

KACD010064082023



**IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA**

Present :- SRI. VEERANNA SOMASEKHARA,
B.Com., LLB (Spl.)
1st Addl. Dist & Sessions Judge,
Chitradurga.

Dated this 2nd day of May, 2026

SC No.137/2023

Complainant: The State by Women Police Station,
Chitradurga.

(By learned Public Prosecutor, Chitradurga)

//Vs//

Accused No.2 to 4: 2. Ajay S/o Katappa, Aged about 22 years,
working in Chidu Photo Studio, R/o
Chikkammanahalli village, Challakere Taluk.

3. Yashodha D/o Late Rangappa, Aged about 22
years, working in Chidu Photo Studio, R/o
Maruthi Nagar, Chitradurga.

4. Latha W/o Late Rangappa, Aged about 50
years, Household work, R/o Maruthi Nagar,
Chitradurga.

(By Sri B.K. Rahamathulla, Advocate for A-2 to 4)

ORDERS ON APPLICATION FILED U/S.227 OF Cr.P.C.

The learned counsel for the accused No.2 to 4 filed this application U/S.227 of Cr.P.C. praying this court to pass an order by discharge the accused No.2 and 4 from the offences levelled against them in this case.

2. The brief contents of the application are as under:-

The learned counsel for the accused No.2 to 4 contended in the application that, the Women Police, Chitradurga have registered a case against the accused No.1 to 4 and after completion of investigation, they have filed the charge sheet against the accused No.1 to 4 for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act.

3. Further learned counsel for the accused contended that, the accused No.2 to 4 have not committed any offences as alleged against them as they are innocent and law abiding persons in the society, inspite of that, the Women Police have filed the false charge sheet against them. Further he contended that, on perusal of the entire materials available on record, it shows that, there are no materials available to proceed the case against the accused No.2 to 4 for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act.

4. Further learned counsel for the accused persons contended in the application that, all the documents laid by the complainant are highly unbelievable and there are no materials on record to show that, the accused No.2 to 4 have committed the

offences as alleged against them. Further on perusal of the contents of the entire charge sheet, it shows that, the allegation of the complainant is pertaining to the offence punishable U/S.304(B) of IPC and the said provision is attracted only against the husband and relatives of the deceased or complainant, whereas the accused No.2 to 4 are not the husband or relatives of the accused No.1, as such, the said section will not attract against the accused No.2 to 4, inspite of that, the complainant has filed the false complaint against the accused No.2 to 4 and thereafter, the Investigation Officer has filed the false, frivolous and baseless charge sheet against them.

5. Further learned counsel for the accused persons contended in the application that, upon reading the complaint and also on perusal of the statements available in the charge sheet, it clearly shows that, there are no any materials on record to connect the accused persons with regard to the alleged offences as mentioned in the charge sheet and also on perusal of other materials available on record and also close scrutiny of the documents submitted with the alleged charge sheet, it can be safely held that, there are no sufficient grounds to proceed the trial as against the accused No.2 to 4, as such, at this stage, if this case is proceeded against the accused No.2 to 4, then the said exercise is futile exercise and the same is abuse of law. Contending the above facts, learned counsel for the accused No.2 to 4 prays to allow the application filed by the accused No.2 to 4 by discharge them from the alleged offences levelled against them.

6. Copy served to the learned public prosecutor. In turn, learned public prosecutor has filed the objection to the application,

wherein he has contended that, the instant application filed by the accused No.2 to 4 is not maintainable under law, as such, the same is liable to be dismissed. Further in the objection, learned public prosecutor has reiterated the contents of charge sheet and contended that, on perusal of the contents of charge sheet, it clearly shows that, at this stage, there is a prima facie material available against the accused No.2 to 4 and also contended that, this is not a stage to consider whether the statements recorded by the investigation officer are created or not, as at this stage, there is a prima facie material available against the accused No.1 to 4 for framing charge for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act.

7. Further learned public prosecutor contended in the objection that, the complainant has not lodged any false complaint against the accused persons and also the accused No.2 to 4 have filed this application only with an intention to drag the proceedings and also they have not shown any proper reasons for discharge them from the offences levelled against them. Contending the above facts, learned public prosecutor prays to dismiss the application filed by the accused No.2 to 4.

8. Heard the arguments and perused the records.

9. In support of the arguments, learned counsel for the accused No.2 to 4 filed the written arguments and relied upon the following citations:

1. AIR 2014 SC 2561 (**State of Punjab Vs. Gurmit Singh**).

2. (2009) 7 S.C.R. 902 (**U. Suvetha Vs. State by Inspector of Police and Another**).

