**CRL.A NO.100402/2024**

**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 24TH DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD**
**AND**
**THE HON'BLE MRS JUSTICE RAJESHWARI N. HEGDE**

**CRL.A NO.100402 OF 2024 (A)**

**BETWEEN**

THE STATE OF KARNATAKA
BY SUB-INSPECTOR OF POLICE,
BRUCEPET POLICE STATION, BALLARI.

...APPELLANT

(BY SRI T. HANUMAREDDY, ADDL. SPP.)

**AND**

1. SALEEM SYED S/O. ABDUL RAHIM
   AGE 30 YEARS,
   R/O. CHAPPARADAHALLI,
   HOSAPETE TALUK-583201.

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2. SYED ABDUL RAHIM
   S/O. SYED ABDUL KHALID
   AGE 52 YEARS, BUSINESS,
   R/O. CHAPPARADAHALLI,
   HOSAPETE-583201.

3. AKTHAR BANU W/O. SYED ABDUL RAHIM
   AGE 50 YEARS, OCC. HOUSE WIFE,
   R/O. CHAPPARADAHALLI,
   HOSAPETE 583201.

4. SADDAM SYED S/O. SYED ABDUL RAHIM
   AGE 50 YEARS, OCC. COOLIE,

R/O. CHAPPARADAHALLI,
HOSAPETE 583201.

5. NAZIYA BANU S/O. ISMAIL SAB
AGE 19 YEARS, HOUSEWIFE,
R/O. CHAPPARADAHALLI,
HOSAPETE. 583201.

6. RAFIYA BANU S/O. SYED SALEEM
AGE 44 YEARS, HOUSEWIFE,
R/O. BANDIHATTI ROAD,
BALLARI-583201.

…RESPONDENTS

(BY SRI ANWAR BASHA, ADVOCATE.)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 378(1) AND (3) OF THE CRIMINAL PROCEDURE CODE, 1973, PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF ACQUITTAL DATED 25.03.2023, PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, BALLARI, IN SESSIONS CASE NO.47/2019 AND TO CONVICT THE RESPONDENTS/ACCUSED NO.1 TO 6 PERSONS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A), 323, 506, 114 AND 307 READ WITH SECTION 34 OF INDIAN PENAL CODE, 1860 AND SECTIONS 3 AND 4 OF THE DOWRY PROHIBITION ACT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 07.07.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE

**CAV JUDGMENT**

(PER: HON'BLE MRS JUSTICE RAJESHWARI N.HEGDE)

1. This appeal is filed under Section 378(1) and (3) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') challenging the judgment dated 25.03.2023 passed by the II Additional District and Sessions Judge, Ballari (hereinafter referred to as the 'trial Court'), in S.C. No.47/2019.

2. For the sake of convenience, the raking of the parties is referred to as before the trial Court.

3. The case of the prosecution, in brief, is as follows:

The complainant filed a written complaint stating that on 10.05.2015, her marriage with accused No.1 was solemnized by her grandmother and brother. At the time of the marriage, they allegedly gave dowry consisting of ₹2,00,000/- in cash, six tolas of gold ornaments, household articles worth ₹2,00,000/-, and incurred marriage expenses of approximately ₹8,00,000/-.

4. After the marriage, the complainant joined accused No.1 and they lived happily for about eight days. Thereafter, accused No.1, who was employed as a Sales Coordinator in Karnataka Company, left for Dubai. Subsequently, accused Nos.2 to 6 allegedly subjected the complainant to physical and mental cruelty by finding fault with her cooking and assaulting her with their hands and legs. Whenever the complainant informed accused No.1 about the harassment, he allegedly abused her and threatened to pronounce *talaq*.

5. It is further alleged that after about fourteen months, accused No.1 returned from Dubai. When the complainant requested him to take her to Dubai, he allegedly demanded an additional dowry of ₹5,00,000/-. It is alleged that the complainant's brother paid ₹3,00,000/- to accused No.1. Thereafter, accused No.1 took the complainant to Dubai, where they lived together happily for about three months. In January 2017, they returned to India, and accused No.1 left the complainant at her parental home at Ballari.

