

IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE &

J.M.F.C., DHARWAD

PRESENT: SRI.ANAND S KARIYAMMANAVAR

B.A., LL.B(Hon's)

IV Addl. Senior Civil Judge,
& J.M.F.C., Dharwad.

C.C.No.4886/2021

Dated this the 11th day of September 2025

Complainant : Mudukappa Basappa Divan
Age: 70 years, Occ: Agriculture,
R/o: Hebballi, Tq & Dist: Dharwad.

Vs

ACCUSED
PERSONS : 1. Somappa Hanamantappa Divan
Age: 26 years, Occ: Agriculture,
R/o: Hebballi, Tq & Dist: Dharwad.

2. Manjunath Hanamantappa Divan
Age: 28 years, Occ: Agriculture,
R/o: Hebballi, Tq & Dist: Dharwad.

3. Shantabai W/o Hanamantappa Divan
Age: 50 years, Occ: Household work,
R/o: Hebballi, Tq & Dist: Dharwad.

ORDER

The complainant has filed the present complaint under section 200 of Cr.P.C for the offences punishable under section 323, 447, 504 and 506 R/w section 34 of IPC against the accused persons.

2(a) The case of the complainant is that, the complainant is residing along with his wife and children in a house constructed over the property No.1721/7/A of Hebballi village. The said property granted to the complainant 30 years back and since 20 years the complainant is residing therein by constructing a house by obtaining the necessary permission from the Panchayat concerned.

b) Such being the case the wife of the complainant's brother viz.Smt.Shantabai and her two sons i.e the accused No.1 to 3 on 21/03/2018 at about 11.00 am trespassed in the house of the complainant and abused the complainant and his wife in filthy language and assaulted them with the hands and threatened them they would be

killed if their share in the house is not given. Further the accused persons also tried to place their utensils in the house of the complainant forcibly. Therefore in that regard, the complainant approached the jurisdictional police to lodge complaint against the accused persons, but the police colluding with the accused persons did not take any action against the accused persons. Therefore the complainant filed this complaint before the court.

3) This court after presentation of the complaint, had referred it to the jurisdictional police to investigate and file a report. The police after investigation have filed B report stating that the dispute is civil in nature and the police report also states that the complainant has given a statement before them that no such incident has occurred but there is a dispute in between the accused and complainant with regard to the property division.

4) The complainant by challenging the B report filed by the police, has filed his objections to the B report contending that the police have not investigated properly. Further the complainant has contended that he did not

give any statement before the police as alleged by the police in their B report. The complainant in support of his complaint got himself examined as P.W.1 and got marked Ex.P.1 to 9 documents and closed his side evidence.

5) On 30.11.2021 this Court took cognizance for the offences punishable under Section 323, 447, 504 and 506 of IPC against accused No.1 to 3 and also directed to office to register the criminal case against accused No.1 to 3.

6) I have heard the arguments of the counsel for the complainant and perused the material available on record.

7) Now the following points arise for my consideration.

1. Whether the complainant has made out sufficient grounds to frame charge ?

What order?

8) My answer to the above points are as under,

POINT No.1 – Affirmative.

POINT No.2 – As per final order

for the following:-

REASONS.

9) **Point No.1:-** After this Court took cognizance for the offences punishable under Section 323, 447, 504 and 506 of IPC against accused No.1 to 3 and also registered the criminal case against accused No.1 to 3. Thereafter, accused No.1 to 3 appeared and got themselves enlarged on bail. Thereafter the complainant and victims examined under Section 244 of Cr.PC on 06.08.2024. Accordingly this Court examined the PW.1 to 5.

10) PW.1 in his chief examination deposed that, he is residing along with his wife and children in his own house at Hebballi. The accused No.3 Shantabai, who is his brother's wife, in the year 2018 she along with her two children trespassed in his house and abused him in filthy language by picking up quarrel with him and his wife. Accordingly he gave complaint, but police have not taken complaint by stating that, dispute is civil in nature and issued endorsement. The PW.1 has produced Ex.P1 to P8 documents.

11) The prosecution examined PW.2 and PW.3, who are panch witness deposed in their chief examination that, there was a quarrel between the complainant and the accused on 18.05.2018, hence the police came for a Panchnama and said panchanama was drawn in their presence and in the presence of complainant from 9.00 am to 10.00. The said panchanama is marked as Ex.P9.

12) Further prosecution examined PW.4, who is wife of PW.1 and PW.5 who is daughter of PW.1 and also victims deposed in their chief examination that, the accused came to their house and put their belongings and when they asked for the same, the accused abused and assaulted them. Accordingly, he complains to the police, but they have not received the complaint and the accused also threatened to take their lives. However the accused not cross examined the PW.1 to 5.

13) Therefore having regard to all the material available on record, it appears that there are sufficient materials to frame charge for the offences punishable under Section 323, 447, 504 and 506 of IPC against

accused No.1 to 3. Hence, I have answered **point No.1 “in affirmative”**.

14. **Point No.2:-** For the reasons while discussing point No.1, I proceed to pass the following :-

ORDER

There are prima facie material available to frame the charge for the offences punishable under Section 323, 447, 504 and 506 R/w section 34 of IPC.

Hence for charge. Call on 03.10.2025.

(Dictated to the stenographer, typed by her, then corrected and pronounced by me in the open Court on this the **11th day of September 2025**)

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
11-09-2025

(Order pronounced in the open court vide separate order)

ORDER

There are prima facie material available to frame the charge for the offences punishable under Section 323, 447, 504 and 506 R/w section 34 of IPC.

Hence for charge. Call on 03.10.2025.

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

