my husband that I must not visit my maternal home as it would entail waste of time and money and lead to unnecessary expenditure. I was told

by my husband that if at all I had to travel, I ought to do it with my own money. I state that despite making multiple requests I was not allowed to visit my parents. In fact it is relevant to note that when I had specifically asked my husband to book tickets to visit my parents at Muzaffarpur after having visited my in laws house in Hajipur during first chhat puja after marriage, my husband, instead of having a conversation with me about the same, immediately called my mother in law, Mrs. Sarita Sinha, and began narrating the entire chain of events. It is at this stage that my mother in law would tutor my husband to speak ill about me and dissuade him from exceeding to my demands. I state that being influenced by the same my husband started abusing me in vulgar language and started manhandling me by pushing me to the wall and hitting me repeatedly. Such acts of violence also included my husband dramatically and unnecessarily throwing my mobile phone to the ground, all in order to prevent me from speaking to my own parents. In fact it is pertinent to state that my phone was broken 3 times by my husband in this phase alone. It is also necessary to state that when my grandmother passed away in April 2023 even at that point in time did not let me visit my family, they are restraining me from going anywhere.

- V. **Complete neglect and abandonment during times of ill-health**: I further state that in addition to the above, the cruelty meted out to me by my husband took another shape and form when during the end of 2022, my husband started completely neglecting me and my deteriorating health, thereby leading to worsening of my health. Around that time I was afflicted with various elements such as low Vitamin B12, Vitamin D, affliction of fatty liver and anaemia as a result of which I felt dizzy and weak. I state that instead of taking care of me my husband would insist that being the wife, it was my duty and obligation to clean the house, cook, do laundry and the dishes, irrespective of whether I was healthy or unhealthy. My demands for a house maid were rejected at the threshold and I was made to feel embarrassed for even making such demands. In fact, my husband would resort to abusive gestures and words and he would

constantly be little me, thereby forcing me to engage in household chores. In addition to my husband's objectionable behaviour, all of my in-laws as stated above only made things worse by siding with my husband and thereby validating his behaviour of abuse and cruelty. They would say that being a male, my husband was not supposed to help me out in carrying out household chores and since I was a female, it was completely incumbent upon me, irrespective of the health of mine, to do household chores.

- VI. **Forcible driving out of matrimonial home**: I further state that, the aforementioned behaviour of my husband to completely neglect my health conditions only worsened in August 2023 when despite having acute cough and cold and a high fever my husband failed to take me to a doctor despite repeated requests and begging to this effect from my end. My husband would constantly be little me and demean me by stating that going to a doctor for the benefit of a person like me would only lead to a waste of money and time. In fact, despite it being evident that I was genuinely sick, my husband would try to undermine the medical status of mine by stating that all I do is sit at home, then how is it that I can fall sick. Since it became intolerable for me to live with my husband during such difficult times, I was forced to leave the matrimonial home and seek shelter at my brother's home in Hyderabad. It is only after having recovered a little from my medical ailments that I was in a position to come back to Bangalore in September 2023.
- VII. **Instances of verbal abuse**: While the foregoing are demonstrable instances of abuse and cruelty meted by my husband upon me, the verbal abuse always remained concerted from day one. My husband would call me unparliamentary and profane terms such as "Kuthiya" (Dog), "gawaar" (Illiterate) etc., which had a direct impact on my mental wellbeing. I state that, when I would ask him to stop using such words, my husband would hold my hair, pulled my face to the wall and slap me repeatedly. Such kind of behaviour at the hands of my husband slowly started increasing at around night time every day as a result of which I would never get

proper sleep at night. As a result of such behaviour, I was forced to sleep in a separate room. My husband would ensure that such abusive behaviour ought to be meted out towards me more so during the night, as that would eventually affect my sleep overnight. I state that this is also one of the reasons as to why my health deteriorated in the manner that it did.

