



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 2585 OF 2021

BETWEEN:

1. DEEPA DARSHAN H.P.
S/O. PUTTASWAMY H.D.
AGED ABOUT 33 YEARS,
NO.527/A, 3RD FLOOR, ITI LAYOUT,
NAYANDHALLI, R/AT MYSORE
HEMMANAHALLI VILLAGE AND
ATHAGURU HOBLI POST,
MADDUR TLAUK - 571 429
MANDYA DIST.
2. MOHANDAS @ SHIVARAMU,
S/O. NAGIAH,
AGED ABOUT 50 YEARS,
R/AT ANNAPOORNESHWARI
MAHAKALI JYOTISHYALAYA,
BENGLAURU - MYSURU HIGH
WAY, MADDUR - 571 429
MANDYA DISTRICT. MANDYA.

...PETITIONERS

(BY SRI. H.B. RUDRESH, ADVOCATE)

AND:

1. POLICE INSPECTOR, (S.H.O)
MADDUR POLICE STATION,
MADDUR, MANDYA DIST
REP. BY S.P.P.
HIGH COURT OF KARNATAKA
BENGALURU - 03
- 2.





...RESPONDENTS

(BY SMT. ASMA KOUSER, ADLL. S.P.P. FOR R1
SRI. ASHISH RAM .D., ADVOCATE FOR
SRI. KRISHNAMOORTHY .D., ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO A. QUASH THE FIR AND CHARGE SHEET NO.135/2019 FILED IN C.C.NO.1814/2019 PENDING ON THE FILE OF THE 2ND ADDITIONAL CIVIL JUDGE (JR. DN) AND JMFC, MADDUR , MANDYA DISTRICT FOR THE OFFENCE P/U/S 498A, 354, 354A, 508 R/W 34 OF IPC.

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 and 2 are seeking to quash the criminal proceedings initiated against them by respondent No.2 in C.C.No. 1814/2019, on the file of learned II Additional Civil Judge and JMFC Court, Maddur, Mandy District, for the offences punishable under Sections 498A, 354, 354A, 508 and 34 of Indian Penal Code (in short IPC).

2. Heard Sri H. B. Rudresh, learned counsel for the petitioners, Smt. Asma Kouser, Additional SPP for respondent No.1, Sri. Ashish Ram. D, learned counsel for Sri



Krishnamoorthy. D, learned counsel for respondent No.2. Perused the materials on records.

3. Learned counsel for the petitioners contended that respondent No.2 had registered Crime No.116/2018 of Basavangudi Police Station for having committed similar offences punishable under Section 498A of IPC. But again in 2019, the present complaint came to be filed. There is absolutely no basis for registering the second complaint. When admittedly, respondent No.2 was residing separately since December 2018, there is no basis for registering the present complaint. He further submitted that respondent No.2 filed M.C.No.5193/2017 before family Court at Bengaluru seeking dissolution of her marriage with accused No.1, but the same came to be withdrawn during 2018. Later accused No.1 filed M.C.No.4977/2018, seeking dissolution of marriage before Family Court at Bengaluru and the same is pending consideration. Even though respondent No.2 had sought for grant of maintenance under the provision of Hindu Marriage Act and the maintenance was granted by the Trial Court, the said order was set aside by this Court in the Writ Petition. Filing and maintaining two parallel complaints, making similar allegations



in nothing but abuse of process of law and hence, he prays for allowing the petition.

4. Per contra, learned counsel for respondent No.2 opposing the petition submitted that the allegations made in Crime No.18/2019 of Maddur Police Station is entirely different and Sections 354, 354A of IPC are also invoked against accused Nos.1 and 2. Accused No.1 is the husband and accused No.2 is an Astrologer, who committed the offence punishable under Section 354, 354A of IPC, by inappropriately touching the body of respondent No.2 under the guise of performing puja to set right her kundali. Accused No.1 was very much present along with accused No.2 and he neither protested nor protected respondent No.2. Therefore, specific allegations are made against accused Nos. 1 and 2, to constitute the offence. There are no reasons to quash the criminal proceedings. Hence, he prays for dismissal of the same.

5. Learned Additional SPP supporting the contention of learned counsel for respondent No.2 submit that, since serious allegations are made against accused Nos. 1 and 2, which



constitute the penal offences, the petition is liable to be dismissed. Accordingly, she prays for dismissal of the same.

6. In view of the rival contentions urged by the learned counsel for 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 'Negative' for the following:

REASONS

7. Respondent No.2 filed the first information, making specific allegations regarding commission of the offence under Section 498A of IPC from 19.05.2014 i.e., from the date of marriage, till 04.02.2015. She also stated that accused No.1 had taken her to accused No.2, who posed himself as an Astrologer and inappropriately touched her body and committed the offence punishable under Section 354 and 354A of IPC. When the same was resisted by respondent No.2,



accused No.1 warned her not to oppose accused No.2 and thereby he joined hands with accused No.2 in committing the offences. The allegations against accused No.1 being the husband and accused No.2, who posed himself as an Astrologer are of serious nature. Specific allegations are made against both the accused and under such circumstances, it cannot be said that the criminal proceedings is liable to be quashed.

8. Admittedly, respondent No.2 has filed a complaint, registered in Crime No.116/2018 of Basavanagudi Police Station against accused Nos. 1 to 6, i.e., her husband and his family members, alleging commission of the offence punishable under Sections 498A, 506 read with Section 34 of IPC and under Sections 3 and 4 of DP Act. The offences is said to have been committed from 19.05.2014 i.e., from the date of marriage, till the date of filing the compliant i.e., 15.12.2018. On facts of the case, the criminal proceedings in Crime No.116/2018 is quashed as per order passed in Crl.P.No.10279/2021. In the present case, by filing the second complaint, the allegation regarding cruelty is made against accused No.1 by invoking Section 498A of IPC. It is pertinent to note that accused No.2 is the stranger to the family and he



posed himself as an Astrologer and specific overt act to constitute offence punishable under Sections 354, 354A of IPC is made out by the informant. Looking to the nature and seriousness of the allegations made against accused Nos. 1 and 2 in the present case, I am of the opinion that it is not fit case for quashing criminal proceedings.

9. Accordingly, I answer the above point in the Negative and proceed to pass the following:

ORDER

The petition is ***dismissed.***

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