

**IN THE COURT OF
IV ADDL DISTRICT AND SESSIONS JUDGE HASSAN SITTING
AT CHANNARAYAPATNA
AT Hassan, HASSAN
(Presided Over by)**

**SRI. JAGADEESH. V.N. B.A., M.L.,
IV Addl. District and Sessions Judge,
Hassan (Sit at Channarayapatna)**

DATED 18th DAY OF NOVEMBER 2022

S.C/.171/2022

Complainant : State by:
Channarayapatna Rural Police
Station
(By Public Prosecutor)
V/S.

Applicants A1 Rangaswamy,
S/o. Dyavaiah,
aged about 28 years.
R/o. Gyarahalli Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.

 A2 Dyavaiah S/o. Doddaiah,
aged about 75 years,
R/o. Gyarahalli Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.

- A3 Jayamma W/o. Dyavaiah,
aged about 70 years.
R/o. Gyarahalli Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.
- A4 Latha W/o. Nagaraju
@ Hanumaiah,
aged about 40 years,
R/o. Kundur Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.
- A5 Manjula @ Shoba,
W/o. Byraiah,
aged about 35 years,
R/o. Agasarahalli Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.
- A6 Sunanda G.D.,
W/o. Kumara,
aged about 36 years.
Sudha W/o. Lokesha,
aged about 32 years,
R/o. Agasarahalli Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.

- A7 Sudha G.D.,
W/o. Lokesha N.C.,
aged about 32 years,
R/o. Navile Gate,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.
- A8 Savithri @ Varalakshmi,
W/o. Venkateshmurthy,
aged about 31 years,
R/o. Hindumaranahalli
Village, Dabbegatta Hobli,
Thuruvekere Taluk,
Tumkur District.
- A9 Byraiah,
S/o. Shombaiah,
aged about 42 years,
R/o. Agasarahalli Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.
- A10 Kumara A.S.,
S/o. Sambaiah,
aged about 37 years.
R/o. Agasarahalli Village,
Bagur Hobli,
Channarayapatna Taluk,
Hassan District.
- A11 Hanumaiah @ Nagaraju,
S/o. Kariyaiah,
aged about 46 years,

R/o. Kunduru Village,
Dandiganahalli Hobli,
Channarayapatna Taluk,
Hassan District.

(By Sri. C.S.Devarajegowda,
Advocate)

ORDER

The accused No.1 to 11 have filed application U/s.227 of Code of criminal procedure seeking their discharge from the charges leveled against them.

2. It is stated in the application that the marriage between accused No.1 and deceased Chaithra was love cum arrange. The deceased had fell in love with accused No.1, when the mother of the deceased objected for the said love affair, the deceased left her mother and settled in the house of accused No.1 without marriage, thereafter at the intervention of relatives, marriage was performed in Kabbali Basaveshwara Temple. Since the marriage was love marriage, the question of demanding dowry by the accused persons does not arise at all. The entire allegations of the prosecution is that the accused persons are responsible for the death of deceased with

a demand of dowry. By looking into the entire charge sheet material, there is no allegation of dowry, however the investigating agency has invoked provisions of Section 304-B of I.P.C. A false case has been registered against the accused persons.

3. It is further contended in the application that the deceased had lodged complaint against accused No.1 to 3 making allegations of physical harassment for silly reasons by the accused No.1 to 3. Even in the said complaint also there is no reference about demand of dowry by the accused No.1 to 3. The said complaint was registered by the Police, after counseling the said complaint was closed. On 3.1.2022 the deceased herself committed suicide by hanging. The investigating Agency filed charge sheet against the accused persons for the offences punishable U/s.323, 504, 498(A), 114 and 304-B r/w. 34 of I.P.C., without making proper investigation.

4. It is further contended in the application that the accused No.1 to 3 were alone living with the deceased after the marriage of deceased with the accused No.1. Accused No.4 to 11 are the sister-in-

laws and their respective husbands, they have no way concerned to the family of accused No.1 to 3 and deceased. They have been residing in their respective villages, which are far away from the village of accused No.1 to 3 and deceased. The investigating Agency has roped all the accused persons in the case based on the allegations made by the complainant. The accused No.4 to 11 are noway concerned to the family affairs of accused No.1 to 3 and deceased. By looking from any angle, the charge sheet submitted by the prosecution cannot be sustained. Hence, the accused persons are entitled to be discharged.