- VIII. **Instances of verbal abuse at the hands of my mother-in-law:** I state that, the aforementioned verbal abuse at the hands of my husband was also seconded and made worse by the utterances of my mother-in-law. Allegations were made against me by my mother in law that I am of no use and that my family is also of no use since we did not give in the form of dowry any dining table, sofa, car to my husband at the time of marriage.
- IX. **Instances of physical assault:** I state that one of the most abusive instances of my husband physically assaulting me took place in Goa on 02.10.2023. I further state that both my husband and I had gone to Goa on a work sponsored trip organised by my office. During the entirety of the set trip, my husband was constantly verbally abusing me and berating my father for not giving any money for booking a flat. When I tried to explain to him that my father was not in a position to provide any money because he is now retired from service, instead of accepting my statement and letting me take rest since I had high fever, my husband mercilessly beat me at around midnight on 02.10.2023. This unfortunate habit of laying his hands on me continued even after we returned to Bangalore, wherein, instead of taking care of me and taking me to a doctor owing to my fever, he again hit me badly on 06.10.2023. I state that the situation had got so bad that my brother had to intervene, as a result of which he came all the way from Hyderabad to Bangalore and took me to a doctor. It is at this stage that I was taken to Manipal Hospital with the assistance of my brother. It is upon the concerned doctor's examination and diagnosis that an MLC was registered. Simultaneously a complaint came to be filed as against my husband in Kadugodi Police Station. However, it is upon the advice of elders in

the family that I was persuaded to withdraw the said complaint on the score of the undertaking that my husband was pleased to provide, which was that he will never hit me again. Copy of the MLC dated 07.10.2023 registered by Manipal Hospital is produced as **Document No. 3.**

X However, not being satisfied and being extremely scared of my own wellbeing, I was forced to leave my own matrimonial home and once again was constrained to take shelter at my brother's home in Hyderabad. It is only after having recovered from the trauma occasioned at the hands of my husband a little bit, that we came back to my husband during the Diwali season of 2023. Being concerned for my safety, my brother also shifted to Bangalore so that he could constantly check on me.

XI **Instances of physical assault upon my family members:** It is pertinent to note that, in addition to physically abusing and assaulting me, my husband also took liberty to physically assault my brother as well. The said instance took place on 17.08.2024 when my husband picked a fight with my brother for no rhyme or reason as my brother came to visit me that night and then proceeded to unnecessarily involve our neighbours and guards by falsely concocting a story that my brother was trying to hurt him. However, not falling prey to the mala fide attempts of my husband, the said neighbours and caretakers quickly disbelieved my husband and want him to conduct himself properly towards my brother and myself. Not heading to the said advice of the neighbours and caretakers, my husband switched off the lights and cctv and started mercilessly slapping me and twisting my arm. Since my brother was there in order to intervene and save me from my husband, when my brother stepped in, my husband started hitting my brother and punched his face. At this point my brother ran outside of our home and immediately called the neighbours and placed a call to the Police at around 2:00 AM on 18.08.2024. Upon receiving this call, the Police immediately rushed to our house and suggested that we go see a doctor and register a formal complaint against my husband. When we went to the hospital, Manipal Hospital, upon examination an MLC

what is the registered on 18.08.2024. Copy of the MLC dated 18.08.2024 registered by Manipal Hospital is produced as **Document No. 4.**

- XII. In light of the above facts, I proceeded to the women police station at Whitefield and narrated the incidents that have taken place. At this juncture the police summoned my husband on 23.08.2024 and proceeded to conduct counselling between my husband and me. The outcome of the said counselling was an undertaking given by my husband dated 23.08.2024 wherein he undertook to take care of me come on my personal needs and my health as well as contributing to household expenditure, not resort to verbally abusing and humiliating me and my family members or to physically beat, assault or abuse me; and most importantly give me freedom to proceed and meet my family members and allow them to come home as they deem fit. Copy of the said undertaking is produced as **Document No.5.**
- XIII. I state that despite the above, even in September 2024 physical and verbal abuse at the hands of my husband has continued unabated. In fact, when my father came to Bangalore on 27th September to my brother's place in order to speak to my husband and his parents as they are also in Bangalore. On 28th sept my husband took me and my father to show the flat which he has taken in Garuda Grand in block B on 3rd floor which is under construction as it becomes relevant to note that my husband started arguing with me in my father's presence and pushed me on one occasion in order to cause grievous hurt to me, while returning near the staircase, When my father intervened, my husband started manhandling my father and hit him on his face and chest. As a result of this my father's nose started bleeding and his glasses broke. As we came down and called the police who told us to go to doctor for treatment to us, we were forced to avail treatment at the Vydehi hospital and doctor did our MLC, dated 28/09/24 which is at Kadugodi PS. I further state that in this regard, upon a complaint being given by my father as against my husband the Kadugodi police station was pleased to register an FIR bearing Cr. No. 548/2024