6. The complainant further alleged that accused Nos.5 and 6 instigated accused No.1 to divorce her by pronouncing *talaq* and were searching for another bride for him. When the complainant questioned accused No.1 regarding the same, he allegedly abused her in filthy language. Unable to bear the alleged harassment, the complainant attempted to commit suicide by hanging herself, but accused Nos.2 to 5 rescued her.

7. It is further alleged that after eight to ten days, when the complainant entered the kitchen, she noticed leakage of cooking gas. As she attempted to come out of the kitchen, accused Nos.2 and 3 allegedly caught hold of her and pressed her neck. When the complainant informed her brother about the incident, her took her back to her parental home. Thereafter, a *panchayat* was convened in presence of the elders to resolve the dispute; however, the talks failed as the accused refused to take the complainant back. Consequently, the complainant lodged the present complaint.

8. Based on the complaint, the police registered Crime No.3/2018 for the offences punishable under Sections 498A, 323, 506, 114, and 307 read with Section 34 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

9. After completion of the investigation, the Investigating Officer filed the charge sheet before the II Additional District and Sessions Judge, Ballari, where the case was registered as Sessions Case No.47/2019.

10. After furnishing copies of the charge sheet and other documents to the accused and complying with the provisions of the Cr.P.C., the learned Sessions Judge framed charges against the accused for the aforesaid offences. The accused pleaded not guilty and claimed to be tried.

11. To establish its case, the prosecution examined eleven witnesses as PW1 to PW11 and marked Exs.P1 to P11.

12. After completion of the prosecution evidence, the statements of the accused were recorded under Section 313

of Cr.P.C. The accused denied all the incriminating circumstances appearing in the prosecution evidence and did not choose to adduce any defence evidence.

13. Upon hearing both sides, the trial court passed the impugned judgment acquitting all the accused. Aggrieved by the said judgment of acquittal, the State has preferred the present appeal on, *inter alia*, the following grounds:

a. *The judgment and order of acquittal passed by the trial court are contrary to law, facts, and the evidence available on record and are therefore liable to be set aside.*
b. *The evidence of the complainant and her brother corroborates each other, and the independent witnesses have also supported the prosecution case.*
c. *The trial court erred in holding that the prosecution had failed to examine independent and eyewitnesses, without properly appreciating the testimony of the witnesses on record.*
d. *The evidence establishes that a* panchayat *was convened in the presence of village elders, which clearly demonstrates that the complainant was subjected to harassment and cruelty by the accused for bringing additional dowry from her parental home.*

*The trial court failed to properly appreciate this material evidence.*

e. *The trial court also failed to appreciate the evidence indicating that all the accused acted with the intention of causing the death of the complainant on account of her failure to meet their unlawful dowry demands.*

f. *The marriage between accused No.1 and the complainant was solemnized on 10.05.2015, and the complaint was lodged within seven years of the marriage. The complainant has specifically narrated the acts of cruelty and harassment in her complaint, and the prosecution witnesses have supported the same in their depositions.*

g. *Despite the cogent oral and documentary evidence adduced by the prosecution, the trial court failed to properly appreciate the evidence and erroneously acquitted the accused.*

14. Accordingly, the appellant–State has prayed that the impugned judgment of acquittal be set aside, the appeal be allowed, and the respondents/accused be convicted in accordance with law.

