

**THE COURT OF THE ADDL CIVIL JUDGE & JMFC, AT
DODDABALLAPURA**

:PRESENT:

**Smt. Preethy K., LL.M.,
ADDL. CIVIL JUDGE & JMFC.,
At DODDABALLAPURA**

Dated this the 8th April, 2026

CC No.5821/2022

Complainant:- The State
R/by Women Police Station.
Doddaballapura

-V/s-

Accused :- Sri. Ravichandra
S/o Byrappa
Aged about 31 years
R/at: Konagatta village,
Kasaba Hobli,
Doddaballapura Taluk
Bengaluru Rural District.

ORDER ON IA FILED UNDER SEC.239 of CRPC.

The accused has filed this application to discharge him from the offence punishable U/sec. 498(A) of IPC.

2. In the application, it is stated that, the respondent women police registered a case against accused in crime NO. 33/2022 for the alleged offence punishable U/Sec.506, 504 and 324 of IPC on 12.05.2022. The said case was registered on the basis of statement of complainant. After completion of investigation, the respondent police submitted a charge-sheet before this court on 28.06.2022. In the said charge sheet offence U/sec. 498(A) of IPC is included and same is

neither made out in the FIR nor supported by any material evidence. The initial allegation of simple hurt and assault cannot be stretched or converted into an offence of cruelty U/sec. 498(A) of IPC as it requires distinct and specific ingredients. No such allegations are forthcoming in the complaint or in the statement of witness. The continuation of proceedings for the alleged offence U/sec. 498(A) of IPC is wholly unjust and without basis and amounts to an abuse of process of law. The accused is innocent and never committed the alleged offence. Hence the application.

3. The prosecution filed objection and contends that the application is not maintainable either in law or on facts. It is contended that the case is a warrant case and there are prima facie materials to proceed against the accused. The prosecution depends upon oral and documentary evidence to prove the accusation made against the accused. There are material evidences to prove the guilt of the accused. There are no any valid and sufficient reasons made out to discharge the accused. The application is filed only with a mala fide intention of protracting the proceedings. No materials are produced by the accused in support of their application. If the application is allowed, the prosecution is subjected to hardship and injury. Hence, prays for dismissal of the application.

4. Heard and perused.

5. The following Points arise for consideration:

- 1) Whether the accused has made out grounds to discharge from the offence punishable U/sec.498(A) of IPC?
- 2) What Order?

6. The above Points are answered as under:

Point No.1: In the **Negative**.

Point No.2: As per the final order
for the following:-

REASONS

7. Point No.1 :- The prosecution submitted chargesheet against the accused for the offence punishable under section U/sec. 498(A), 504, 506 and 324 of IPC. In this application, the accused is seeking to discharge him from the offence punishable U/Sec.498(A) of IPC. It is stated that, there are no ingredients in respect of offence punishable U/Sec.498(A) of IPC. The prosecution on the other side contends that there are sufficient materials to proceed against accused.

8. Further, Section 239 of CrPC provides as to when the accused should be discharged. It is apt to look at the said provision and it is as under;

239. When accused shall be discharged.—*If, upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for so doing.*

Thus, as per the provision upon considering the police report and document sent with it U/Section 173 and making such examination of

the accused and after hearing on both the sides if it is found that the charge against the accused is groundless the accused could be discharged by recording the reasons. This makes it clear that while framing the charge the entire materials produced has to be looked into and only thereafter, if the charges are found groundless the accused could be discharged.

9. Further, this case is registered based upon the complaint/First Information Statement of the complainant and as such the said material is a primary document while framing charge. Hence, it is apt to look into the complaint averments before considering the application on hand. The complaint/FIS is as under :-

