HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.100288 OF 2022

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. SMT. KUSUMA W/O. CHANDRASHEKAR,
AGE. 52 YEARS, OCC. HOUSE HOLD,
R/O. MARUTHI LAYOUT RAICHUR,
TQ. AND DIST. RAICHUR-584101.

2. SMT. AMBIKA W/O. THIMMAPPA,
AGE. 40 YEARS, OCC. HOUSE HOLD,
R/O. HMR COLONY BEHIND INDIAN PETROL BUNK,
RAICHUR, TQ. AND DIST-584101.

3. SHRIDEVI W/O. MAHADEV,
AGE. 33 YEARS, OCC. HOUSE HOLD,
R/O. CHANDRABANDA,
TQ. AND DIST. RAICHUR-584101.

4. SRI. TIMMAPPA S/O. NARAYANAPPA,
AGE. 49 YEARS, OCC. OWNER OF MILK DAIRY,
R/O. H M R COLONY, BEHIND INDIAN PETROL,
BUNK, RAICHUR-584101.

...PETITIONERS

(BY SRI. B.C. JNANAYYASWAMI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
RURAL P S GANGAVATHI,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,

Digitally signed by
CHANDRASHEKAR
LAXMAN KATTIMANI
Location: HIGH COURT
OF KARNATAKA
DHARWAD BENCH
DHARWAD

DHARWAD BENCH AT DHARWAD.

2. SMT. BASAMMA W/O. SHANTAPPA GOUDUR,
AGE. 51 YEARS, OCC. HOUSE WIFE,
R/O. KUPPEGUDDA, TQ. LINGASGUR,
NOW AT, LBS NAGAR, NEAR AMBADEVI TEMPLE,
CHADRABANDA ROAD, RAICHUR-584101.

…RESPONDENTS

(BY SRI. PRAVEENA Y.DEVAREDDIYAVARA, HCGP FOR R1;
SRI. SANTOSH B.MANE, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO ALLOW THIS PETITION AND QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONERS/ACCUSED NO.2 TO 5 IN SC NO.86/2019 PENDING ON THE FILE OF LEARNED IST ADDITIONAL DISTRICT JUDGE, KOPPAL, SITTING AT GANGAVATHI ARISING OUT OF CRIME NO.139/2019 OF GANGAVATHI RURAL POLICE STATION, KOPPAL DISTRICT FOR THE OFFENCES UNDER SECTION 498A, 304B, R/W 149 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT-1961, IN SO FOR AS THIS PETITIONERS ARE CONCERN.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

1. Heard the learned counsel for the petitioners, learned High Court Government Pleader for the respondent No.1 and also the learned counsel for the respondent No.2.

2. This petition is filed to quash the proceedings in S.C.No.86/2019 on the file of Additional District Judge, Koppal sitting at Gangavathi, pursuant to charge sheet in Crime No.139/2019 registered before Gangavathi Rural Police Station.

3. The offences alleged are under Sections 498A, 304B read with Section 149 of the Indian Penal Code, 1860[1] and Sections 3 and 4 of the Dowry Prohibition Act, 1961[2].

4. Accused Nos.2 to 5 are before this Court. Accused No.1 is the son-in-law of respondent No.2. Accused No.2/petitioner No.1 is the mother of accused No.1. Petitioners No.2 and 3/accused Nos. 3 and 4 are the sisters of accused No.1 and petitioner No.4/accused No.5 is the husband of petitioner No.2.

5. The learned counsel appearing for the petitioners referring to the contents of the complaint and the charge sheet would submit that, false case has been filed against the

[1] IPC
[2] DP Act

petitioners and though there is no scope to register the FIR, the charge sheet is filed based on the false allegations and would contend that the proceeding has to be quashed against the petitioners.

6. It is submitted that the dispute between the husband and wife is given a colour of a criminal case against the petitioners, with an intention to harass the petitioners and would urge that the prosecution against the petitioners would amount to abuse of process of the Court.

7. It is also urged that petitioners No.2 and 3 are the married sisters of the accused No.1 and petitioner No.4 is the husband of petitioner No.2, and they are residing in separate houses and the allegations against them are vague and bald and do not attract any offences and the charge sheet ought not have been filed against them. Thus, he would urge that the entire petition has to be quashed.

8. Learned HCGP as well as the learned counsel for the respondent No.2 would urge that the daughter of the complainant/respondent No.2 committed suicide being unable to bear the torture given by the petitioners. Though the petitioners No.2, 3 and 4 reside in different houses, they are

residing close to the house of the husband/accused No.1 and they often used to visit the house of the accused No.1 and used to abuse and ill-treat the victim and she being unable to bear the ill-treatment given by them, committed suicide.

