NC: 2025:KHC-K:713
CRL.P No. 200299 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 31ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200299 OF 2024

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

BETWEEN:

1. SMT. RAMADEVI
W/O RAMAMOHAN MULLAPUDI,
AGE: 44 YEARS, OCC: HOUSEHOLD,
R.O. T 117/1 FIRST MAIN,
SATYANARAYANA TEMPLE ROAD,
JAYANAGAR, TQ. GANGAVATHI,
DIST. KOPPAL-583227.

2. SMT. SANDHYA W/O PRASAD CHILAKURI,
AGE: 42 YEARS, OCC: HOUSEHOLD,
R/O. SYAGALE TQ. DAVANAGERA,
DIST. DAVANAGERE-577002.

3. SMT. RADHAMMA K W/O VEERARAJU KORIPALLI,
AGE: 62 YEARS, OCC: HOUSEHOLD,
R/O. WARD NO. 2 HERUR,
TQ. GANGAVATHI, DIST. KOPPAL-583227.

4. SRI RAM MOHAN M
S/O M. SATYANARAYANA MULLAPUDI,
AGE: 46 YEARS, OCC: EMPLOYMENT,
R/O. T 117/1, FIRST MAIN,
SATYANARAYANA TEMPLE ROAD,
JAYANAGAR, TQ. GANGAVATHI,
DIST. KOPPAL-583227.

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

5. PRASAD S/O SUBBARAO CHILLAKURI,
AGE: 49 YEARS, OCC: AGRICULTURE,
SYAGALE TQ. DAVANAGERE,
DIST. DAVANAGERE-577002.

6. NAGESHWAR RAO B.
S/O RAMACHANDRUDU BOLLAMPALLI,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O. BELAVANUR TQ. DAVANAGEGE,
DIST. DAVANAGERE-577002.

…PETITIONERS

(BY SRI HARSHAWARDHANAGOUDA PATIL,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SINDANUR RURAL PS,
R/ BY ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585102.

2. SMT. LAVANYA W/O SATISH KORIPALLI,
AGE: 34 YEARS, OCC: HOUSEWIFE,
R/O. HERURU CAMP, TQ. GANGAVATHI,
DIST. KOPPAL-583227.

…RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1
SRI ARUNKUMAR AMARGUNDAPPA ,ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. PRAYING TO, A) QUASH THE ENTIRE PROCEEDINGS FOR OFFENCES PUNISHABLE U/S 143,147,498A, 504, 323, 354, 506, 114 R/W SEC 149 OF IPC PENDING ON THE FILE OF II ADDL. CIVIL JUDGE AND JMFC SINDHANUR IN C. C NO. 465/2023 (SINDHANUR RURAL PS CRIME NO. 186/2022) AGAINS THE PETITIONER (ACCUSED NO. 1 TO 6). B) PASS ANY OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Accused Nos.1 to 6 are before this Court under Section 482 of Cr.P.C. with a prayer to quash the entire proceedings in CC No.465/2023 pending before the Court of II Addl. Civil Judge and JMFC, Sindanoor, arising out of Crime No.186/2022 registered by Sindanoor Rural Police Station, Raichur, for the offences punishable under Sections 143, 147, 498A, 504, 323, 354, 506, 114 and 149 of IPC.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioners submits that petitioners herein are the in-laws of respondent No.2/complainant. There is a dispute between the husband of the first informant and petitioners herein with regard to certain immovable properties and petitioner No.3 has initiated proceedings against husband of the first informant under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. On the basis of the first information submitted by

petitioner No.3 herein, FIR has been registered in Crime No.102/2022 against respondent No.2 herein and her family members for the offences punishable under Sections 323, 354, 504, 506, 342 and 34 of IPC and in the said case, charge sheet has been filed against the accused. It is only thereafter, the present criminal proceedings is initiated against the petitioners by making false allegations about ill-treatment and cruelty in the matrimonial house etc. Accordingly, he prays to allow the petition.

4. Per contra, learned HCGP for respondent No.1 and learned counsel for respondent No.2 have opposed the prayer made in the petition.

5. Respondent No.2/defacto complainant is the wife of Satish Koripalli, who is the son of petitioner No.3 herein. Petitioner Nos.1 and 2 are the married sisters of Satish Koripalli and petitioner Nos.4 and 5 are the respective husbands of petitioner Nos.1 and 2. Petitioner No.6 is said to be a distant relative of petitioner Nos.1 to 5. A perusal of the averments made in the first information would go to show that first informant and her husband are living together separately and not with the

petitioners herein. It appears that there is some dispute between family members with regard to certain immovable properties. Material is produced before this Court to show that petitioner No.3 has initiated proceedings against her son Satish Koripalli and his wife Lavanya, who is respondent No.2 herein, before the appropriate authority under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and in the said proceedings, an adverse order has been passed as against Satish Koripalli and his wife Lavanya. In the background of the disputes between the parties regarding certain immovable properties, in the incident that had taken place on 30.03.2022, Lavanya and her family members allegedly had trespassed into the house of her mother-in-law, who is petitioner No.3 herein and had man-handled and assaulted her. In respect of the said incident, FIR in Crime No.102/2022 was registered against Lavanya and her family members and in the said case, accused persons are already charge sheeted. Allegation in the present case against petitioners herein is that they had gone to the house of respondent No.2 demanding signature on certain papers concerning the dispute between the parties regarding

immovable properties and petitioners herein allegedly had abused and assaulted them.

6. From the aforesaid analysis of the matter, it can be gathered that only after the civil dispute arose with regard to certain immovable properties in respect of which petitioner No.3 had allegedly executed Gift Deed in favour of husband of respondent No.2 herein which is the subject matter of the petition filed before the competent authority under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the present criminal proceedings was initiated by respondent No.2 against her in-laws. Considering the background in which criminal case was initiated, the allegations made against the petitioners herein becomes highly doubtful. *Prima facie* it appears that only to harass and coerce the petitioners, after a dispute arose between the two parties in respect of the alleged Gift Deed which is said to have been executed by petitioner No.3 in favour of her son Satish Koripalli on 24.01.2022, the present criminal proceedings has been initiated. Under the circumstances, I am of the opinion that continuation of the impugned criminal proceedings as against

accused persons would amount to abuse of process of law. Accordingly, the following:-

ORDER

(i) Criminal Petition is allowed.

(ii) The entire proceedings in CC No.465/2023 pending before the Court of II Addl. Civil Judge and JMFC, Sindanoor, arising out of Crime No.186/2022 registered by Sindanoor Rural Police Station, Raichur, for the offences punishable under Sections 143, 147, 498A, 504, 323, 354, 506, 114 and 149 of IPC as against the petitioners is hereby quashed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

DN
List No.: 1 Sl No.: 35
CT:PK