

IN THE HIGH COURT OF KARNATAKA AT BENGALURU**DATED THIS THE 28TH DAY OF JUNE, 2019****BEFORE****THE HON'BLE MR. JUSTICE P.S. DINESH KUMAR****CRIMINAL PETITION No.2685 OF 2018****BETWEEN:**

1. JAYANTHI
W/O NANDISH
AGED ABOUT 33 YEARS
2. NANDISH
S/O NAGARAJU
AGED ABOUT 38 YEARS

BOTH ARE RESIDING AT
NO.310/2, G-FLOOR
3RD A CROSS, VENKATAPURA
KORMANGALA
BANGALORE-560 034

... PETITIONERS

(BY SHRI. Y.R. SADASHIVA REDDY, SENIOR ADVOCATE FOR
SHRI. T.P. PRAMOD GOWDA, ADVOCATE)

AND:

1. THE STATE BY
BOMMANAHALLI POLICE STATION
REPRESENTED BY S.P.P.
HIGH COURT OF KARNATAKA
BANGALORE-560 001
 2. SRI. YOGESH
S/O BOREGOWDA
AGED ABOUT 47 YEARS
R/AT BANDIGANAHALLI VILLAGE
MYSURU HOBLI
HOLENARASIPURA TALUK
HASSAN DISTRICT
- ... RESPONDENTS

(BY SMT. B.G. NAMITHA MAHESH, HCGP FOR R-1;
R-2 SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.16087/2017 ON THE FILE OF THE C.M.M., BANGALORE FOR THE ALLEGED OFFENCES P/U/S 498(A), 304(B) R/W 34 OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Shri Y.R. SadashivaReddy, learned Senior advocate for the petitioners submits that pursuant to a complaint filed by second respondent stating that his daughter Pooja committed suicide due to harassment by her husband Shivaraj and other family members, FIR No.20/2017 was registered in Bommanahalli police station. After investigation, police have filed charge sheet and trial is pending before the learned Sessions Judge.

2. Learned Senior Advocate further submits that first petitioner(accused No.4) is sister of Shivaraj and second petitioner(accused No.5) is her husband. He further submitted that allegations levelled against the family members are identical. This Court by order dated 07.02.2018 in Criminal Petition No.5185/2017 has quashed the proceedings so far as accused No.6-Chethan (younger brother of Shivaraj) by a

reasoned order. Accordingly, he prays that this petition be allowed and proceedings against the petitioners also be quashed.

3. Smt. Namitha Mahesh B.G, learned HCGP, in her usual fairness, submits that the allegations against the petitioners are identical and similar to the one levelled against accused No.6-Chethan.

4. I have carefully considered the rival submissions and perused the records.

5. This Court in Crl.P.No.5185/2017, while quashing the proceedings as against accused No.6 has recorded thus:

"6. Therefore, it goes to show that there must be some nexus between the abetment or the act of a person alleged which amounts to willful misconduct and the said act was of such a nature that it is likely to drive a woman to commit suicide. Mere casual allegation may not be sufficient to constitute such offence under Section 498(A) of IPC. Here in the death note or in the entire statement of witnesses, nothing is there on record to show that on what date, time the said accused No.6/petitioner has abused her in such a manner. Even abusing words used that she has been sleeping on the cot and he being son of the house, has to sleep on the floor that itself whether can be said is sufficient or likely to drive a person to commit suicide is in my opinion has to be tested from other surrounding circumstances of the case.

7. As I have already noted that there are no other allegations against this petitioner right from the marriage of lady except that above noted one sentence. Therefore, willful misconduct of the petitioner is also not specifically stated anywhere in the complaint, statements or in the death note except the above said one sentence. Therefore, in my opinion because the petitioner is also related to accused No.1, perhaps in order to bring him also to the books, such allegations are made. Therefore, in my opinion, even strictly accepting the said allegation, same is not sufficient to constitute any offence under Section 498(A) of IPC. Therefore, I have absolutely no hesitation to quash the proceedings so far as petitioner/accused No.6 is concerned. Under the above circumstances, I proceed to pass the following."

6. The allegations against the petitioners are identical in nature and hence no useful purpose would be served by continuing criminal proceedings against the petitioners. In the circumstances, this petition merits consideration and it is accordingly allowed. All the proceedings in C.C.No.16087/2017 pending on the file of Chief Metropolitan Magistrate, Bangalore City, are quashed so far as petitioners are concerned.

No costs.

**Sd/-
JUDGE**

Yn.