ನಾನು ರವಿಚಂದ್ರ ರವರನ್ನು ಪ್ರೀತಿಸಿ ಮದುವೆಯಾಗಿದ್ದು, ಮೂರು ವರ್ಷಗಳ ಹಿಂದೆ ನಮ್ಮಿಬ್ಬರ ನಡುವಿನ ಮನಸ್ತಾಪದಿಂದ ನಾವು ಬೇರೆಯಾಗಿರುತ್ತೇವೆ. ಈಗ 4 ತಿಂಗಳ ಹಿಂದೆ ಮಾನ್ಯ ಸ್ವಾ ಯಾಲಯದಲ್ಲಿ ವಿವಾಹ ವಿಚ್ಛೇದನಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, ವಿಚಾರಣೆ ಹಂತದಲ್ಲಿರುತ್ತದೆ. ಹಿಗಿರುವಾಗ ದಿನಾಂಕ: 11.05.2022 ರಂದು ರಾತ್ರಿ-8-30 ರ ಸಮಯದಲ್ಲಿ ನನ್ನ ಗಂಡನಾದ ರವಿಚಂದ್ರ ನಾನು ಬಾಡಿಗೆ ಮನೆಯಲ್ಲಿ ಒಬ್ಬಳೆ ಇದ್ದಾಗ ನೀನು ಬೇರೆಯವರೊಂದಿಗೆ ಸಂಬಂಧ ಇಟ್ಟುಕೊಂಡಿದ್ದೀಯಾ ಎಂದು ಆಸಭ್ಯವಾಗಿ ವರ್ತಿಸಿ, ನಂತರ ನಿನ್ನನ್ನು ಕೊಲೆ ಮಾಡುತ್ತೇನೆ ಎಂದು ಚಾಕು ತೆಗೆದುಕೊಂಡು ನನ್ನ ಎಡಗೈನ ಹೆಬ್ಬೆರಳಿಗೆ ಹೊಡೆದು ರಕ್ತಗಾಯಪಡಿಸಿರುತ್ತಾರೆ. ನಂತರ ನಾನು ತಪ್ಪಿಸಿಕೊಂಡು ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ ಹೋಗಿ ಚಿಕಿತ್ಸೆ ಪಡೆದಿರುತ್ತೇನೆ.

Further, on perusal of the complaint, it is stated that since there were differences between accused and the complainant they are residing separately since, 3 years and that the accused on the date of incident assaulted the complainant alleging that the complainant had some illicit relationship. The ingredients in the complaint shows that the accused has made a serious allegation against complainant that

she had illicit relation and assaulted and abused her in filthy language. The complainant states that she was meted with cruelty.

10. Further, the accused herein is seeking to discharge him for the offence punishable under Sec.498(A) of IPC. As per the accused there are no materials attracting the ingredients of Sec.498A of IPC. Hence, before considering the said factor, it is necessary to look into the provision Section 498(A) of IPC. The said provision is as under;

Sec.498-A. Husband or relative of husband of a woman subjecting her to cruelty: *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation—For the purposes of this section “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

Thus, as per the provision, to prosecute accused under this provision women should be subjected to cruelty. In the explanation what amounts to cruelty is also clearly explained. As per the provision if husband or a relative of the husband subjects a woman to cruelty is liable to be punished under this provision.

11. Further, in the case on hand it is admitted fact that the complainant and accused are husband and wife. As per the complaint averments the accused made an accusation against the complainant having illicit relationship and assaulted her with a knife and caused

injury. This allegation and the materials produced in the charge sheet attracts the ingredients of the provision Section 498A of IPC. On looking at the explanation of 'cruelty' given under the provision, it makes out that the allegations made in the complaint attracts the offence under the provision.

12. Further, it was submitted by the learned counsel for the accused that the complainant and accused were not residing together and as such the provision cannot be made applicable. No doubt in the complaint it is stated that the complainant and accused were residing separately since, 3 years and that there is a divorce petition pending. However, at this juncture this court has to only see if there is any groundless allegation and while framing charge it is to be looked if there are any grounds for presuming the commission of offence. On considering the entire materials it appears to this court that there are ingredients to prosecute the accused for the offence punishable under section 498A as the allegations do not appear groundless. Though, the case was filed for offence punishable U/Sec.504 and 324 of IPC, after investigation it is made out that, the ingredients of Sec.498(A) of IPC are applicable and accordingly charge sheet is submitted. The charge sheet materials make out a case to try the accused for the offence punishable under Section 498A of IPC. The grounds urged by the

accused are to be considered at the time of trial. Hence, the point is answered in **Negative**.

13. Point No.2: In view of the discussion and findings at above point, this Court proceeds to pass the following:-

:: ORDER ::

The application filed by the accused
U/Sec 239 of Cr.P.C is hereby rejected.

(Dictated to the Stenographer Grade-III directly on computer and after corrections, signed and pronounced by me in open Court on this 8th day of April, 2026)

(PREETHY.K)
Addl.C.J & JMFC.,
Doddaballapura