NC: 2024:KHC-D:2609
CRL.P No. 101733 of 2023

**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 6TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE N.S.SANJAY GOWDA

CRIMINAL PETITION NO. 101733 OF 2023

BETWEEN:

1. SMT. THIMMAKKA @ PADMAVATI
W/O. MOULAPPA @ SANNAMOULAPPA KABBER
AGED ABOUT 35 YEARS, OCC. HOUSEHOLD WORK,
NAGALAPUR VILLAGE, SANDOOR TALUK,
BALLARI DISTRICT - 583223.

2. HANUMANTHAMMA W/O. MADDER HONNURAPPA
AGED ABOUT 32 YEARS, OCC. HOUSEHOLD WORK,
KATTI BASAPPA ONI, NAGALAPUR VILLAGE,
SANDOOR TALUK, BALLARI DISTRICT - 583223.

3. MOULAPPA S/O. DURUGAPPA KABBER
AGED ABOUT 40 YEARS, OCC. AGRICULTURE,
NEAR DURUGAMMA TEMPLE, NAGALAPUR VILLAGE,
SANDOOR TALUK, BALLARI DISTRICT - 583223.

... PETITIONERS

(BY SRI. ARAVIND D KULKARNI, ADVOCATE)

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AND:

1. STATE OF KARNATAKA
HOSPETE RURAL POLICE STATION,
REP. BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD - 580001.

2. SMT. JOGI REKHA W/O KANTI SHANMUKHA
AGED ABOUT 27 YEARS, OCC. HOUSEHOLD WORK,
ASHRAYA COLONY, BHUVANAHALLI VILAGE,
TALUK, HOSPETE, DIST: VIJAYANAGAR – 583223.

... RESPONDENTS

(BY SRI. P.N. HATTI, HCGP FOR R1;
SRI. SRINAND A.PACHHAPURE, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.PC., SEEKING TO ALLOW THE PETITION, QUASH THE ENTIRE CHARGE SHEET AND ORDER DATED 16.05.2023 PASSED BY 2ND ADDL. CIVIL JUDGE (JR. DN) AND JMFC COURT, HOSAPETE VIJAYANAGARA DISTRICT IN CC NO.1366/2023 IN CRIME NO.36/2023 HOSAPET RURAL PS AND ALL FURTHER PROCEEDINGS PURSUANT TO THE SAID ORDER AGAINST THE PETITIONERS HEREIN/ACCUSED NO.3, 4 & 5.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. This petition is filed by the two sisters-in-law of the second respondent and also the husband of the first sister-in-law (P1).

2. The petitioners have been arrayed as accused Nos.3 to 5 in the complaint lodged by the second respondent on the basis of which an FIR has been registered for the offences punishable under Sections 498-A, 323, 504, 506, read with Sections 3 & 4 of the D.P. Act.

3. After investigation, the Police have also laid a charge sheet against the husband, mother-in-law and the petitioners herein.

4. The compliant which was lodged on 01.03.2023 alleges that the second respondent fell in love with the brother of the petitioner Nos.1 & 2 and the family of the husband had serious reservations regarding the marriage, but ultimately they reconciled and the marriage was conducted on 31.01.2022. It is also stated in the complaint that initially for a couple of months, the second respondent and her husband were happy, but subsequently at the instigation of her mother-in-law and her sisters-in-law, her husband changed and started harassing the petitioner. It is also stated that at their instance, he started making a demand for dowry.

5. As could be seen from the averments in the complaint, the allegations are basically targeted against the husband and only in order to involve the entire family members, vague and generalized allegations are made against the petitioners herein, who are admittedly residing in some other place.

6. The Police after investigation have laid the charge sheet and this charge sheet is based on the statements of the neighbors, which are virtually a reproduction of the complaint averments.

7. In my view, since there are no allegations or materials which could be attributed towards the commission of the offence under Section 498-A of the IPC as against the petitioners, who are admittedly residing in a different village, the proceedings as against them cannot be sustained.

8. Consequently, the petition is allowed and the proceedings as against the present petitioners i.e., accused Nos.3 to 5 stand quashed. However, the proceedings as against accused Nos.1 & 2 i.e., husband and mother-in-law shall continue.

Sd/-
JUDGE

VNP
List No.: 1 Sl No.: 95