as against my husband for various offences punishable under the BNS.

3. Therefore, in light of the above narration of facts, it is evident that the husband of mine has been constantly and relentlessly causing abuse and cruelty upon me and I therefore call upon you to appropriately register an FIR against him for offences punishable under the BNS and the Dowry Prohibition Act, 1961. As regards the role played by my in-laws is concerned, it is obvious that all of them have only harboured and sheltered my husband and have only encouraged him in order to commit these atrocities upon me and my family. As a result it is only but evident that all of them should also be proceeded against under the provisions of BNS and the Dowry Prohibition Act, 1961. The multiple text messages and conversations had with my father in law, copies of which are produced in the present Complaint, only go to show that despite bringing all of the abusive and cruel acts of my husband to his knowledge, he has taken no action and has kept quiet. In fact, my father-in-law would actively coerce me to live separately and away from the family. The same only indicates equal responsibility on his part to the barbaric acts of my husband. As stated earlier, my mother in law has on multiple occasions been abusive towards me, has tutored my husband in order to inflict more pain and misery upon me and has continued to be little me and my family on one pretext or the other. My sisters-in-law and my brothers-in-law have only facilitated reacts of my husband. As a result of the same, all of them also must be proceeded against.
4. In view of the above and the fact that the offences committed by my husband and his family members are cognisable offences, it is imperative and urgent that you goodself register a First Information Report under the provisions of the BNSS, 2023, against the said persons for the commission of the offences as described above and further grant me police protection from the said persons.

Yours faithfully,

Shubham Shweta”

The crime is registered for offences punishable under Section 498A IPC *inter alia* against the husband/2nd respondent and his family members. Criminal Petition No.14478 of 2024 is preferred by the husband and his family members. A coordinate Bench of this Court on 09-01-2025 grants interim order of stay, only insofar as accused Nos. 2 to 7 are concerned and not the husband, the present complainant. After registration of the said complaint, it appears that the father-in-law, 1st petitioner visits the complainant and seeks to make an attempt to resolve the dispute between the two, at which point in time, it appears, the 1st petitioner/father-in-law is alleged to have assaulted the complainant/son-in-law with a bamboo stick. This becomes a subject matter of complaint on 01-10-2024. The complaint reads as follows: -

“TO,

Police Inspector,
Kadugudi Police Station,
Bangalore City - 560067

From,
Rahul Chandra,
R/o. Flat No. 410, 'Maa Nivasam',

Vijay Vihar Layout, Kodugehalli,
Bengaluru -560048
Mob.: 9886573561

Sub: Complaint against my;
Father-in-law (Chittaranjan Prashad Sinha)
Wife (Shubham Shweta)
Brother-in-law (Pranav Prakash)

Incident date: 28th September, 2024, my father-in-law has beaten me with the bamboo stick on my head, and somehow, I managed to save my head and got hit on my arm and shoulder. This is the second attempt by my father-in-law, over just a small argument between my wife. My father-in-law tried the same act almost an year ago. My father-in-law assaulted me several times also abused me and my family members many times on call and by physical action.

My brother-in-law (Pranav Prakash) always interfered between me and my wife. He abused and allowed his sister (my wife) to make violence act on me and threatened several times in front of my close family members and society. He and my wife defamed me several times.

Lastly my wife threatened me and my mother and my family. She mentally harassed me that I could not concentrate on my work, without any reason she keeps shouting on me over small things. She keeps her brother who is staying very next apartment to us, making things worst on my relationship. My wife always leaves my place/flat in a very odd time. My wife also not involving in family social function."

