



Judgment

IN THE COURT OF CIVIL JUDGE AND JMFC, LAXMESHWAR

Present: **Shri. Satisha M.**

BA.L., L.L.B.

Civil Judge and JMFC, Laxmeshwar

DATED THIS 05TH DAY OF AUGUST, 2026

C.C.No.384/2024

Complainant:

The State of Karnataka,
Represented by Laxmeshwar Police Station

(Through L/APP)

-V/s-

Accused:

1. Rajashekharayya S/o. Mahesh @ Maheshayya
Shiglimath, Age: 24 Yrs., Occ: Paurohitya,
R/o. Laxmeshwar.
2. Smt. Neelavva W/o. Mahesh Shiglimath,
Age: 55 Yrs., Occ: Household Work,
R/o. Laxmeshwar.
3. Smt. Annapurna @ Shanta W/o. Basayya Hiremath,
Age: 28 Yrs., Occ: Household Work,
R/o. Konchigeri, Tq: Shirahatti, Now at: Laxmeshwar.
4. Basayya S/o. Mahadevayya Hiremath,
Age: 28 Yrs., Occ: Paurohitya,
R/o. Konchigeri, Tq: Shirahatti, Dt: Gadag.

(By Shri V.R.P. Advocate)

Name of the informant : Smt. Ishwarya W/o.
Rajashekhara Shiglimath

Date of offence : 20.02.2024

Date of lodging first : 23.02.2024
Information

Offence alleged against : Sections 498(A), 323 and 504
the accused R/w. Sec.34 of the Indian Penal
Code

Date of recording of : 09.10.2024
Evidence

Date of closure of : 23.03.2026
Evidence

Date of Judgment : 05.08.2026

Opinion of Judge : Accused No.3 and 4 are
acquitted for the offences
P/U/Sec.498(A), 323 and 504
R/w. Sec.34 of the IPC and
Accused No.1 and 2 are
Convicted for the offences
P/U/Sec.498(A) and 504 R/w.
Sec.34 of the IPC

Civil Judge & JMFC, Laxmeshwar

J U D G M E N T

The PSI of Laxmeshwar Police have filed a charge-sheet against the accused, alleging that accused have committed a punishable offences under Sections 498(A), 323, and 504 R/w. Sec.34 of the Indian Penal Code.

2. BRIEF SUMMARY OF THE PROSECUTION'S

CASE:- The case of the prosecution through the complaint and the charge-sheet, is that the complainant was earlier residing with her parents, namely, her father, Irappa Somappa Mulagund, and her mother, Uma, at Soppinakeri Oni, Laxmeshwar. During that period, she and accused No.1, Rajashekharayya Shiglimath, who belonged to the same locality, developed a love relationship. After informing and obtaining the consent of their respective family members and elders, their marriage was solemnized on 05.10.2023 at Shri Someshwara Temple, Laxmeshwar, in the presence of elders. After the marriage, the complainant joined the matrimonial home and began residing with her husband. It is alleged that after about one month of the marriage, accused No.1, being her husband, along with accused No.2 his mother Neelavva, and accused No.3 his sister, Annapurna @ Shanta Hiremath, began subjecting her to both physical and mental cruelty. They allegedly picked quarrels with her over trivial matters, abused her in filthy and insulting language, humiliated her by stating that she was unfit to be a member of their family, and continuously harassed her. It is further alleged that accused

No.4, Basayya Hiremath, the husband of accused No.3, frequently visited the matrimonial home and also participated in harassing the complainant. He is stated to have abused her in obscene language and allegedly told her that she was not suitable for their family and should return to her parental home, as they intended to arrange another marriage for accused No.1 with a woman from a wealthy family.

3. Unable to bear the alleged harassment, the complainant informed her parents and other respected elders of the locality about the ill-treatment meted out to her. Consequently, her parents and several village elders, namely, Channabasappa Jagali, Somanna Mulagund, Gangadharayya Shiglimath, Thammayya Shiglimath, Shivayogi Ankalkoti, Siddanagouda Ballolli and Ramanna Gouri, are stated to have visited the matrimonial home and advised the accused persons to treat the complainant properly and maintain cordial relations. However, despite such intervention, the accused allegedly paid no heed to the advice of the elders and continued to ill-treat the complainant.

