IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 29TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 201244 OF 2024

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

BETWEEN:

HAJI KHAN S/O MOHAMMED KHAN,
AGE: 30 YEARS, OCC: TAILOR,
R/O. RAVOOR VILLAGE,
TQ. SHAHABAD, DIST. KALABURAGI-585225.

...PETITIONER

(BY SRI LIYAQAT FAREED USTAD, ADVOCATE)

AND:

1. THE STATE THROUGH KALABURAGI CITY,
   WOMEN POLICE STATION KALABURAGI,
   KALABURAGI NORTH SUB DIVISION,
   REPRESENTED BY
   THE ADDL. SPP HIGH COURT OF KARNATAKA,
   BENCH AT KALABURAGI-585107.

2. MERAJ BEGUM W/O HAJI KHAN,
   AGE: 35 YEARS, OCC: HOUSE WIFE,
   R/O. SADAR MOHALLA MOMINAPURA,
   KALABURAGI-585105.

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1
R2 SERVED)

Digitally signed by LUCYGRACE
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDING IN C.C.NO. 17055/2022 IN CRIME NO. 269/2021 OF FILE BY THE RESPONDENTS, IN KALABURAGI CITY WOMEN POLICE STATION FOR THE OFFENCES PUNISHABLE U/SEC. 498A, 323, 504, 506 R/W 34 OF THE IPC AND SEC. 3 AND 4 OF THE DOWRY PROHIBITION ACT 1964, ON THE FILE IS PENDING OF I ADDITIONAL JMFC KALABURAGI.

THIS PETITION, COMING ON FOR ADMISSION, 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 No.1 in C.C.No.17055/2022 pending before the court of I Additional Civil Judge and JMFC, Kalaburagi, arising out of Crime No.269/2021 registered by Kalaburagi City Women’s Police Station, Kalaburagi, for offences punishable under Sections 498(A), 323, 504, 506 r/w 34 of IPC and Sections 3 & 4 of Dowry Prohibition Act 1964, is before this Court under Section 482 of Cr.P.C with a prayer to quash the entire proceedings in the present case as against him.

2. Heard the learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1.

3. Respondent No.2 who is served in the matter has remained unrepresented before this court.

4. Learned counsel for the petitioner submits that respondent No.2 had earlier filed a similar complaint against all the 5 accused in the present case and the accused who were tried in C.C.No.92/2019, were acquitted by the jurisdictional court of Magistrate by judgment and order dated 16.03.2020. By making false and frivolous allegations, the respondent No.2 has once again approached the Police and based on her first information, the impugned criminal proceedings is initiated against the accused. This Court in Crl.P.No.200245/2024 has already quashed the impugned criminal proceedings as against accused Nos.2 to 5. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition.

6. Perusal of the material on record would go to show that respondent No.2 had earlier initiated criminal proceedings against all the accused in the present case and the said accused were tried in C.C.No.92/2019 by the court of Civil Judge & JMFC at Shahabad and were acquitted in the said case by judgment and order dated 16.03.2020. Undisputedly, the said judgment and order of acquittal passed in C.C.No.92/2019 has attained finality. It is relevant to note here that the respondent No.2 had contested in the said proceedings. However, in the first information which is submitted by her in the present case, she has stated that her earlier case registered against the accused persons was settled at the intervention of the Police and she had withdrawn the complaint and thereafter once again her husband and his relatives had ill-treated her. The said allegations found in the first information appears to be incorrect having regard to the judgment and

order of acquittal passed in C.C.No.92/2019 which is made available to this court along with the petition. This court in Crl.P.No.200245/2024 having appreciated this aspect of the matter has quashed the entire proceedings as against accused Nos.2 to 5. Therefore, I am of the opinion that prayer made by the petitioner in the petition needs to be granted. Accordingly, I proceed to pass the following:

ORDER

The criminal petition is allowed.

The entire proceedings in C.C.No.17055/2022 arising out of Crime No.269/2021 pending before the court of I Additional Civil Judge and JMFC, Kalaburagi, for offences punishable under Sections 498(A), 323, 504, 506 r/w 34 of IPC and Sections 3 & 4 of Dowry Prohibition Act 1964, is hereby quashed against the petitioner herein.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

DHA
List No.: 1 Sl No.: 24
CT:PK