This becomes a crime in Crime No.548 of 2024. The police conduct investigation and interfering in a family dispute also file a charge sheet. The summary of the charge sheet reads as follows: -

"17. ಕೆಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಈ ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿಯಲ್ಲಿ ಸಾಕ್ಷಿ-1 ರವರು ಕಾಡುಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ಕೊಡಿಗೇಹಳ್ಳಿ, ಗ್ರಾಮದಲ್ಲಿ ವಾಸವಾಗಿದ್ದು ಕಾಲಂ ನಂ 12 ರಲ್ಲಿ ಕಂಡ ಎ2- ಆರೋಪಿತೆಯು ಸಾಕ್ಷಿ-1 ರವರ ಹೆಂಡತಿಯಾಗಿರುತ್ತಾರೆ. ಈಗಿದ್ದು ಸಾಕ್ಷಿ-1 ರವರು ಕೊಡಿಗೇಹಳ್ಳಿ, ಗ್ರಾಮ, ಕೊಡಿಗೇಹಳ್ಳಿ, ಮುಖ್ಯ ರಸ್ತೆಯಲ್ಲಿ ಹೊಸದಾಗಿ ನಿರ್ಮಾಣವಾಗುತ್ತಿರುವ ಗರುಡ ಗ್ರಾಂಡ್ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ನಲ್ಲಿ ಬಿ ಬ್ಲಾಕ್‌ನ ಫ್ಲಾಟ್ ನಂ 316 ಅನ್ನು ಖರೀದಿಸಿದ್ದು ಸದರಿ ಫ್ಲಾಟ್ ಅನ್ನು ನೋಡಲೆಂದು ದಿನಾಂಕ 28/09/2024 ರಂದು ಸಾಕ್ಷಿ-1 ರವರು ಕಾಲಂ ನಂ 12 ರಲ್ಲಿ ಎ1 ರಿಂದ ಎ3 ಆರೋಪಿಗಳ ಜೊತೆ ಗರುಡ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ಬಳಿ ಹೋಗಿದ್ದು ನಂತರ ತಮ್ಮ ಫ್ಲಾಟ್ ಕಟ್ಟಿರುವ ವಿಚಾರವಾಗಿ ಸಾಕ್ಷಿ-1 ಮತ್ತು ಎ2 ಆರೋಪಿತೆಯ ನಡುವೆ ಗಲಾಟೆ ಆಗಿದ್ದು ಆ ಸಮಯದಲ್ಲಿ ಎ1 ಆರೋಪಿಯು ಏಕಾಏಕಿ ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಜಗಳ ತೆಗೆದು ಬೈದಿದ್ದು ನಂತರ ಎ1 ಮತ್ತು ಎ2 ಆರೋಪಿಗಳಿಬ್ಬರು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಮುಂದಕ್ಕೆ ಹೋಗದಂತೆ ತಡೆದು ಅವಾಚ್ಯಶಬ್ದಗಳಿಂದ ಬೈದು ಕೈಗಳಿಂದ ಹೊಡೆದು ಸಾಧಾರಣ ಸ್ವರೂಪ ನೋವುಂಟು ಮಾಡಿ ನಂತರ ಎ1 ರಿಂದ ಎ3 ಆರೋಪಿಗಳು ಸೇರಿಕೊಂಡು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ನಿನ್ನನ್ನು ಸುಮ್ಮನೆ ಬಿಡುವುದಿಲ್ಲ ಎಂದು ಬೆದರಿಕೆ ಹಾಕಿರುವುದು ತನಿಖೆಯಿಂದ ಲಭ್ಯವಿರುವ ಸಾಕ್ಷಾಧಾರಗಳಿಂದ ಧೃಢಪಟ್ಟಿರುತ್ತದೆ.”

If the complaint and the summary of the charge sheet are read in tandem, what would unmistakably emerge is that the husband/ complainant has registered the crime as a counter-blast to wreak vengeance against the wife/2nd petitioner and her family members who have registered complaint against the complainant and his family members.