9. It is the further submission of the learned counsel for the respondent No.2 that the petitioners No.2 and 4 intended to marry off their daughter after divorce of the victim and with this motive, they used to ill-treat and abuse the victim, as such, the prosecution is maintainable against petitioners No.2 and 4, is the submission.

10. The learned counsel would also refer to the statements made by the neighbours, who allegedly made a statement that the petitioners No.2 and 4 used to visit the house of accused No.1 and threatened the victim and insisted dowry and also used to say that they would marry off their daughter to the accused No.1.

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

12. The complaint given by the mother dated 10.06.2019, would reveal that the victim committed suicide on 10.06.2019 by hanging herself.

13. The first paragraph of the complaint refers to the marriage and other particulars. The second paragraph of the complaint also speaks about the various places where the accused No.1 lived along with the victim. In the third paragraph, there is an allegation stating that all the petitioners as well as the husband of the victim used to harass the victim and demanded dowry from the victim.

14. It is also stated that there was a demand for Rs.10,00,000/- from the victim and if the victim failed to bring Rs.10,00,000/- as dowry, the accused No.1 allegedly threatened that he would marry the daughter of accused No.2.

15. After narrating these facts it is stated that, in the two months' vacation, the daughter has gone to Raichur and she was staying in her aunt's house and there she has narrated about the ill-treatment given to her and the son-in-law/accused No.1 had asked the victim to come to Hosapatana to consult the Doctor as she did not conceive and on 08.06.2019, the daughter stated that her husband is demanding dowry and if he had married someone else, he would have got more money in dowry and the mother claims that she has assured the son-in-

law that they would pay money on the condition that all should look after the daughter well.

16. It is also alleged that on 10.06.2019, her daughter made a phone call to the mother and thereafter she told that she has been tortured by the husband and later she came to know that the daughter has committed suicide.

17. On perusal of the complaint, it is very much evident that on 10.06.2019, the mother has stated that the daughter has called her stating that husband quarrelled with her and on the same day, she has committed suicide.

18. The contents of paragraphs 1 to 3 and 5 do not indicate any act on the part of the petitioners No.2, 3 and 4. There is no reference to petitioners No.2, 3 and 4 in the said paragraphs. Only in paragraph 4, there is a vague reference against the petitioners No.2, 3 and 4, wherein it is stated that her husband allegedly threatened saying that he would marry his sister's daughter.

19. Though the learned counsel for the respondents would urge that the neighbours have given a statement that the petitioners used to ill-treat the victim demanding dowry, on overall appreciation of the contents of the complaint and the

charge sheet material, it is evident that the alleged incident has taken place on 10.06.2019 on account of the quarrel raised by the husband/accused No.1.

20. It is not in dispute that the petitioners No.2 and 3 are married and petitioner No.2 is married to petitioner No.4 and all of them are residing separately. Though it is a fact that the accused No.3 is residing in the same town, where the accused No.1 and the victim were also residing, the admitted factual position is petitioners No.2 to 4 were residing in separate residential houses.

21. This being the position, the Court is of the view that the prosecution against petitioners No.2, 3 and 4 for the offences under Sections 498A and 304B of the Indian Penal Code, 1860 and Section 3 and 4 of Dowry Prohibition Act, 1961, would be abuse of process of the Court.

22. The Court is of the view that there has to be prosecution against accused Nos.1 and 2, who admittedly resided in the same house, where the victim was residing at the time of her death. The Court has also taken note of the fact that there is nothing in the charge sheet to indicate that on the

date of the alleged incident, the petitioners No.3, 4 and 5 were residing in the same place, where the victim was residing.

23. Learned counsel for the respondent No.2 referred to the statement of one Nandappa, who is CW11 and CW12.

24. After going through the said statement, it is noticed that allegation relating to demand of dowry is hearsay and merely because they participated in some talks to resolve the dispute, one cannot conclude that they were witnesses to the alleged ill-treatment, the petition against petitioners No.2 to 4 will to be allowed. Hence, the following:

ORDER

i. The petition is ***allowed in part***.

ii. The proceedings in S.C.No.86/2019 on the file of I Additional District Judge, Koppal sitting at Gangavathi, which is pending pursuant to charge sheet in Crime No.139/2019 registered before Gangavathi Rural Police Station stands quashed against petitioners No.2 to 4 and the proceeding shall continue against petitioner No.1.

It is made clear that the observations made in this order are not to be cited for any purpose in the trial before the Trial Court against accused Nos.1 and 2, as this order is not an expression of opinion on the case pending before the Trial Court.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

KGK/CT: UMD
List No.: 1 Sl No.: 44