4. The prosecution further alleges that on 20.02.2024, at about 10.00 p.m., while the complainant was present in her

matrimonial home, accused No.1 returned home and, without any provocation, abused her in filthy language and assaulted her by slapping her on the cheek and hitting her on the back. It is further alleged that accused Nos.2 and 3 joined accused No.1 in assaulting the complainant by pushing, beating and dragging her. During the course of the incident, all the three accused are alleged to have forcibly removed the complainant's mangalasutra (thali) and ultimately drove her out of the matrimonial home. When the complainant contacted her parents over the phone, they came to the matrimonial house in an attempt to pacify the situation and counsel the accused. However, the accused allegedly abused them as well and refused to heed their requests.

5. It is further alleged that the complainant remained there during the night and, on the following day, returned to her parental home. Thereafter, the matter was once again brought before the village elders for settlement, but the accused allegedly refused to cooperate or participate in any reconciliation process. Finding no other alternative remedy, the complainant approached the jurisdictional police station and lodged a complaint against the accused.

6. On the basis of the said complaint, a criminal case came to be registered in Crime No.16/2024. During the course of investigation, the Investigating Officer visited the place of occurrence, recorded the statements of the complainant and other material witnesses, collected the relevant documents and other evidence, and, upon completion of the investigation, found sufficient material to proceed against the accused. Accordingly, the Investigating Officer submitted the charge-sheet before the Court against the accused for the offences punishable under Sections 498(A), 323 and 504 read with Section 34 of the Indian Penal Code, 1860.

7. Secured the presence of accused persons and charge-sheet papers were supplied to the accused in compliance of section 207 of Cr.P.C. The accused have not made out any grounds to discharge them, accordingly, charges framed for the offence punishable sections 498(A), 323 and 504 R/w. Sec.34 of IPC and read over to the accused. The accused have pleaded not guilty and claims to be tried.

8. In order to prove the case of the prosecution, the prosecution has examined 9 witnesses (PW-1 to PW-9), marked 15 documents (Exhibits P-1 to P-15).

9. After closer of evidence on the side of prosecution, the statement of accused recorded as per the provisions U/s.313 of Cr.P.C. The accused denied all incriminating circumstances appearing against them. The accused have not chosen to lead any evidence on their behalf and also not marked any documents.

10. The mandate contemplated under section 437-A of Code of Criminal Procedure, have been complied.

11. Heard the arguments of the learned APP and learned counsel for the accused.

12. Point that arise for consideration are -

P O I N T S

- 1). ***Whether the prosecution proves beyond all reasonable doubt that accused No.1 married the complainant on 05.10.2023 and that, after she joined the matrimonial home, accused Nos.1 to 4, in furtherance of their common intention, subjected her to physical and mental cruelty by abusing, humiliating, threatening to send her back to her parental home, and expressing their intention to arrange another marriage for accused No.1, and thereby committed an offence punishable under Section 498 (A) read with Section 34 of the Indian Penal Code, 1860?***
- 2). ***Whether the prosecution proves beyond all reasonable doubt that on 20.02.2024 at about 10.00 p.m., at the matrimonial***

house of the complainant, accused No.1 assaulted her by slapping and beating her, and that accused Nos.2 and 3, in furtherance of their common intention, pushed, dragged and beat her, forcibly removed her mangalasutra (thali), and drove her out of the house by causing simple injuries to complainant and thereby committed an offence punishable under Section 323 read with Section 34 of the Indian Penal Code, 1860?

- 3) Whether the prosecution proves beyond all reasonable doubt that, during the course of the above incidents and at the aforesaid date, time and place, accused Nos.1 to 3 intentionally insulted the complainant by using obscene and abusive words with the intention of provoking a breach of the peace, and thereby committed an offence punishable under Section 504 read with Section 34 of the Indian Penal Code, 1860?**
- 4). What order?**

13. Findings of this court to the above points -

Point No. 1: In the Affirmative against Accused Nos.1 and 2 and In the Negative against Accused Nos.3 and 4.