5. On other other hand, learned Public Prosecutor opposed the application by filing objection. The sum and substance of the objection filed by the prosecution is head of charge sheet contents. According to the prosecution, after marriage, the accused No.4 to 11 instigated accused No.1 to 3 for demand of dowry from the deceased, at their instigation accused No.1 to 3 demanded dowry, harassed both physical and mental and ultimately on 3.1.2022 the deceased committed suicide by hanging. The death of the deceased was on account of dowry harassment and torture given by the

accused No.1 to 3. Accused No.4 to 11 have instigated accused No.1 to 3 for committing the offences. The involvement of the accused can be ascertained only after full pledged trial. At this stage there are prima-facie materials against accused persons to proceed against them for the alleged offences. Therefore, the learned Public Prosecutor prays for dismissal of application.

6. Heard learned Counsel for the accused persons and learned Public Prosecutor.

7. Having heard, counsel for accused persons and learned Public Prosecutor for State, the points that arise for my consideration are;

1. Whether the accused persons have made out grounds to discharge them from the alleged offences?

2. What order?

8. My findings to the above points are as follows;

Point No.1:- **Affirmative** in respect of accused No.4 to 11 and **Negative** in respect of accused No.1 to 3.

Point No.2- As per the final order,
on the following reason;
REASONS:

9. Point No.1:- It is the case of the prosecution that the deceased and accused No.1 fell in love with each other, when the complainant i.e., mother of the deceased did not agree to perform the marriage of deceased with accused No.1, the deceased left her parental home and settled in the house of accused No.1 to 3, later on the complainant at the intervention of friends and relatives, the marriage of deceased and accused No.1 was performed on 20.2.2020 at Kabbali Basaveshwara Temple, at the time of marriage the complainant had given cash of Rs.3.00 lakhs and 25 grams of golden ornaments. After the marriage, the deceased started her matrimonial life with accused No.1 in the house of accused No.1 to 3. It is further case of the prosecution that the deceased used to tell her mother about harassment and torture given by accused No.1 to 3 to her for silly reasons and also with a demand of dowry. Subsequently, the deceased became pregnant, the complainant took the deceased to her house as the accused No.1 to 3 were not taking care of

the deceased in a proper manner, after post pregnancy period, the complainant sent the deceased to matrimonial home. The deceased regularly informed the complainant about the harassment meted out to her by accused No.1 to 3 at the instigation of accused No.4 to 7. On 4.10.2021, the deceased had lodged complaint to the Police against the accused No.1 to 3 with respect to harassment and torture given by accused No.1 to 3, the said complaint was closed after counseling. It is further case of the prosecution that on 1.1.2022 accused No.1 to 3 at the instigation of accused No.4 to 11 took up quarrel with the deceased, accused No.1 assaulted with hands, on 2.1.2022 the deceased made a preparation to go to her mother's house, the accused persons did not permit the deceased to go to her mother's house. Again on 3.1.2022 at 6.00 a.m., accused No.1 to 3 picked up quarrel and assaulted the deceased, the same was informed by the deceased to complainant over phone. Being unable to bear the continuous harassment and ill-treatment given by the accused persons, the deceased committed suicide on 3.1.2022 in between 8.30 and 9.30 p.m., in the house.

10. The prosecution has filed charge sheet. Several witnesses statements were recorded. The prosecution also filed call records of deceased and CW.1. According to the prosecution, accused No.4 to 8 are the sister-in-laws of deceased and accused No.9 to 11 are the husbands of 3 sister-in-laws of deceased. At the instigation of accused No.4 to 11, accused No.1 to 3 harassed and ill-treated the deceased, on account of the said harassment and ill-treatment the deceased committed suicide by hanging.

11. As could be seen from the complaint averments, the complainant has stated at the instigation of sister-in-laws of deceased and one Byraiah (Accused No.9), the accused No.1 to 3 demanded the deceased continuously to bring dowry from her parent's home. Being unable to bear the ill-treatment meted out to her by the accused persons, the deceased committed suicide on 3.1.2022.

12. A perusal of charge sheet materials, accused No.1 is the husband of deceased, accused No.2 and 3 are the father-in-law and mother-in-law of the deceased. Accused No.4 to 8 are sister-in-laws of

deceased, accused No.11 is the husband of accused No.4, accused No.9 is the husband of accused No.5, accused No.10 is the husband of accused No.6. The husband of accused No.7 and 8 have not been arraigned as accused. As could be seen from charge sheet materials, the accused No.1 to 3 and deceased were living in Gyarahalli Village. As could be seen from the addresses of accused No.4 to 11, they are not the residents of Gyarahalli Village, they are residing in their houses, which were situated in separate villages.

13. Along with charge sheet, a complaint lodged by the deceased on 6.9.2021 is placed on record. Based on the said complaint, a case was registered in NCR No.336/2021. The deceased has complained in the said complaint as under:

“ನಾನು ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತೇನೆ.

