IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.201202 OF 2024

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

BETWEEN:

1. KIRAN S/O SHIVASHARANAPPA PUJARI,
AGE: 26 YEARS,
R/O. FILTER BED ROAD, SEWULAL CHOWK,
RAJEEV GANDHI NAGAR, KALABURAGI-585104.

2. SHIVASHARANAPPA S/O DODDAPPA,
AGE: 66 YEARS, OCC: NIL,
R/O. FILTER BED ROAD, SEWULAL CHOWK,
RAJEEV GANDHI NAGAR,
KALABURAGI-585104.

3. MAHADEVI W/O SHIVASHARANAPPA,
AGE: 52 YEARS, OCC: HOUSEHOLD,
R/O. FILTER BED ROAD SEWULAL CHOWK,
RAJEEV GANDHI NAGAR,
KALABURAGI-585104.

4. KEERTI D/O SHIVASHARANAPPA
W/O MALLIKARJUN BIRADAR,
AGE: 28 YEARS, OCC: PRIVATE SERVICE,
R/O. AT POST DHUMAKANAL TQ. INDI,
DIST. VIJAYAPURA-585601.
NOW R/O. AT NAGARBHAVI,
BANGALORE.

5. YESHSHWINI D/O SHIVASHARANAPPA,
AGE: 24 YEARS, OCC: PRIVATE SERVICE,

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

R/O. FILTER BED ROAD, SEWULAL CHOWK,
RAJEEV GANDHI NAGAR,
KALABURAGI-585104.

NOW R/O AT NANJARASAPPA LAYOUT,
CANARA BANK COLONY, BANGALORE.

…PETITIONERS

(BY SRI ASHOK MULAGE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA THROUGH,
UNIVERSITY POLICE STATION,
TQ. AND DIST. KALABURAGI,
R/BY ADDL. SPP HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585107.

2. LAXMIPUTRA S/O TUKARAM ARUNODAYA,
AGE: 23 YEARS, OCC: STUDENT,
R/O. KAWALGA VILLAGE,
TQ. ALAND, DIST. KALABURAGI-585104.

…RESPONDENTS

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

THIS CRL.P IS FILED U/S.482 OF CR.P.C (OLD) U/SEC 528 OF BNSS (NEW), ACT. PRAYING TO, ALLOW THE PETITION AND QUASH THE FIR, COMPLAINT AND CHARGE SHEET IN CRIME NO.117/2024 OF UNIVERSITY PS FOR THE OFFENCES PUNISHABLE U/SEC 323, 504, 306 OF IOPC AND SEC. 3(2)(V) OF SC/ST PA ACT PENDING ON THE FILE OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE KALABURAGI, IN SPECIAL CASE (SC/ST) NO.64/2024.

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)

Accused Nos.1 to 5 in Special Case (SC/ST) No.64/2024 pending before the Court of II Additional District and Sessions Judge, Kalaburagi arising out of Crime No.117/2024 registered by University Police Station, Kalaburagi City, for the offences punishable under Sections 323, 504 and 306 of IPC and under Sections 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST (POA) Act) are before this Court under Section 482 of Cr.P.C. with a prayer to quash the entire proceedings in the aforesaid case as against them.

2. FIR in Crime No.117/2024 was registered by University Police Station, Kalaburagi City initially for the offences punishable under Sections 323, 504, 506, 306

read with Section 149 of IPC and Section 3(2)(v) of SC/ST (POA) Act against the petitioners herein on the basis of the first information dated 10.05.2024 received from Lakmiputra, brother of deceased Pushpa. Investigation of the case is completed and charge sheet has been filed against five persons and petitioners herein are arrayed as accused Nos.1 to 5 in the charge sheet. The Trial Court after taking cognizance of the charge sheeted offences, has issued summons to the petitioners. Assailing the same, the petitioners are before this Court.

3. Learned counsel for the petitioners having reiterated the grounds urged in the petition submits that necessary ingredient to invoke Section 306 of IPC is not found in the present case as against the petitioners. There is no such act, which was committed by the accused persons immediately prior to the deceased committing suicide, which would have either instigated or abetted her to take the drastic step of committing suicide. Accordingly, he prays to allow the petition.

4. Per contra, learned High Court Government Pleader appearing for respondent No.1, who has opposed the petition, brings to the notice of this Court that deceased had left behind a death note, which clearly refers to the act committed by the accused persons. The deceased has named all the accused persons in the death note. Accordingly, he prays to dismiss the petition.

5. Respondent No.2, who is served in the matter, has remained unrepresented before this Court.

6. First information in the present case was submitted by the brother of the deceased after she had committed suicide on the intervening night of 09.05.2024 and 10.05.2024 by hanging herself. In the first information, it is averred that deceased was in love with accused No.1 and she was staying separately from her family members. Accused No.1, who had promised to marry the deceased and had a relationship with her for a period of more than three years, had refused to marry her

at the instance of other accused persons. Therefore, the deceased had committed suicide by hanging herself.

7. Material on record would go to show that the deceased had left behind a death note prior to she committing suicide. Perusal of the said death note, which is a part of charge sheet filed in the present case, would reveal that she has not made any specific allegations as against accused No.2 and 5 in the present case. In the death note, she has stated that accused No.1, who had promised to marry her, had subsequently refused to marry her at the instance of other accused persons. She has also stated that accused No.4 had come to the premises where she was living and after abusing her had stated that she will not allow her brother to marry her. She has also stated that accused No.3 had abused and assaulted her in a public place. However, no allegation whatsoever has been made against accused Nos.2 and 5 by the deceased in her death note. Even in the first information, there are no specific allegations, which have been made as against

the accused Nos.2 and 5, which would prima facie attract the alleged offences against them. For the purpose of attracting the offence punishable under Section 306 of IPC, the act committed by the accused persons should have either abetted or instigated the deceased to take the drastic step of committing suicide and the said act of the accused persons should have some nexus with the death of the deceased.

8. In the present case, though the deceased has made certain allegations as against accused persons in her death note, she has not made any specific allegations as against accused Nos.2 and 5 and in the absence of necessary ingredients, if accused Nos.2 and 5 are prosecuted for the charge sheeted offences, the same would amount to abuse of process of law.

9. Under the circumstances, I am of opinion that prayer made by petitioner Nos.2 and 5/accused Nos.2 and 5 needs to be granted and prayer made by petitioner

Nos.1, 3 and 4/accused Nos.1, 3 and 4 needs to be rejected. Accordingly, the following order is passed:

ORDER

The criminal petition is partly allowed.

The impugned criminal proceedings in Special Case (SC/ST) No.64/2024 pending before the Court of II Additional District and Sessions Judge, Kalaburagi arising out of Crime No.117/2024 registered by University Police Station, Kalaburagi City, for the offences punishable under Sections 323, 504 and 306 of IPC and under Section 3(2)(v) SC/ST (POA) Act, insofar as it relates to petitioner Nos.2 and 5/accused Nos.2 and 5 stands quashed.

Petition is dismissed as against petitioner Nos.1, 3 and 4/accused Nos.1, 3 and 4 and the Trial Court shall proceed against the said accused in accordance with law.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 1 Sl No.: 42
CT:PK