Point No. 2: In the Negative

Point No. 3: In the Affirmative against Accused Nos.1 and 2 and In the Negative against Accused Nos.3 and 4

Point No. 4: As per final order for the following

REASONS

14. POINT NO.1:- The principle of **“proof beyond reasonable doubt”** is fundamental to criminal jurisprudence. This court has carefully considered the oral and documentary evidence placed on record, the arguments advanced by the learned APP for the State and the learned counsel for the accused, and the materials available on record. Before analyzing the evidence, it is necessary to reiterate the legal principles governing an offence under Section 498(A) of IPC. To bring home guilt under this provision, the prosecution must establish;

- (a) that the woman was subjected to cruelty.**
- (b) such cruelty must be either**
 - (i) of a nature likely to drive the woman to commit suicide; or**
 - (ii) likely to cause grave injury or danger to her life, limb or health; or**
 - (iii) harassment with a view to coercing her or her relatives to meet an unlawful demand for property or valuable security;**
- (c) the cruelty must be willful, continued, and of a grave nature, and not mere trivial domestic disputes.**

15. In catena of judgments it is held that, mere harassment is not sufficient it must be of a serious nature

falling within the explanation to Section 498(A). To establish the said offence, the prosecution is required to prove that the complainant was subjected to "cruelty" within the meaning of the Explanation appended to Section 498A IPC. Explanation (a) defines cruelty as any willful 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 her life, limb or health, whether mental or physical. The prosecution must establish such conduct beyond reasonable doubt.

16. The marriage between PW-1 and accused No.1 is not in dispute. The evidence on record clearly discloses that theirs was a love marriage solemnized on 05.10.2023 after obtaining the consent of the elders. It has also come in the evidence that the marriage was an inter-caste marriage. This aspect has remained unchallenged and has been admitted by both sides. Therefore, the relationship between PW-1 and accused No.1 stands established.

17. PW-1, the complainant, has consistently deposed that after about one month of the marriage, accused No.1 and accused No.2 started abusing and humiliating her by stating that she was not fit to live in their family, that she should

return to her parental home, and that accused No.1 would be married to another woman from a wealthy family. She has further stated that she was subjected to both physical and mental harassment. Her evidence substantially corroborates the averments made in Ex.P-1 complaint.

18. PW-4 and PW-5, who are the parents of PW-1, though treated as partly hostile, have supported the prosecution regarding the fact that PW-1 had informed them about the ill-treatment meted out to her by the accused and that they, along with village elders, visited the matrimonial house to advise the accused. PW-7, an independent witness and one of the elders who participated in the reconciliation, has categorically deposed regarding the frequent quarrels between PW-1 and accused No.1 and the intervention of the elders. His testimony lends independent corroboration to the version of PW-1. Merely because PW-4 and PW-5 are the parents of the complainant, their testimony cannot be discarded solely on the ground that they are interested witnesses. The Hon'ble Supreme Court in **State of Kerala V/s. Mahesh, (2021) 15 SCC 598**, has held that evidence of related or interested witnesses cannot be rejected merely

because of their relationship with the victim. If their testimony is natural, consistent and inspires confidence, the same can safely be relied upon. In the present case, the evidence of PW-1, PW-4 and PW-5 receives material corroboration from the independent testimony of PW-7.

19. The defence has attempted to point out minor contradictions regarding the dates, place and certain particulars. However, such discrepancies are insignificant and are bound to occur due to lapse of time and normal errors of observation and memory. Minor contradictions which do not go to the root of the prosecution case cannot be made a ground to discard otherwise trustworthy evidence. Rather, such natural inconsistencies lend assurance that the witnesses are not tutored. At the same time, the Court is required to examine whether the prosecution has established cruelty against each accused individually.

