

Ningappa and Ors vs the State of Karnataka and Anr

Ningappa and Ors vs the State of Karnataka and Anr

SooperKanoon Citation : sooperkanoon.com/1640927

Court : Karnataka Kalaburagi

Decided On : Apr-26-2025

Judge : S Rachaiah

Appeal No. : CRL.P/201781/2023

Appellant : Ningappa and Ors

Respondent : The State of Karnataka and Anr

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 26TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO.201781 OF 2023 (482(Cr.PC)/528(BNSS)) C/W CRIMINAL PETITION NO.200650 OF 2024 (482(Cr.PC)/528(BNSS)) IN CRL.P.NO.201781/2023: BETWEEN:

1. NINGANNA S/O ESHWARAPPA SAGAR, AGE: 51 YEARS, OCC: AGRICULTURE, DIST. RAICHUR-584101. Digitally signed by RENUKA

2. DHYAMAVVA S/O NINGANNA SAGAR, Location: HIGH COURT OF AGE: 48 YEARS, OCC: HOUSEWIFE, KARNATAKA R/O NAGARAL, TQ. LINGASUR, DIST. RAICHUR-584101.

3. SHARANABASAVA S/O NINGANNA SAGAR, AGE: 25 YEARS, OCC: LABOUR, R/O NAGARAL. TQ. LINGASUR, DIST. RAICHUR-584101. PETITIONERS (BY SRI MAHANTESH PATIL, ADVOCATE) -2- AND:

1. THE STATE OF KARNATAKA, R/BY ADDL. SPP, HIGH COURT OF KARNATAKA, KALABURAGI BENCH-585102, THROUGH NARAYANPUR POLICE STATION, TQ. HUNASAGI, DIST. YADAGIR)-585202.

2. SMT. RENUKA W/O KENCHAPPA ANNAGERI, AGE: 55 YEARS, OCC: HOUSEWIFE, R/O BEELAGI VILLAGE, DIST. BAGALKOT, NOW RESIDING AT NARAYANPUR, TQ. HUNASAGI, DIST. YADAGIRI-585202. RESPONDENTS (BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1; SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR R2) THIS CRL.P. IS FILED U/S.482 OF CR.P.C. PRAYING TO

QUASH THE ORDER OF TAKING COGNIZANCE DATED 30.09.2022 IN PC NO.34/2022 (C.C.NO.2165/2022) FOR THE OFFENCES PUNISHABLE U/S 324, 354, 498(A), 504, 506 R/W SEC. 149 OF IPC AND ALSO QUASH THE INITIATION OF PROCEEDINGS AGAINST THE PETITIONERS, WHICH IS NOW PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC AT SHORAPUR. IN CRL.P.NO.200650/2024: BETWEEN:

1. SUNITA W/O NINGAPPA SAGAR, AGE: 23 YEARS, OCC: HOUSEHOLD, -3-

2. SHIVAPPA @ SHIVANNA S/O ADAPPA METI, AGE: 54 YEARS, OCC: AGRICULTURE,

3. KOLAPPA S/O ADAPPA METI, AGE:52 YEARS, OCC: AGRICULTURE,

4. HONNAPPA S/O GUNDAPPA METI, AGE: 57 YEARS, OCC: AGRICULTURE, PETITIONERS (BY SRI MAHANTESH PATIL,

ADVOCATE) AND:

1. THE STATE OF KARNATAKA, R/BY ADDL. SPP, HIGH COURT OF KARNATAKA, KALABURAGI BENCH, (THROUGH NARAYANPUR PS, TQ. YADAGIR, DIST. YADAGIRI).