3. (2010) 11 S.C.R. 648 (**Sunita Jha Vs. State of Jharkhand**).

4. ILR 2020 KAR 1392 (**Smt. Jaya Chacko Vs. The State of Karnataka by Jeevan Bhima Nagar Police, Bangalore**).

5. Judgment dated 04.11.2024 passed by the Hon'ble High Court of Karnataka, Bengaluru in Crl.Appeal No.54/2013 (**Smt. Prema and another Vs. State of Karnataka by K.M. Doddi Police, Bangalore**).

6. 2023 (3) KCCR 2715 (**Sri V.V. Singara Velu and another Vs. The State of Karnataka by Pulakeshinagar P.S., Bengaluru and another**).

7. 2022 SC 820 (**Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others**).

8. 2024 INSC 261 (**Vikas Chandra Vs. State of Uttar Pradesh and Anr.**)

10. On perusal of the contents of the application filed by the accused No.2 to 4 and also contents of objections filed by the learned public prosecutor, the following points that would arise for my consideration are:

1) Whether the accused No.2 to 4 have made out a good grounds that, there are no prima facie materials available against them to proceed the case further for the offences alleged against them?

2) What order?

11. My findings to the above points are as under:-

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

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

REASONS

12. **Point No.1:** On perusal of the records and on perusal of the contents of FIR, it shows that, on 09.04.2023, the SHO, Women Police Station, Chitradurga has registered the case against the accused No.1 to 4 in Cr.No.45/2023 for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act based on the complaint lodged by one Sri Nagendrappa S/o Late Ningappa, R/o Kodayyanahatti village, Chitradurga Taluk.

13. Further on perusal of the contents of the complaint, prima facie it shows that, the allegation of the complainant is that, the marriage of the complainant's daughter by name Smt. Roja was performed with the accused No.1 in the year 2016 at Chitradurga Town in the presence of elders and their family members. After the marriage, the daughter of the complainant went to the accused No.1's house for lead the marital life with the accused No.1 and thereafter, the accused No.1 and daughter of the complainant have lead the happy married life for some days and thereafter, the accused No.1 has unnecessarily picked up quarrel with his wife, who is the daughter of the complainant and abused her in filthy language and assaulted her with his hands and legs and also gave mental and physical torture to his wife by demanding dowry.

14. Further it is alleged in the complaint that, the accused No.1 is having illicit intimacy with the accused No.3 and the accused No.2 is the mediator between the accused No.1 and 3 and the accused No.4 is the mother of accused No.3, as such, the accused No.1 with the instigation of the accused No.2 to 4, has unnecessarily picked up quarrel with his wife and assaulted her with his hands and legs and gave mental and physical torture to her and also on 09.04.2023 at about 4.30 p.m., in the house of accused No.1, the accused No.1 with the instigation of accused No.2 to 4, has picked up quarrel with his wife and also with an intention to kill his wife, he has assaulted his wife Smt. Roja and due to which, she has sustained injuries and due to the said injuries, she succumbed in the hospital.

15. Further on perusal of the record, it shows that, after registration of the case and after completion of the investigation, the investigation officer has filed the charge sheet before the 1st Addl. Senior Civil Judge and JMFC, Chitradurga against the accused No.1 to 4 for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act. Thereafter, the said court has took the cognizance for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act and registered the case as CC No.461/2023 and secured the presence of the accused No.1 to 4 before the court and thereafter, by acting U/S.209 of Cr.P.C., the said court has committed the case to this court and the same came to be registered as SC No.137/2023 and summons were issued to the accused No.1 to 4.

16. In pursuance of the summons, the accused No.1 to 4 have appeared before this court through their respective counsels and got enlarged on bail and when the matter was posted for hearing before charge, then the accused No.2 to 4 have filed this application praying this court to pass an order by discharge them from the offences levelled against them.