15. We have heard the learned counsel appearing for the appellant and the learned counsel for the respondents. Upon consideration of the rival submissions and on perusal

of the entire evidence on record as well as the appeal papers, the following point arises for our consideration:

> *"Whether the impugned judgment of the trial Court suffers from illegality, perversity and calls for interference by this Court?"*

16. Submission of the learned Additional SPP is that the trial Court without appreciating the evidence on record has erroneously acquitted the accused of all the offences. It is argued that marriage of the complainant PW.1 was performed on 10.05.2015 in her matrimonial home; all the accused subjected her to mental and physical cruelty; she lodged a complaint on 06.01.2018 i.e., before seven years of her marriage. It is argued that though PW.1 deposed about the harassment meted out to her by all the accused in her matrimonial home, the trial Court disbelieved the evidence of the complainant PW.1 stating that there are contradictions and inconsistencies in her evidence and her evidence is not corroborated with the evidence of any independent witnesses and therefore, the trial Court has disbelieved the evidence of the complainant who is the

victim and acquitted the accused. Learned Additional SPP further argued that though there are contradictions and variations in her evidence, the entire evidence of PW.1 cannot be thrown out, because violence was meted out within the house and the Court cannot expect any corroboratory evidence to support the evidence of PW.1 and she is the only sufferer and the incident happened within the house and therefore it is argued that the evidence of PW.1, the victim alone is sufficient to establish that there was harassment meted out by the accused persons.

17. *Per contra*, learned counsel appearing for the accused argued that the marriage of the complainant was performed with accused No.1 on 10.05.2015 at Ballari in Cowl Bazar area at El-E-Hul Hadit Masjid. After their marriage, accused No.1 went to Dubai for his occupation and he returned in the month of January 2017. Therefore, it is argued that, after her marriage in the year 2015, her husband was not living with her and he was living in Dubai as he went there for work and he only returned in the year 2017 and therefore, it is argued that there was no occasion

for accused No.1 to ill-treat the complainant, who is his wife, during the said two years, because they were not residing together. Learned counsel for the accused brought to the notice of this Court that, in her cross-examination, she admitted that she is a graduate and she has not produced any receipts for having purchased the ornaments so as to give the same to the accused towards dowry. Further, she has also admitted in Ex.P.1 complaint that, she has not described what are all the ornaments and its weight, which were given to the accused during the marriage. Further, she has also admitted that, when her husband was in Dubai, i.e., from 2015 to 2017, the other accused Nos.2 to 5 were said to have harassed her, however, she has not lodged any complaint before the police regarding the same. Further, she has also admitted that with regard to the assault to her by her brother-in-law with belt, she has not taken any treatment from doctor. Further, she has also admitted that she filed a case seeking maintenance as well as a case alleging domestic violence against the accused.

18. Learned counsel for respondents/accused further argued that, the cases filed by the complainant herein with regard to maintenance and domestic violence was registered on 21.01.2023 on the file of Principal Family Court, Ballari. Learned counsel for respondent/ accused argued that accused No.1 filed a case against the complainant seeking dissolution of marriage in O.S.No.7/2023, on the file of Principal Family Court, Ballari, which ended in a compromise by filing of a joint compromise petition dated 21.04.2023. As per the said compromise, the matter was settled between the complainant and accused No.1 and the complainant received ₹7,00,000/- towards her permanent alimony. He has submitted the document and as per the said compromise, accused No.1 and the complainant have exchanged all the articles, such as gold, silver and other household articles given at the time of marriage and they undertook that there are no other things or articles pending with them so as to return. Further, the complainant as well as accused No.1 agreed that they will withdraw all the

allegations made against each other in respective petitions. Further, it is argued that as per the said compromise petition, the Court has passed the decree of divorce by dissolving their marriage dated 10.05.2015. Therefore, learned counsel argued that, as the complainant has received permanent alimony amount as well as the articles given by her during the marriage towards dowry and now that the decree of divorce is also passed by dissolving their marriage, therefore, taking into consideration the facts and circumstances of the case, the appeal may be dismissed.

19. Further it is argued that, the trial Court has rightly passed the impugned judgment acquitting all the accused of all the offences and that there is no illegality or perversity in the impugned judgment and hence, prayed for dismissal of the appeal.

20. Having heard the arguments of learned counsels appearing for both the sides, we have gone through the trial Court records and the evidence placed on record by the prosecution before the trial Court.

