

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD**

DATED THIS THE 31ST JANUARY 2013

BEFORE

THE HON'BLE MR.JUSTICE B.V.PINTO

CRIMINAL PETITION NO.11527/2012

BETWEEN

1. Mallikarjun S/o.late Sugalappa
Age: 30 years, Occ: Assistant Engineer,
KPTCL, R/o. Kudutini village,
Tq: & Dist: Bellary.
2. Mangala D/o.late Sugalappa
Age: 25 years, Occ: Nil,
R/o.Kudutini village,
Tq: & Dist: Bellary.
3. Girijamma D/o.late Sugalappa
Age: 20 years, Occ: Nil,
R/o.Kudutini village,
Tq: & Dist: Bellary.
4. Raghavendragouda S/o.Subramanyam
Age: 30 years, Occ: Behind bus stand,
Dist: Bellary.
5. Madali Ramanjini D/o.Dasappa
Age: 42 years, Occ: Nil,
R/o.Kudutini village,
Tq: & Dist: Bellary.

... Petitioners

(By Shri Sadiq N. Goodwala, Advocate.)

AND

1. The state of Karnataka,
By its Gandhi Nagar Police Station,
Bellary,
R/by SPP, High Court of Karnataka,
Circuit Bench, Dharwad-580011.
2. Smt.Ratna Priya W/o.Mallikarjun
Age: 28 years, Occ: Assistant
Horticulture Officer,
R/o. Kurubar Janang vasa,
5th Cross, M.V.Nagar,
Kappagal Road, Bellary-561012.

... Respondents

(By Shri Vinayak Kulkarni, Government Pleader, for
R.1,
Shri B.C.Pattar, Advocate, for R.2.)

This criminal petition is filed under section 482 of Cr.P.C., seeking to quash the FIR against the petitioners for the offences punishable under Sections 498-A, 323, 504, 506, read with Section 149 of IPC and Section 3 and 4 of D.P.Act, in FIR No.58/2012, of Gandhi Nagar Police Station, Bellary, by allowing this petition, etc.,.

This criminal petition coming on for admission, this day, the Court made the following:

ORDER

This petition is filed seeking to quash the proceedings in C.C.No.839/2012, on the file of the Prl. Civil Judge and JMFC, Bellary.

2. The respondent No.2/complainant has filed a complaint on 8.3.2012 before the Gandhi Nagar Police Station alleging the offences punishable under Sections 498-A, 323, 504, 506 read with Section 149 of IPC and Section 3 and 4 of Dowry Prohibition Act. The police registered the case in Crime No.58/2012 and commenced the investigation. After completion of the investigation the police have filed the charge sheet against the petitioners alleging the commission of aforesaid offences. The learned Magistrate took cognizance of the offences and issued process. The accused persons have come before this Court seeking to quash the proceedings.

3. Heard Sri Sadiq N. Goodwala, the learned counsel for the petitioners, Sri B.C.Pattar, the learned counsel for the respondent No.2 and Sri Vinayak Kulkarni, the learned Government Pleader, for the respondent No.1/State.

4. The learned counsel for the petitioners submits that a false case has been filed against the petitioners and unnecessarily all the family members of the petitioner No.1, who is the husband, have been included in the complaint. He submits that the proceedings against the petitioners may be quashed. It is also further submitted by him that the complainant has once filed a complaint on 8.3.2012 and again another complaint has been filed on 9.3.2012 and hence he submits that there is discrepancy in the allegations made against the petitioners.

5. On the other hand, Sri B.C.Pattar, the learned counsel for the respondent No.2 submits that the ingredients of offences mentioned above including

the one for payment of dowry of Rs.2 lakhs and gold of 16 grams sara and 5 grams gold ring is mentioned in the complaint, so also the harassment meted out to her. Under the circumstances he submits that there are witnesses to prove the case and therefore the proceedings may not be quashed at this stage.

6. The offences are triable as warrant case. The petitioners have got an opportunity to argue before framing of charge and to prove before the learned Magistrate that no offence is made out from the allegations and seek for discharge. Reserving liberty to the petitioners to urge all the grounds available to them, at the time of hearing before charge for discharge, this petition is disposed of.

**SD/-
JUDGE**

Mrk/-