

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.3926/2023

Dated this the 16th day of September 2025

Complainant : Smt.Vijayalaxmi W/o Udaya @
Udayakumar Patil,
Age: 35 years,
R/o: Kalakeri, Tq:Dharwad,
Now at Godhageri, Tq:Hukkeri,
Dist:Belagavi.

Vs

ACCUSED
PERSONS : 1. Udaykuamr @ Uday Laxman Naik
Patil,
Age: 45 years,
R/o: Kalakeri, Tq : Dharwad.

2. Laxman Naik S/o Babanaik Patil
Age: 37 years,
R/o: Kalakeri, Tq & Dist: Dharwad.

3. Sumitrabai Laxmanaik Patil
Age: 57 years,
R/o: Kalakeri, Tq & Dist: Dharwad.

4. Smt.Laxmibai Udaykumar @ Udaya
Patil
Age: 32 years,
R/o: Kalakeri, Tq & Dist: Dharwad.

ORDER

Initially the complainant has filed private complaint against the accused No.1 to 4 for the offences punishable under Section 354, 420, 494, 498A, 504, 506 R/w Section 34 of IPC.

2. After the investigation police have filed 'B' report, later complainant protested the said 'B' report. However this Court dismissed the complaint. Subsequently, complainant preferred Criminal Petition before Hon'ble High Court of Karnataka in Criminal Petition No.100469/2022, wherein Hon'ble High Court of Karnataka restored the matter with direction to proceed with the case against accused for the offence punishable under Section 494 of IPC. Accordingly, complainant examined herself as PW.1 under Section 244 Cr.PC and reiterated all the complaint averments. However, counsel for the accused not choosen to cross examine the PW.1.

3 I have heard the arguments of both side and perused the material available on record.

4. Now the following points arise for my consideration.

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

What order?

5. My answer to the above points are as under,

POINT No.1 – Affirmative.

**POINT No.2 – As per final order
for the following:-**

REASONS.

6. **Point No.1:-** As discussed above, initially the complainant has filed private complaint against accused No.1 to 4 by alleging that they have committed the offences punishable under Section 354, 420, 494, 498A, 504, 506 R/w Section 34 of IPC and said complaint referred to jurisdictional police and they have filed 'B' report. Subsequently complainant challenged the 'B' report and led her sworn statement and got marked Ex.P1 to P6. By

considering the said evidence, initially this Court has dismissed the complaint. Later, the complainant preferred Criminal Petition No.100469/2022, wherein Hon'ble High Court of Karnataka partly allowed the petition and restored the matter with a direction to proceed with the case against accused in respect of offence punishable under Section 494 of IPC.

7. At the time of arguments, learned counsel for the complainant relied upon Ex.P2 which is the written statement filed by the accused No.1 in OS No.280/2016 and said OS No.280/2016 was filed by the complainant against accused No.1 to 4 for the relief of partition and in the said written statement, accused No.1 herein, at Para No.8 specifically admitted that, “ವಾದಿಯು ತಾನೇ ಸಂಸಾರವನ್ನು ಮುಂದುವರಿಸಲು ಮನಸ್ಸು ಇರುವುದಿಲ್ಲ, ಅಂತಾ ಹಿರಿಯರ ಸಮಕ್ಷಮ ಹೇಳಿ ಅದೇರೀತಿ ಪ್ರತಿವಾದಿ ನಂ.3 ಇತನಿಗೆ **(ie., accused No.1)** ಬೇರೆ ವಿವಾಹವಾಗಲು ಒಪ್ಪಿಗೆಯನ್ನು ಸಹ ನೀಡಿ ಹೋಗಿರುತ್ತಾಳೆ ಆ ರೀತಿ ಪ್ರತಿವಾದಿ ನಂ.4 ರವರನ್ನು ಪ್ರತಿವಾದಿ ನಂ.3 ರವರು ವಿವಾಹವಾಗಿರುತ್ತಾನೆ”....

8. On perusal of the above said material fact, which disclosed in Ex.P2, it reveals that accused No.1 had

married accused No.4 during the existence of first marriage. Therefore, there are sufficient materials to frame charge for the offence punishable under Section 494 of IPC against accused No.1 and 4. Hence, I have answered **point No.1 “in affirmative”**.

9. **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 offence punishable under Section 494 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 **16th day of September 2025**)

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

For order
16-09-2025

(Order pronounced in the open court vide separate order)

ORDER

**There are prima facie material available to
frame the charge for the offence punishable
under Section 494 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.