9. While entertaining the petition, after hearing both the learned counsel for the petitioners and the 2nd respondent, this

Court granted an interim order on 08-01-2026. The interim order reads as follows:

"ORAL ORDER ON I.A. NO.1/2025

The petitioners - accused Nos.1, 2 and 3 are at the doors of this Court calling in question the proceedings in C.C. No.265/2025 registered for the following offences:

"THE BHARATIYA NYAYA SANHITA (BNS), 2023 U/s. 3(5), 352, 126(2), 115(2), 351(2)"

2. The learned counsel Sri Sameer Sharma, appearing for the petitioners would contend that the present crime so registered is only to wreak vengeance against the petitioners. The 2nd petitioner and the complainant get married on 20.04.2022. It transpires that the relationship between the two has floundered and on floundering of the relationship, the 2nd petitioner - wife has registered several cases against the husband. The cases are, the one for the offence punishable under Section 498A of the Indian Penal Code, 1860 *inter alia* which is a crime in Crime No.45/2024. The second alleging assault which becomes a crime in Crime No.547/2024. The third being a proceeding invoking Section 12 of the Domestic Violence Act, 2005, where the concerned Court has passed the following order:

"O R D E R

IA.I and II filed by the petitioner are hereby allowed.

The respondents are hereby restrained from committing any further acts of Domestic Violence against the petitioner from aiding or abetting the commission of such acts, and from causing any harm or violence to the dependents, other relatives or any person who is assisting the petitioner in seeking protection from Domestic Violence and also restraining the respondents from alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the petitioner and

respondents or singly by the respondents, including stridhan or any other property held either jointly by the parties or separately by them, jewellery and cloths given at the time of marriage till disposal of this case.

Further office is directed to intimate this order to the concerned protection officer and jurisdictional police. Further office is directed to issue free copy of the order to the petitioner.

Issue notice to respondents. Call on 15.09.2025."

After the aforesaid proceedings, on a particular date i.e on 28.09.2024, it transpires that the petitioners and the complainant visited an apartment complex to see the house. It is there it transpires that there has been certain assault on the husband, the 2nd respondent - complainant.

The complaint so registered by the husband against the petitioner is as follows:

"To,

Date: 1st Oct, 2024

*Police Inspector,
Kadugudi Police Station,
Bangalore City-560067.*

From,

*Rahul Chandra,
R/o. Flat No.410, 'Maa Nivasam',
Vijay Vihar Layout, Kodugehalli,
Bengaluru-560048
Mob.: 9886573561*

Sub: *Complaint against my;
Father-in-law (Chittaranjan Prashad Sinha)
Wife (Shubham Shweta)
Brother-in-law (Pranav Prakash)*

Incident date: 28th September, 2024, my father-in-law has beaten me with the bamboo stick on my head, and somehow, I managed to save my head and got hit on my arm and shoulder. This is the second attempt by my father-in-law, over just a small argument between my wife. My father-in-law tried the same act almost an year ago. My father-in-law assaulted me several times also abused me and my family members many times on call and by physical action.

My brother-in-law (Pranav Prakash) always interfered between me and my wife. He abused and allowed his sister (my wife) to make violence act on me and threatened several times in front of my close family members and society. He and my wife defamed me several times.

Lastly my wife threatened me and my mother and my family. She mentally harassed me that I could not concentrate on my work, without any reason she keeps shouting on me over small things. She keeps her brother who is staying very next apartment to us, making things worst on my relationship. My wife always leaves my place/flat in a very odd time. My wife also not involving in family social function.

Rahul Chandra,

R/o. Flat No. 410, 'Maa Nivasam',

Vijay Vihar Layout, Kodugehalli,

Bengaluru 560048

Mob.: 9886573561

By a bamboo stick, it is said that the petitioners have assaulted on the head of the complainant. The wound certificate drawn upon the said injury is as follows:

"NAME RAHUL CHANDRA S/o Ravishankar sinha
AGE: 31 years SEX: Male RELIGION: H

ADDRESS: Maa nivasam, Vijay vihar Layout, no.410, Kotaghalli main road, Bangalore-560048

HOSPITAL NO.: OPD

DATE & TIME OF EXAM: 28-9-2024 at 6.00 P.M.