2. SMT. RENUKA W/O KENCHAPPA ANNAGERI, AGE: 56 YEARS, OCC: HOUSEWIFE, R/O BEELAGI VILLAGE, DIST. BAGALKOT, NOW RESIDING AT NARAYANPUR, TQ. AND DIST. YADAGIRI.
RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1; SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR R2) THIS CRL.P. IS FILED U/S.482 OF CR.P.C. PRAYING TO QUASH THE ORDER OF TAKING COGNIZANCE DATED 30.06.2022 AND 30.09.2022 IN P.C.NO.34/2022 -4- (C.C.NO.2165/2022) FOR THE OFFENCES PUNISHABLE U/SEC. 324, 354, 498-A, 504, 506 R/W 149 OF IPC AND ALSO QUASH THE INITIATION OF PROCEEDINGS AGAINST THE PETITIONERS, WHICH IS NOW PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC AT SHORAPUR. THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH) These two petitions are arising at the instance of the same complainant namely, Smt. Renuka W/o Kenchappa Annigeri.

2. Brief facts of the case are as under: The respondent No.2 being the mother of Chaya, she

performed the marriage of her daughter four years ago with accused No.1. After the marriage, due to difference of opinion between accused No.1 and the daughter of the complaint, her daughter left the matrimonial home and started residing with the complainant. The case is pending -5- before the Family Court Shorapur

between her daughter and accused No.1.

3. On 09.05.2022 at about 4-30 p.m., when the

complainant, her husband and their daughter were staying at home, accused Nos.1 to 7 went to their house and by standing before the said house, started abusing them by using filthy language and insisting the complainant to send Chaya to her matrimonial house. It is further stated that all the accused have assaulted them and also insulted them in the public. Therefore, she lodged a complaint before the police on 28.06.2022. The respondent/police have registered a case in Crime No.24/2022 for the offences punishable under Sections 323, 341, 504, 506 read with Section 34 of IPC. The Investigating Officer after conducting the investigation submitted the charge sheet.

4. In the meantime, respondent No.2 in this case had also filed a private complaint in P.C.No.34/2022 before the Civil Judge and JMFC at Shorapur on the same incident. -6-

5. It is the submission of the learned counsel for

the petitioners that the complainant cannot file two cases on the same incident. The said procedure is contrary to the settled principles of law. Therefore, one case has to be stayed or to be quashed.

6. Per contra, the learned counsel for the complainant does not dispute the said contention of the petitioners in both the cases.

7. Having heard the learned counsel for the respective parties and also perused the averments of the

private complaint in P.C.No.34/2022 and Crime No.24/2022, it appears that the complainant has filed two cases on the same incident. The first is in P.C.No.34/2022 and another one is Crime No.24/2022.

8. In view of the submissions made by the learned

counsel for the respective parties and also on reading of the averments of the private complaint and averments of the charge sheet in Crime No.24/2022, I am of the -7- considered opinion that the petitions are deserved to be allowed.

9. In the light of the observations made above, I proceed to pass the following:

ORDER

(i) Both the Criminal Petitions are allowed.

(ii) The order of taking cognizance dated

30.09.2022 in P.C.No.34/2022 (C.C.No.2165/2022) for the offences punishable under Sections 324, 354, 498A, 504, 506 read with Section 149 of IPC and the initiation of proceedings against the petitioners, which is now pending on the file of the Principal Civil Judge and JMFC at Shorapur in Criminal Petition No.201781/2023 are set aside.

(iii) The order of taking cognizance dated 30.06.2022 and 30.09.2022 in P.C.No.34/2022 (C.C.No.2165/2022) for the offences punishable under Sections 324, 354, 498A, 504, 506 read -8-

with Section 149 of IPC and the initiation of proceedings against the petitioners, which is now pending on the file of the Principal Civil Judge and JMFC at Shorapur in Criminal Petition No.200650/2024 are set aside.

(iv) The Trial Court is directed to proceed with the case in Crime No.24/2022 against the petitioners without being influenced by this

order.

(v) It is made clear that the present petitions are allowed only on the technical ground not on merit. Sd/- (S RACHAIAH) JUDGE RSP List No.: 1 SI No.: 21 CT:PK