



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

CRIMINAL PETITION NO. 7828 OF 2018

BETWEEN:

1. NIJALINGAPPA
S/O GUNDAPPA
AGED ABOUT 48 YEARS,
R/AT NANDIHALLI VILLAGE
HIRIYUR TALUK, CHITRADURGA
DISTRICT - 577 598
2. SMT. JANAKAMMA
W/O GUNDAPPA
AGED ABOUT 80 YEARS,
R/A NANDIHALLI VILLAGE
HIRIYUR TALUK, CHITRADURGA
DISTRICT - 577 598
3. SMT MANJULA
W/O OMKARAPPA
AGED ABOUT 40 YEARS,
R/A D.NO.1437, KALANILAYA
4TH CROSS, MTS COLONY
DASARAHALLI, BENGALURU
NORTH, BENGALURU - 570 057.

...PETITIONERS

(BY SRI. SYED ARIF PASHA, ADVOCATE FOR
SRI. LETHIF B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY WOMAN POLICE STATION
CHITRADURGA TOWN
REP BY S.P.P.,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001





2. SMT. PUSHPA,
W/O NIJALINGAPPA,
MAJOR, R/A MARAPPANAHATTI,
9TH CROSS, NEAR MAILARALINGA
TEMPLE, CHITRADURGA TALUK AND
DISTRICT - 577 591

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1

SRI. R. SHASHIDHARA, ADVOCATE FOR R2 (AB))

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.1687/2018 (CR.NO.95/2017) ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, CHITRADURGA FOR THE OFFENCE P/U/S 498A, 323, 504, 114 R/W 34 OF IPC AGAINST THE PETITIONERS.

THIS CRL.P, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL ORDER

The petitioners being accused Nos.1 to 3 in CC.No.1687/2018 (Crime No.95/2017 of Women Police Station, Chitradurga) pending on the file of the learned I Additional Senior Civil Judge, Chitradurga registered for the offences punishable under Sections 498(A), 323, 504, 114 read with Section 34 of Indian Penal Code (for short 'IPC') are seeking to quash the criminal proceedings initiated against them.

2. Heard Sri. Syed Asif Pasha, learned counsel for Sri. Lethif. B, learned counsel for the petitioners and Smt. Soumya



R, learned HCGP for respondent No.1. Perused the materials on record.

3. In view of the rival contentions urged by learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioners have made out any grounds to allow the petition and to quash the criminal proceedings initiated against them?"

My answer to the above point is in the 'partly in the affirmative' for the following:

REASONS

4. It is the contention of respondent No.2 that she married petitioner No.1 - accused No.1 on 19.06.2003. They got the first child on 08.04.2005. Thereafter accused No.1 started ill-treating her both physically and mentally. There is reference to a petition filed before the Family Court, Davanagere. However, at the intervention of elders it appears that the dispute is amicably settled. Thereafter, second child was born on 10.05.2007 and the third one on 01.11.2008. It is



stated that accused No.2 is the mother and accused No.3 is the sister of accused No.1.

5. As per the contentions taken by respondent No.2, accused No.2 left her along with children in her parents house and went away, even then he use to visit her house very frequently and used to ill treat her. In that regard, again she had approached the Family Court. At the advice of the brothers of accused No.1, respondent No.2 appears to have withdrawn the petition filed before the Family Court.

6. Respondent No.2 states that in view of all these facts and circumstance, she was constrained to stay with her parents. For some time she was residing separately, but accused No.1 again came and picked up quarrel with her. She was assaulted by accused No.1 on 03.07.2017 causing injuries. However, the complaint was came to be filed on 27.11.2017. The only allegations against accused Nos.2 and 3 is that they are mother and sister of accused No.1 and they instigated accused No.1 to commit the offence. Except this bold and general allegation no *prima facie* materials are placed nor there is any specific allegations against them for having committed



any of the offence. Therefore, the criminal proceedings initiated against accused Nos.2 and 3 is liable to be quashed as the same is registered in abuse of process of law.

7. Petitioner No.1 being accused No.1 is not disputing his relationship with respondent No.2. It is stated that respondent No.2 filed the petition seeking maintenance under Section 125 of Cr.P.C in Crl.Mis.No.96/2006 and the maintenance amount was awarded to respondent No.2 and her children. That order has reached finality as the revision filed before this Court is dismissed. In spite of that, it is stated that petitioner No.1 was not paying any maintenance. When petitioner No.1 is not disputing his relationship with respondent No.2 and his three children, I do not find any justification for him to deny the maintenance and abandon them. Moreover, there are specific allegations made against him regarding assault, ill-treatment on various occasions. Under such circumstance, criminal proceedings initiated against petitioner No.1 - accused No.1 is not liable to be quashed.

8. In view of the above, I answer the above point 'partly in the affirmative' and proceed to pass the following:



ORDER

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

- ii) The petition against petitioner No.1 - accused No.1 is ***dismissed***.

- iii) The petition against petitioner Nos.2 and 3 - accused Nos.2 and 3 is ***allowed***.

- iv) The criminal proceedings initiated against the petitioner Nos.2 and 3 - accused No.2 and 3 herein in CC.No.1687/2018 (Crime No.95/2017 of Women Police Station, Chitradurga) registered for the offences punishable under Sections 498(A), 323, 504, 114 read with Section 34 of Indian Penal Code pending on the file of the learned I Additional Senior Civil Judge, Chitradurga, is hereby quashed.

**SD/-
(M G UMA)
JUDGE**