20. So far as accused No.3 and accused No.4 are concerned, the evidence on record itself discloses that they are husband and wife residing separately and not residing in the matrimonial house of PW-1. Except omnibus allegations that accused No.4 occasionally visited the house and joined in

abusing PW-1, there is no convincing evidence establishing continuous participation by them in subjecting PW-1 to cruelty. Cruelty under Section 498-A is generally a continuing course of conduct. The Hon'ble Supreme Court in **Girdhar Shankar Tawade V/s State of Maharashtra, AIR 2002 SC 2078**, has held that cruelty contemplated under Section 498-A must consist of systematic and continuous conduct and not isolated incidents or ordinary wear and tear of matrimonial life. The prosecution has failed to establish such continuous conduct against accused Nos.3 and 4. Although there are no allegations regarding demand for dowry or valuable security, Section 498-A is not confined only to dowry-related cruelty. Mental cruelty falling within Explanation (a) also constitutes the offence. Considering that the marriage was admittedly an inter-caste love marriage and the consistent evidence of PW-1 corroborated by PW-7 establishes repeated humiliation, abuses and attempts to drive her away from the matrimonial home by accused Nos.1 and 2, this Court is of the opinion that the prosecution has proved mental cruelty against accused Nos.1 and 2 beyond reasonable doubt.

21. During the course of recording the statements of the accused under Section 313 of the Code of Criminal Procedure, 1973, every incriminating circumstance appearing in the evidence of the prosecution was specifically put to accused Nos.1 to 4, affording them an opportunity to explain the same. The accused merely denied the incriminating circumstances as false and did not offer any plausible explanation regarding the allegations of cruelty, harassment, abusive conduct, or the circumstances spoken to by the prosecution witnesses. They also did not choose to examine themselves on oath or lead any defence evidence, either oral or documentary, to probabilise their defence. It is true that the burden of proving the guilt of the accused always rests upon the prosecution and the accused cannot be convicted merely because they have not adduced defence evidence. However, in cases arising under Section 498-A of the Indian Penal Code, the allegations pertain to matrimonial life and the events occurring within the privacy of the matrimonial home, where the facts are especially within the knowledge of the spouses and their family members. Once the prosecution succeeds in placing cogent evidence regarding such circumstances, the accused are expected, though not

bound, to furnish a reasonable explanation or rebut the prosecution case by placing material within their special knowledge, as contemplated under Section 106 of the Indian Evidence Act, 1872. In the present case, despite being afforded a full opportunity, the accused have neither offered any explanation for the incriminating circumstances nor produced any evidence to probabalise their defence. Though such omission by itself cannot be the sole basis for conviction, it is certainly an additional circumstance which lends assurance to the prosecution case already established by reliable and cogent evidence. **Accordingly, Point No.1 is answered in the Affirmative against Accused Nos.1 and 2 and in the Negative against Accused Nos.3 and 4.**

22. POINT NO.2:- The prosecution alleges that on 20.02.2024 accused no.1 assaulted PW-1 and that accused nos.2 and 3 also joined in beating, dragging and pushing her, thereby voluntarily causing hurt punishable under section 323 read with section 34 IPC. To prove an offence under Section 323 IPC, the prosecution must establish that the accused voluntarily caused bodily pain, disease or infirmity to the victim. Though medical evidence is not indispensable in every

case, where physical assault resulting in injuries is specifically alleged, some corroborative material such as medical records, wound certificate, treatment records or contemporaneous evidence ordinarily lends assurance to the prosecution version.

23. In the present case, admittedly no wound certificate, medical records, treatment documents or testimony of any medical officer have been produced before the Court. No explanation has also been offered for non-production of such evidence. The prosecution has not seized any material indicating injuries allegedly sustained by PW-1.

24. Though PW-1 has spoken regarding assault, her oral testimony remains uncorroborated by any medical evidence. In the absence of any medical or other convincing corroborative evidence, this Court is not inclined to hold that the prosecution has proved the offence under Section 323 IPC beyond reasonable doubt. Therefore, **Point No.2 is answered in the Negative.**

25. POINT NO.3:- The prosecution has alleged commission of the offence punishable under section 504 read with section 34 IPC. To attract Section 504 IPC, the

prosecution must establish that the accused intentionally insulted the complainant, gave provocation and intended or knew that such provocation would likely cause breach of public peace. PW-1 has consistently deposed that accused No.1 and accused No.2 abused her in filthy and obscene language and repeatedly humiliated her in the matrimonial home by calling her unfit to remain in the family and directing her to leave the house. PW-4, PW-5 and particularly PW-7 have corroborated that frequent quarrels had taken place between PW-1 and accused Nos.1 and 2 and that elders had intervened on several occasions.

