HC-KAR

NC: 2025:KHC-K:3833
CRL.P No. 200061 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 200061 OF 2024

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

BETWEEN:

1. SHIVANAND S/O SIDDAPPA MEDI,
   AGE: 45 YEARS, OCC: BUSINESS,

2. SMT. LAXMI @ CHANNAMMA
   W/O SHIVANAND MEDI,
   AGE:40 YEARS, OCC: HOUSEHOLD,

3. SIDDAPPA S/O NINGAPPA MEDI,
   AGE: 65 YEARS, OCC: AGRICULTURE,

4. SMT. KASHIBAI W/O SIDDAPPA MEDI,
   AGE: 60 YEARS, OCC: HOUSEHOLD,

   1 TO 4 ARE OF R/O. H.NO.9-587/90/104,
   SHAIK ROZA SHIVALINGESHWAR COLONY,
   KALABURAGI.

5. SMT. JAGDEVI W/O SANTOSH,
   AGE: 32 YEARS, OCC: HOUSEHOLD,
   R/O. NIMBGAVA, TQ. AKKALKOTE,
   DIST. SOLAPUR.

6. SMT. MEENAKSHI W/O RAMESH BIRADAR,
   AGE:42 YEARS, OCC: HOUSEHOLD,
   R/O. KAVALGI VILLAGE,
   TQ. AND DIST. VIJAYAPURA.

7. SMT. KANTABAI

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

W/O HANUMANTHRAI ANGADI,
AGE: 38 YEARS, OCC: HOUSEHOLD,
R/O. KADALEWADA VILLAGE,
TQ. SHINDAGI, DIST. VIJAYAPUR.

8. SMT. BHARTI W/O MALLINATH,
AGE: 35 YEARS, OCC: HOUSEHOLD,
R/O. RAJAPUR AREA, KALABURAGI.

9. PRAKASH
S/O ANNARAI MALIPATIL,
AGE: 60 YEARS, OCC: AGRICULTURE,

10. SMT. ASHWINI
W/O CHANDRAKANTH,
(D/O PRAKASH MALIPATIL),
AGE: 27 YEARS, OCC: HOUSEHOLD,

11. ASHWARAYA
D/O PRAKASH MALIPATIL,
AGE: 26 YEARS, OCC: HOUSEHOLD,

12. PRAVEENGOWDA
S/O PRAKASH MALIPATIL,
AGE: 25 YEARS, OCC: PRIVATE WORK,

9 TO 12 ARE OF R/O. IKKALKI VILLAGE,
TQ. ALAND, DIST. KALABURAGI.

…PETITIONERS

(BY SRI. GANESH NAIK, ADVOCATE)

AND:

SMT. BASAMMA @ SHIVALILA
W/O SHIVANAND MEDI D/O SHIVARAI POLICE PATIL,
AGE ABOUT 39 YEARS, OCC: HOUSEHOLD WORK,
R/O. SIDDHARUDA COLONY KOTNOOR (D),
KALABURAGI-585104.

…RESPONDENT

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO SET ASIDE THE ORDER DATED 18-11-2020 IN CC NO. 6163/2020 (P.C NO. 821/2019, PASSED BY THE II ADDL. CIVIL JUDGE AND JMFC KALABURAGI, AND QUASH THE FURTHER PROCEEDINGS AGAINST THE PETITIONERS IN CC NO. 6163/2020 U/S 494 AND 114 OF IPC, ON THE FILE OF THE II ADDL. CIVIL JUDGE AND JMFC, KALABURAGI.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V SRISHANANDA)

1. Heard Sri. Ganesh Naik, learned counsel for the petitioners.

2. Perused the records.

3. The Order under challenge is taking the cognizance and registering criminal case in respect of private complaint filed under Section 200 of Cr.P.C., alleging the commission of offence under Sections 494 and 114 F of IPC.

4. Facts of the case in the nutshell are that, the respondent is legally wedded wife of the petitioner No.1-Shivanand. During the subsistence of the said marriage on

account of non-payment of additional dowry amount the other petitioners have all colluded and abetted the petitioner No.1 to contract second marriage with petitioner No.2 i.e. Smt. Laxmi @ Channamma.

5. The learned trial Magistrate after recording sworn statements of the witnesses and considering the material placed on record, found prima-facie materials to proceed against the petitioners herein and took cognizance and summoned them.

6. Since it is a complaint case, the next stage would be to record the evidence before framing the charge-sheet.

7. It is too premature to find out the role played by each of the petitioners in the alleged second marriage.

8. Unless an enquiry is held and material is elicited in such enquiry, this Court is of the considered opinion that the contentions urged on behalf of the petitioners cannot be considered by this Court, that too under Section 482 of Cr.P.C. by holding mini trial.

9. Accordingly, no case is made out to admit the matter for further consideration.

10. Hence, the following order:

ORDER

(i) Petition ***dismissed***;

(ii) However liberty is reserved for the petitioners to challenge if an adverse order is passed against the petitioners after recording of evidence before charge.

Sd/-
(V SRISHANANDA)
JUDGE

SVH
List No.: 1 Sl No.: 18