IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO.200095 OF 2023

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

BETWEEN:

1. DR JAIRAJ S/O LATE BHASKER,
   AGE:34 YEARS,
   OCC: GENERAL PHYSICIAN IN BRIMS, BIDAR.

2. SUKIRTA W/O LATE BHASKER,
   AGED: 68 YEARS,
   OCC: RTD., GOVERNMENT TEACHER,

3. JAISHEEL S/O LATE BHASKER,
   AGED: 28 YEARS,
   OCC: ENGINEER WORKING AT BENGALURU,
   ALL R/O. PLOT NO. 1, NEAR HANUMAN TEMPLE,
   SHIVNAGAR NORTH, BIDAR-585401.

Digitally signed by SUMITRA SHERIGAR
Location: HIGH COURT OF KARNATAKA

4. BHAGYAJYOTI W/O EMMANUEAL,
   AGED: 34 YEARS,
   OCC: TUTOR GIVING TUITION AT NARSINGH,
   STUDENT IN BRIMS COLLEGE BIDAR,
   R/O. BRIMS QUARTER,
   BIDAR-585401.

5. DR. SHANTKUMARI W/O SANTOSH GHODE,
   AGED: 32 YEARS,
   OCC: GOVT. SERVANT WORKING AS DOCTOR,
   IN BRIMS BIDAR,
   R/O. SHIVNAGAR NORTH, BIDAR-585401.

6. ROHIDAS S/O LATE SHARNAPPA GHODE,
AGED: 60 YEARS,
OCC: SOCIAL WORKER AND PRESIDENT OF VISHAL EDUCATIONAL AND CHARITABLE TRUST (R) BIDAR,
R/O. H.NO. 19-1-157, SHIVNAGAR NORTH,
BIDAR-585401.

7. SANTOSH S/O ROHIDAS GHODE,
AGED: 29 YEARS,
OCC: PROPRIETOR OF GAS AGENCY B. KALYAN,
DIST. BIDAR.

8. DR. SANDEEP S/O ROHIDAS GHODE
AGED: 27 YEARS,
OCC: MEDICAL PRACTITIONER,
R/O. SHIVNAGAR SOUTH,
TQ. AND DIST. BIDAR-585401.

…PETITIONERS

(BY SRI JAIRAJ K. BUKKA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS BIDAR WOMEN POLICE STATION,
REP. BY ADDL. PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BENCH, KALABURAGI,
KALABURAGI-585104.

2. DR. RODHE W/O DR. JAIRAJ
AGED: 30 YEARS, OCC: DOCTOR,
R/O. PLOT NO. 1, NEAR HANUMAN TEMPLE,
SHIVNAGAR NORTH, BIDAR,
NOW AT KHB COLONY,
MEDICAL COLLEGE, BIDAR,
TQ. AND DIST. BIDAR-585401.

…RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI SANTOSH KUMAR B. BIRADAR ,ADVOCATE FOR R2)

THIS CRL.P IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO ALLOW THE PETITION AND THEREBY QUASH THE IMPUGNED ENTIRE PROCEEDINGS AGAINST THE PETITIONERS/ACCUSED NO.1 TO 8 IN CRIME NO.26/2020 ARISING OUT OF PCR NO.45/2020 NOW CC NO.1208/2022 FOR THE OFFENCE PUNISHABLE 498A, 323, 504, 506, 354 R/W 34 OF IPC REGISTERED BY THE WOMEN POLICE STATION, BIDAR NOW PENDING ON THE FILE OF HON'BLE I ADDL. CIVIL JUDGE & JMFC – II, BIDAR.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

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

Heard Sri Jairaj K. Bukka, learned counsel for the petitioners, Sri Jamadar Shahabuddin, learned High Court Government Pleader for respondent No.1 – State and Sri Santosh Kumar B. Biradar, learned counsel for respondent No.2.

2. Petition under Section 482 of Cr.P.C. with the following player:

> *"Criminal petition is filed under section 482 of Cr.P.C. praying to allow the petition and thereby quash the impugned entire proceedings against the*

petitioners/accused No.1 to 8 in Crime No.26/2020 arising out of PCR No.45/2020 now CC No.1208/2022 for the offence punishable 498A, 323, 504, 506, 354 R/W 34 of IPC, registered by the Women Police Station, Bidar, now pending on the file of Hon'ble I Addl. Civil Judge & JMFC – II, Bidar."