26. The abusive language attributed to accused Nos.1 and 2 was not an isolated exchange during an ordinary matrimonial quarrel but formed part of the continuous acts of humiliation and harassment proved by the prosecution. Such intentional insults were clearly capable of provoking breach of peace and squarely fall within the ambit of Section 504 IPC. However, as already discussed while considering Point No.1, there is no satisfactory evidence to establish that accused Nos.3 and 4 continuously participated in the alleged acts. The allegations against them remain omnibus and unsupported by

independent evidence. Therefore, the benefit of doubt deserves to be extended to them. Hence, **Point No.3 is answered in the Affirmative against Accused Nos.1 and 2 and in the Negative against Accused Nos.3 and 4.**

27. POINT NO.4:- In view of above discussion, this court proceed to pass the following ;

ORDER

Acting under Section 248(1) of the Code of Criminal Procedure, the accused No.3 and 4 persons are hereby acquitted of the offences punishable under Sections 498(A), 323 and 504 R/w. Sec.34 of the Indian Penal Code.

The bail bond and surety bond executed by the accused No.3 and 4 shall remain in force in terms of Section 437(A) of the Code of Criminal Procedure. Upon completion of the prescribed period, the said bail bond and surety bond shall stand cancelled automatically.

Accused No.1 and 2 found guilty of the offences punishable under section 498(A) and 504 R/w section 34 of IPC.

For hearing on sentence call at 03.00 pm

(Dictated to the steno directly, on computer typed by her, corrected, signed & then pronounced by me in open Court on this 05th day of August, 2026)

(SATISHA M.)
Civil Judge & JMFC, Laxmeshwar

- ANNEXURES -

i. LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION SIDE :

- PW-1 : Smt. Ishwarya W/o. Rajashekharayya
Shiglimath
- PW-2 : Shri. Shivanand S/o. Mahadevappa Kallimani
- PW-3 : Shri. Somappa S/o. Irappa Mulagund
- PW-4 : Shri. Irappa S/o. Somappa Mulagund
- PW-5 : Smt. Uma W/o. Irappa Mulagund
- PW-6 : Shri. Gangadharayya S/o. Basalingayya
Shiglimath
- PW-7 : Shri. Channabasappa S/o. Shankrappa Jagali
- PW-8 : Shri. A.L. Karjagi
- PW-9 : Shri. Irappa S/o. Hanamantappa Ritti

ii. LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION SIDE :

- Ex.P.1 : Complaint
- Ex.P.1(a & b) : Signatures
- Ex.P.2 : Spot Panchanama
- Ex.P.2(a to d) : Signatures
- Ex.P.3 to 9 : Photographs

Ex.P.10 : Statement of CW-6
Ex.P.11 : FIR
Ex.P.11(a) : Signature
Ex.P.12 & 13 : Police Notices
Ex.P.12(a) & 13(a): Signatures
Ex.P.14 : Attendance Certificate
Ex.P.14(a) : Signature
Ex.P.15 : Certificate
Ex.P.15(a) : Signature

iii. LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED SIDE :

- NIL -

iv. LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED SIDE :

- NIL -

Civil Judge & JMFC, Laxmeshwar

ORDER ON SENTENCE

Heard the learned APP and the learned counsel for accused Nos.1 and 2 on the question of sentence.

The learned counsel for accused Nos.1 and 2 submitted that the accused are innocent and have not committed any offence. It is further submitted that the complainant had resided in the matrimonial home only for a short period after the marriage and that the matrimonial dispute has been unnecessarily given a criminal colour. It is also contended that accused No.1 and the complainant have a child born out of their wedlock and that, if a sentence of imprisonment is imposed, the future of the child would be seriously affected. It is further prayed that, considering the age, antecedents and family circumstances of the accused, they may be extended the benefit of the Probation of Offenders Act, 1958, instead of imposing a substantive sentence of imprisonment.

Per contra, the learned Assistant Public Prosecutor submitted that the prosecution has successfully established the guilt of accused Nos.1 and 2 for the offences punishable under Sections 498A and 504 read with Section 34 of the

Indian Penal Code. It is contended that the offences relate to cruelty inflicted upon a married woman within the matrimonial home and, therefore, a lenient view would send a wrong signal to society. Hence, it is prayed that appropriate punishment be imposed commensurate with the gravity of the offences.