IDENTIFICATION MARKS:

- 1) Alleged history of assault on 28/9/2024 at 5:10 p.m.
- 2)

The above referred patient came to the hospital with certain Injuries

Said to have been caused on 28/9/24 and due to ~~Accident/ Assault / Poisoning/ Burns~~ When the Following injuries were found.

(1) Abrasion over right arm

I am of the opinion that *

→Opinion: - Simple injury"

The injury is abrasion over right arm and the opinion is that the injuries are simple in nature. This is the charge sheet material.

Learned counsel appearing for the respondent No.2 - Ms.Amrita Manchanda, would vehemently contend that the charge sheet so filed is based upon short material. There is the Medico-Legal case (MLC) sheet that is drawn and the hospital is suppressed. According to the counsel, the Medico-Legal case entry is as follows:

"Sustained injury to Lt arm by bamboo sticiwod

UE pain in Lt arm

-Bleeding +

- abrassion + on Lt arm

x ray OR

RP

AP /

No Hlo Loc vomittig, No any Other part injury

Inj T.T IM Stat wound dressing

Patient want to do MLC

*This Registration is valid for 5 Days for the same Speciality

Tab. Augmentin 625 mg 1-0-1 x 5 days A/F
Tab. Pan D 1-0-1 x 3 days B/F
Tab. Alonac P 1-0-1 x 3 days A/F
Reew Sos"

The MLC though forms a part of the investigation while filing the charge sheet this appears to have been ignored by the Investigating Officer. Even otherwise, it is contradictory in terms to the wound certificate. Therefore, what should prevail is what is required to be answered. In the light of the answer to be rendered and the method of proceedings instituted by the wife against the husband, the improbability *prima facie* springs and the matter requires consideration.

The learned counsel for 2nd respondent - complainant is at liberty to file a detailed statement of objections producing all the documents. The State shall also secure the entire charge sheet material if they do not form part of the charge sheet material already filed.

In the light of the aforesaid reasons, the further proceedings in C.C. No.265/2025 pending before the Additional Chief Judicial Magistrate, Bengaluru Rural District, shall remain stayed till the examination of the entire charge sheet material.

List the matter on **30.01.2026.**"

The interim order captures the entire spectrum of dispute between the two. Now what remains is, whether the proceedings must be permitted to continue. The interim order also captures wound certificate of the injury. The wound certificate records history of assault and found no injuries anywhere except abrasion over the right arm and the wound is said to be simple in nature. The 2nd respondent/husband sought to place reliance upon MLC register of

the said date which is not part of the charge sheet. It is contradictory to the wound certificate. Even the MLC records an abrasion on left arm and sort of bleeding.

10. The entire argument of the learned counsel for the 2nd respondent is that the crime should be permitted to be continued, on the score that MLC records something more than what the wound certificate would record. The complainant was examined on the same day. If the wound certificate issued by the hospital recorded something more than what is on record, it would have been a different circumstance. The wound certificate and examination of the complainant on the same day record only abrasion. The MLC records bleeding and other instance which is rendered at a later point in time. Therefore, what is found is several inconsistencies, inherent improbabilities and the act of the complainant to wreak vengeance against the wife who had registered a crime against the husband and his family members or several proceedings against them, as that had the effect of registering the subject complaint as a counter blast. Therefore, if further proceedings are permitted to continue in the case at hand, it

would amount to an abuse of the process of law and result in miscarriage of justice.

11. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition is **allowed**.
- (ii) The proceedings in C.C.No.265 of 2025 pending before the Additional Chief Judicial Magistrate, Bangalore Rural, Bangalore arising out of Crime No.548 of 2024 registered by the 2nd respondent stands quashed.
- (iii) It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of petitioners under Section 528 of BNSS and the same shall not bind or influence other proceedings pending between the same parties.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp
CT:MJ