21. The complainant Umme Salma is examined as PW.1 and in her evidence she has deposed about the complaint averments, which is marked as Ex.P.1. On going through the complaint, she has stated that her marriage was performed on 10.05.2015 with accused No.1 and for the marriage, her parents spent in all ₹8,00,000/- and her husband accused No.1 demanded for dowry and accordingly ₹2,00,000/- in cash and 06 tola gold ornaments and household articles such as refrigerator, cot, washing machine, colour TV, showcase, dining table and utensils amounting to ₹2,00,000/- were given to the accused. She has further stated that, after her marriage she started to live in her husband's house at Hosapete and she lived happily only for 08 days and thereafter accused No.1 and her in-laws started to harass her and her husband went to Dubai. Even after her husband went to Dubai, her in-laws were continued ill-treating her. Despite her parents and brother requesting the accused not to harass her, they did not stop. They demanded additional dowry, due to which, her brother gave additional sum of ₹3,00,000/- to her

husband. Further, she has stated that she informed all these incidents to her husband, but her husband in turn replied that she has to obey her in-laws whenever she is in her husband's house. Unable to bear all this ill-treatment, she attempted to take her life. The accused forced her to sign on a blank paper and one day when she was in her matrimonial house, they attempted to kill her by leaking gas and therefore she was constrained to file the complaint.

22. The prosecution examined PW.2-Khadhar Basha, the brother of the complainant. His evidence is similar to the evidence of the complainant i.e. PW.1. PW.3-Chandrashekhar, is said to be the witness to the panchayat regarding all the alleged ill-treatment given to complainant, however, he has not fully supported the prosecution version. PW.4-B.Manjunath Patil, who is also a witness to the panchayath, has deposed about the ill-treatment given by the accused and has stated that for this reason the panchayath was held and accused were warned not to harass her and that despite the same, the accused did not stop, hence, the complainant filed the complaint.

23. PW.5-Imbran Rehamat Ulla, is said to be the witnesses to spot mahazar Ex.P.7. PW.6-Sadik Basha, is said to be the witness to the seizure mahazar Ex.P.2. PW.7-N.Padmavathi, Police Officer deposes regarding the receipt of the complaint and part of the investigation. PW.8-Merry Latha, is the police official who handed over the FIR to the Court. PW.9-E.Kalikrishna, is the Police Inspector, who conducted part of the investigation and filed the charge sheet. PW.10-Lokeshwarappa, is also the Police Officer, who has recorded the statement of the witnesses. PW.11-Gayatri R., is the police official who deposed about the arrest of accused Nos.2 to 6.

24. On going through the cross examination of PW.1, as rightly argued by the learned counsel for the accused/respondents, she has stated that though she was subjected to cruelty as deposed by her, she did not file any complaint before the police. She has deposed that she was a graduate. If that is so, she could have filed complaint at the earliest point of time, but she waited to file the complaint till 2018. As per her evidence, she lived in the

matrimonial house happily only for 08 days. Her marriage was performed on 10.05.2015. She did not lodge complaint at the earliest point of time. Though it is true that this is a matrimonial issue and the panchayats were held, and that there are chances of filing the complaint belatedly, however, by taking into consideration that now accused No.1 and the complainant are divorced and that she has also received permanent alimony by compromising the matter and filing the compromise petition being filed before the Principal Family Court, Ballari in O.S.No.7/2023 to that effect and decree of divorce being granted by the Court, this Court is of the opinion that the learned Judge of the trial Court has rightly acquitted all the accused of all the offences. No illegality is committed by the trial Court and the impugned judgment does not warrant any interference by this Court. Hence, the point raised for consideration herein is answered in the negative and the appeal is liable to be dismissed.

25. In the result, we proceed to pass the following:

**CRL.A NO.100402/2024**

## ORDER

i) The criminal appeal is ***dismissed***.

ii) The impugned judgment and order dated 25.03.2023, passed by the II Additional District and Sessions Judge, Ballari, in Sessions Case No.47/2019, is hereby confirmed.

**Sd/-**
**(H.T.NARENDRA PRASAD)**
**JUDGE**

**Sd/-**
**(RAJESHWARI N.HEGDE)**
**JUDGE**

MRK
CT-CMU.