This Court has carefully considered the rival submissions.

It is true that the marriage between accused No.1 and the complainant was admittedly a love marriage and that they have a child born out of the wedlock. It is also true that the complainant resided in the matrimonial home only for a short duration. However, these circumstances by themselves cannot eclipse the proved acts of cruelty committed against the complainant. This Court has already recorded a finding that accused Nos.1 and 2 continuously subjected the complainant to mental cruelty by humiliating, abusing and driving her out of the matrimonial home. The offence under Section 498-A IPC is not a mere private dispute between spouses. It is an offence against society enacted with the object of protecting married

women from cruelty within the matrimonial home. The Legislature introduced Section 498-A IPC as a social welfare measure to curb the increasing instances of domestic violence and cruelty against married women. Despite several social legislation and welfare enactments intended to safeguard the dignity and security of women, incidents of matrimonial cruelty continue to be reported with alarming frequency. Courts, therefore, while imposing sentence, are required to balance the individual circumstances of the accused with the larger societal interest of deterring such offences.

The plea of the accused for extending the benefit of the Probation of Offenders Act, 1958, also deserves consideration. The object of the Act is to reform first-time offenders wherever the circumstances justify their release on probation. However, such benefit is not to be granted as a matter of course. The Court must consider the nature of the offence, the manner of its commission, its impact upon the victim and society, and whether releasing the offenders on probation would advance the cause of justice.

In the present case, the offence proved against accused Nos.1 and 2 is not an isolated act arising out of a sudden quarrel. The evidence establishes a course of conduct amounting to mental cruelty, humiliation and intentional insults directed against the complainant soon after her marriage. Such conduct strikes at the very foundation of matrimonial life and undermines the dignity of a married woman. If persons convicted for such offences are released on probation merely because they are first offenders or have family responsibilities, the deterrent object underlying Section 498-A IPC would stand diluted. Therefore, this Court is of the considered opinion that the present case is not a fit case to invoke the discretionary provisions of the Probation of Offenders Act. At the same time, this Court cannot ignore the mitigating circumstances that accused No.1 and the complainant have a minor child and that accused No.2 is the mother of accused No.1. The accused have no previous criminal antecedents brought to the notice of this Court. Therefore, while declining probation, this Court is of the opinion that a moderate sentence would adequately meet the ends of justice. Considering the aggravating as well as

mitigating circumstances, this Court is of the view that the ends of justice would be served by imposing a sentence of simple imprisonment coupled with fine, rather than awarding the maximum punishment prescribed. The sentence is passed considering the gravity of the offence, applying the principle that “justice should not only be done but must also appear to be done”, and balancing the competing interests of society and the accused. Accordingly, accused Nos.1 and 2 are sentenced as follows:-

SENTENCE

Acting under section 248(1) of Cr.P.C the accused Nos.1 and 2 are convicted for the offences punishable under section 498-A, R/w Sec.34 of IPC and shall undergo simple imprisonment for a period of one year and shall also pay a fine of Rs.3,000/- each, in default to pay fine to undergo simple imprisonment for a further period of one month for the offence punishable under Section 498-A read with Section 34 IPC.

For the offence punishable under Section 504 read with Section 34 IPC, accused Nos.1 and 2 shall undergo simple imprisonment for a period of two months and shall also pay a fine of Rs.1,000/- each, in

default to undergo simple imprisonment for a further period of one month.

Both the sentences shall run concurrently.

It is made clear that the accused No.1 and 2 are entitled to benefit of set-off under Section 428 Cr.P.C., if applicable.

The accused No.1 and 2 are informed of their right to prefer an appeal against this judgment within the prescribed period of limitation.

In terms of Section 357-A of the Code of Criminal Procedure and the Victim Compensation Scheme, out of the total fine amount of Rs.8,000/-, a sum of Rs.1,000/- shall be credited to the State, and the remaining sum of Rs.7,000/- shall be paid to the complainant/CW-1 as compensation.

The bail bonds and surety bonds executed by accused Nos.1 and 2 shall stand cancelled and they are directed to surrender for undergoing sentence.

Free copy of the judgment and order shall be furnished to the accused forthwith.

Civil Judge & JMFC, Laxmeshwar