3. Facts in the nutshell, which are utmost necessary for disposal of the petition are as under:

3.1 Upon the complaint lodged by Smt.Dr.Rodhe, Women Police Station, Bidar registered a case in Crime No.26/2020 on 07.07.2020 for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of IPC.

3.2 After registering the case, police conducted a detailed investigation and filed 'B' final report. Notice of the 'B' final report was given to the de-facto complainant. The de-facto complainant thereafter filed protest petition, which was taken into consideration. The sworn statement of the de-facto complainant and witnesses was recorded

and thereafter, learned Magistrate has taken cognizance of the aforesaid offences and issued summons to the petitioners herein.

3.3 Taking cognizance, registering the criminal case and proceeding with the matter is called in question in this petition.

4. Learned counsel for the petitioners during the course of argument files a memo, which reads as under:

> *"The petitioners most humbly submits this memo as under:*
>
> *1) That the petitioner No.1 is the husband of the respondent No.2.*
>
> *2) The petitioner No.2 is the mother of the Petitioner No.1. and the petitioner No.3 is the real brother the petitioner No.2.*
>
> *3) The petitioner No.4 married with one Emmanuel village Aurad and the petitioner No.4 is the sister of the petitioner No.1 working at Brims Hospital Bidar.*

4) The petitioner No.5 is married with the Santosh Ghode the petitioner No.7 and the petitioner No.6 is the father in law the petitioner No.5.

5) The petitioner No.6 is the father in law of he petitioner No.5 and petitioner No.7 is the husband of the petitioner No.5 now residing at Shivanagar North Bidar and petitioner no.8 is the real brother of the petitioner No.7 and son of the petitioner No.6. Therefore, the petitioner No. 4 to 8 are belongs to the other family members. The petitioners No.1 to 3 residing and same family members. The petitioner prays this Hon'ble Court may kindly be set aside the proceedings against the respondent No.4 to 8 in CC No. 1208/2022, in the interest of justice and equity."

5. Based on this memo, petition is now restricted only with regard to petitioner Nos.1 to 3/accused Nos.1 to 3.

6. He would further contend that remaining petitioners i.e., petitioner Nos.4 to 8/accused Nos.4 to 8 are not resident of the place, where the couple lived and they did not share the common roof. Therefore, at no stretch of imagination, the remaining petitioners i.e.,

accused Nos.4 to 8 can be proceeded with the criminal case.

7. *Per contra*, learned High Court Government Pleader for respondent No.1 would contend that role of the prosecution has come to an end by filing the 'B' final report and therefore, appropriate orders be passed.

8. Learned counsel for respondent No.2/de-facto complainant however supported the order of taking cognizance and proceeding with the criminal case, inasmuch as, there are materials, which would be placed at the time of evidence before charge against all petitioners. Therefore, preempting the de-facto complainant cannot be permitted by allowing present petition and sought for dismissal of the petition.

9. Having heard the arguments of both sides, this Court perused the material on record meticulously.

10. On such perusal of the material on record, petitioner Nos.4 to 8/accused Nos.4 to 8 admittedly did not share the common roof along with the husband and the de-facto complainant and their family members.

11. Under such circumstances, when there is only omnibus and general allegations levelled against petitioner Nos.4 to 8/accused Nos.4 to 8 in the complaint, proceeding with the criminal case as against them itself is totally uncalled for, following the principles of law enunciated by the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam vs The State Of Bihar*** reported in ***(2022) 6 SCC 599***.

12. Accordingly, as against petitioner Nos.4 to 8, petition needs to be allowed and pending criminal proceedings need to be quashed.

13. Hence, following order is passed:

ORDER

a) Criminal petition is allowed in part by placing the memo filed on behalf of the petitioners.

b) Criminal petition is dismissed as against petitioner Nos.1 to 3/accused Nos.1 to 3.

c) Criminal petition is allowed in respect of petitioner Nos.4 to 8/accused Nos.4 to 6 and pending criminal proceedings as against them in C.C.No.1208/2022 on the file of I Additional Civil Judge and JMFC-II, Bidar, is hereby quashed.

d) It is made clear that this Court has not expressed any opinion on the merits of the matter.

Sd/-
(V SRISHANANDA)
JUDGE

SRT
List No.: 1 Sl No.: 11
CT:PK