17. On perusal of the contents of the application, it shows that, the specific contention of the accused No.2 to 4 that, on perusal of the contents of the entire charge sheet, it shows that, the main allegation of the prosecution is that, the accused No.1 has committed the offences punishable U/S.498-A, 323, 504 and 304(B) of IPC and Sec.3 and 4 of Dowry Prohibition Act. Further it is the contention of the accused No.2 to 4 that, the provision of Sec-498-A and 304(B) of IPC is attracted only against the husband of the deceased and also his relatives. But the accused No.2 to 4 are not the relatives of the accused No.1 and also deceased and also they are not relatives and family members of the accused No.1 and also at no point of time, they have instigated the accused No.1 to assault or gave mental and physical torture to his wife, as such, the provision of Sec.114 of IPC is not attracted against them and also on perusal of the contents of the charge sheet, it clearly shows that, there are no prima facie materials available against them to frame the charge and also to proceed the case further against them, as such, they are entitled an order of discharge from this court for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act.

18. On the other hand, the contention of the prosecution is that, on perusal of the statements of CW.10, 13, 14, 16 and 18 to 22 coupled with contents of death note written by the deceased Smt. Roja, it clearly shows that, the accused No.2 to 4 have also committed the offences as mentioned in the charge sheet, as such, at this stage, there is a prima facie materials available against the accused No.2 to 4 to frame the charge for the offences as mentioned in the charge sheet, as such, the instant application filed by the accused No.2 to 4 is not maintainable and the same is liable to be dismissed and also at this stage, this court cannot conduct the mini trial to know that whether the accused No.2 to 4 have committed the offences or not as mentioned in the charge sheet, as such, the instant application filed by the accused No.2 to 4 is liable to be dismissed.

19. As stated above that, the Women Police, Chitradurga have filed the charge sheet against the accused No.1 to 4 for the offences punishable U/S.498-A, 323, 504, 304(B) and 114 R/w Sec.34 of IPC and Sec.3 and 4 of Dowry Prohibition Act. Further as stated above that, as per the version of the complainant, the accused No.1 is having illicit intimacy with the accused No.3 and the accused No.2 is the mediator between the accused No.1 and 3 and the accused No.4 is the mother of accused No.3 and due to their instigation and support, the accused No.1 has unnecessarily picked up quarrel with his wife and gave physical and mental torture to his wife Smt. Roja and also he has assaulted his wife and also gave physical and mental torture to his wife by demanding dowry and due to which, the wife of the accused No.1 has sustained injuries and died in the hospital.

20. Further on perusal of the Xerox copy of death note available in the charge sheet, prima facie it shows that, the deceased i.e., Smt. Roja who is the wife of the accused No.1 has mentioned the name of the accused No.2 to 4 in the said death note. Further this is not a stage to consider that, whether the said death note was written by the deceased before the death or not and the same has to be decided only after full fledged trial and it requires enquiry.

21. Further on perusal of the statements of CW.10, 13, 14, 16 and 18 to 22 available in the charge sheet prima facie it shows that, there are some allegations against the accused No.2 to 4 also. Considering the above facts and circumstances of the case and also on perusal of the materials available on record, I am of the opinion that, at this stage, there is a prima facie material available against the accused No.1 and also the accused No.2 to 4 to frame the charge and proceed the case further against them. Further at this stage, this court cannot conduct the mini trial and also give opinion that, whether the accused No.2 to 4 are responsible for the death of Smt. Roja, who is the wife of accused No.1 or not and to decide the said fact, it requires enquiry and the same has to be considered only after full fledged trial.

22. Considering the above facts and circumstances of the case and on perusal of the contents of charge sheet and for the above reasons, I am of the opinion that, at this stage, there is a prima facie material available against the accused No.2 to 4 to frame the charge against them. Considering the above facts and for the above reasons, I am of the opinion that, at this stage, the

accused No.2 to 4 have failed to made out a good ground to allow this application.

23. At this stage, I have gone through the above mentioned citations relied upon by the learned counsel for the accused No.2 to 4. On going through the same, on observation of the Hon'ble Apex Court and also observation of our Hon'ble High Court of Karnataka in the above said citations are not aptly applicable to the case on hand as the facts and circumstances involved in the said citations and the facts and circumstances and also stage of this case are different one.

24. Considering the above facts and circumstances of the case and looking to the contents of the charge sheet filed by the prosecution and for the above reasons, I answer this point in the **Negative.**

25. **POINT No.2:-** In view of the above discussion and findings on point No.1, I proceed to pass the following:-

ORDER

The application filed by the accused
No.2 to 4 U/S.227 of Cr.P.C. is hereby
dismissed.

(Dictated to the Stenographer Grade-III, thereof transcribed and computerized by her, corrected, signed and then pronounced by me in the open court on 2nd day of May-2026).

(Veeranna Somasekhara)
1st Addl. Dist., & Sessions Judge,
Chitradurga.