

Shivakumar M a vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Aug-30-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/200784/2025

Appellant : Shivakumar M a

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 30TH DAY OF AUGUST, 2025 BEFORE THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 200784 OF 2025 BETWEEN: SHIVAKUMAR M.A. S/O AMRUTH S. MURTURKAR, AGE: 34 YEARS, OCC. ASSISTANT MANAGER, KARNATAKA GRAMEEN BANK, SONTH NEAR KAMALAPUR, KALABURAGI. R/O JANAWADA ROAD, FIRE STATION QUARTERS, BIDAR. PETITIONER Digitally (BY SRI. DEEPAK KUMAR G., ADVOCATE (THROUGH V.C.)) signed by LAKSHMI T Location: AND: High Court of Karnataka

1. THE STATE OF KARNATAKA THROUGH POLICE, MAHILA POLICE STATION, KALABURAGI, DIST. KALABURAGI. R/BY ADDL. SPP,

HIGH COURT OF KARNATAKA, KALABURAGI BENCH-585 105.

2. ANJUJA W/O SHIVAKUMAR M.A., D/O SIDRAM MASAL, AGE: 29 YEARS, OCC: HOUSEHOLD, -2-

R/O JANWADA ROAD, FIRE STATION QUARTERS, NAVADGERI BIDAR, TQ: DIST: BIDAR. NOW AT SIDDESHWAR COLONY, AMBIKA NAGAR KALABURAGI TQ AND DIST KALABURAGI-585 101. RESPONDENTS (BY SRI. GOPALA KRISHNA B. YADAV, HCGP FOR R1 (VC); SRI. S.B. SANGOLAGI, ADVOCATE FOR R2 (VC)) THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE REGISTRATION OF COMPLAINT, FIR AND CHARGE SHEET AND QUASH THE ENTIRE FURTHER PROCEEDINGS IN C.C.NO.20638/2022 (CRIME NO.125/2022, FOR THE OFFENCES PUNISHABLE U/SEC. 498(A), 323, 504, 506, 109 R/W 34 OF IPC AND UNDER THE PROVISIONS OF 3 AND 4 OF D.P.ACT, PENDING ON THE FILE OF I ADDL. CIVIL JUDGE AND JMFC COURT, KALABURAGI, KALABURAGI CITY WOMEN P.S. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This petition under Section 528 of BNSS, 2023 is preferred by accused No.1 in Crime No.125/2022 of Kalaburagi City Women Police Station, seeking to quash the complaint, FIR and chargesheet and entire proceedings pending in C.C.No.20638/2022 on the file of the Court of I Additional Civil Judge and JMFC, Kalaburagi. -3-

2. Heard the learned counsel for petitioner and perused the material available on record.

3. The aforementioned FIR is registered on a

complaint lodged by respondent No.2, wife of petitioner, against the petitioner and four other family members, for the offence punishable under Section 498A, 323, 504, 506, 109 and 34 of IPC and Section 3 and 4 of the Dowry Prohibition Act, 1961.

4. On completion of investigation, chargesheet has been filed against the said accused.

5. In brief, it is the case of prosecution that, the

marriage of respondent No.2 was performed with petitioner/accused No.1 on 03.01.2021 at Rabindranath Bangarge Kalyana Mantapa in Kalaburagi and at the time of marriage as per demand of the accused, 10 tola of gold was given and marriage was celebrated by spending about Rs.20,00,000/-. Respondent No.2 was looked after properly only for about 2 to 3 months and thereafter, all -4-

the accused started picking up quarrel with her stating that sufficient dowry was not brought and demanded a further dowry of Rs.10,00,000/-. Further, at the instigation of other accused persons, accused No.1 i.e., petitioner herein, on 08.05.2022 telephoned to CW.4 asking him to take his daughter back to her parental home and also forced respondent No.2 to give divorce etc.

6. It is contended by the learned counsel for petitioner that the entire allegations are false and without proper investigation, chargesheet was filed against the

petitioner and his family members. He contended that only for about 5 days respondent No.2 stayed in the matrimonial home and then deserted the petitioner. Hence, petitioner filed a petition in M.C.No.106/2022 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights and the said petition was allowed by the Family Court, Bidar on 20.02.2023, wherein respondent No.2 was ordered to join the matrimonial house of the

petitioner. He contended that inspite of the order, -5-

respondent No.2 has not joined the company of the petitioner and therefore, he filed a petition seeking divorce. He contended that petitioner is a resident of Bidar

and allegations that the offence has been committed in Kalaburagi is entirely false and its only on account of the divorce proceedings initiated by the petitioner, a false case

has been registered. He therefore contended that the criminal proceedings pending against the petitioner is an abuse of process of the Court and accordingly, sought to quash the proceedings.

7. It is pertinent to see that petitioner along with other accused had preferred Crl.P No.200668/2023 before

this Court praying to quash the FIR and complaint. This Court after considering the entire facts and circumstances and hearing both the parties, allowed the said petition partly, quashing the proceedings in so far as accused Nos.2 to 5 are concerned. It is specifically observed that the proceedings as against accused No.1 i.e., petitioner herein cannot be quashed.

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8. The police have conducted investigation and filed the chargesheet. The complaint averments and the material collected by the prosecution at this stage shows a prima facie case against the petitioner. The grounds raised by the petitioner are not sufficient to quash the

proceedings. In so far as accused Nos.2 to 5 are concerned, while quashing the proceedings against them, this Court observed that omnibus allegations are made against the said accused and petitioner Nos.4 and 5 are the married sisters and they are residing separately. There is no merit in the present petition. Petitioner is at liberty to seek discharge, if so advised.

Petition is dismissed. I.A.No.1/2025 is disposed of. Sd/- (MOHAMMAD NAWAZ)
JUDGE HB/List No.: 19 SI No.: 1