ನನ್ನ ತವರು ಮನೆ ಬೆಂಗಳೂರು ಆಗಿದ್ದು, ನನ್ನನ್ನು ಈಗ್ಗೆ ಒಂದೂವರೆ ವರ್ಷದ ಹಿಂದೆ ಗ್ಯಾರಹಳ್ಳಿ ಗ್ರಾಮದ ದೇವಯ್ಯರವರ ಮಗನಾದ ರಂಗಸ್ವಾಮಿರವರಿಗೆ ಕೊಟ್ಟು ವಿವಾಹ ಮಾಡಿದ್ದು ಮದುವೆಯ ಸಮಯದಲ್ಲಿ ನನ್ನ ಗಂಡನಿಗೆ ಒಡವೆ, ವಸ್ತ್ರ ಕೊಟ್ಟು ವಿವಾಹ ಮಾಡಿರುತ್ತಾರೆ. ಮದುವೆಯಾಗಿ ಒಂದು ವಾರದ ನಂತರ ನನ್ನ ಮಾವ ದೇವಯ್ಯ ಮತ್ತು ನನ್ನ

ಅತ್ತೆ ಜಯವ್ವರವರು ನನ್ನನ್ನು ಅಗಾಗೆ ಬಾಯಿಗೆ
ಬಂದಂತೆ ಅವ್ಯಾಚ ಶಬ್ದದಿಂದ ಬೈಯುವುದು
ಹೊಡೆಯುವುದು ಮಾಡುತ್ತಿದ್ದು ನನ್ನ
ನಾದಿನಿಯವರು ಮನೆಗೆ ಬಂದಾಗ ನನ್ನ ಗಂಡನಿಗೆ
ಇಲ್ಲಸಲ್ಲದ ಚಾಡಿ ಹೇಳಿ ಹೊಡೆಸುವುದು
ಮಾಡುತ್ತಿದ್ದರು ನಮಗೆ **10** ತಿಂಗಳ ಹೆಣ್ಣು ಮಗು
ಸಹ ಇರುತ್ತದೆ. ನನಗೆ ಮತ್ತು ನನ್ನ ಮಗಳಿಗೆ
ಸರಿಯಾಗಿ ಊಟ ಕೊಡದೆ ನನ್ನ ಅತ್ತೆ ಮಾವ ಮತ್ತು
ನನ್ನ ಗಂಡ ಚಿತ್ರ ಹಿಂಸೆ ನೀಡುತ್ತಿರುತ್ತಾರೆ. ನಾನು
ನಮ್ಮ ಕುಟುಂಬದ ಮಾರ್ಯಾದೆ ಹೋಗಬಾರದೆಂಬ
ದೃಷ್ಟಿಯಿಂದ ಇಷ್ಟು ದಿನ ಸುಮ್ಮನಿದ್ದೆನು ನಾನು ತಟ್ಟಿಗೆ
ಊಟ ಹಾಕಿಕೊಳ್ಳಲು ಹೋದರೆ ನಿಮ್ಮವ್ವ ತಂದು
ಇಟ್ಟಿದ್ದಾಳೆ ತಿನ್ನಿಕೆ ಇಡೆ ಯಾವಳು ಎಂದು ಬೈದು ನನಗೆ
ಮಾನಸಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾರೆ ಹಾಗೂ ನನ್ನ
ಗಂಡನಿಗೆ ಚಾಡಿ ಮಾತು ಹೇಳಿ ನನಗೆ ಹೊಡೆಸಿ ಬಡಿಸಿ
ದೈಹಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾರೆ ಇದು ಅಗಾಗೆಗ
ನಡೆಯುತ್ತಿದ್ದು ನಿನ್ನೆ ದಿನ ರಾತ್ರಿ ಅಂದರೆ ದಿನಾಂಕ:

5-9-2021 ರಂದು ರಾತ್ರಿ ಸುಮಾರು **10-30**

ಗಂಟೆ ಸಮಯದಲ್ಲಿ ಸಣ್ಣಪುಟ್ಟ ವಿಚಾರಕ್ಕೆ ಅಂದರೆ
ನೀನು ಸರಿಯಾಗಿ ಕಸಗುಡಿಸಿಲ್ಲ ಎಂದು ನನ್ನ ಅತ್ತೆ
ಮತ್ತು ಮಾವ ಗಲಾಟೆ ತೆಗೆದು ಅಲ್ಲಿ ಇದ್ದ ನನ್ನ
ಗಂಡನಿಂದ ನನಗೆ ಹೊಡೆಸಿ ಕಾಲಿನಿಂದ
ತುಳಿಸಿರುತ್ತಾರೆ ನಾನು ಈ ಬಗ್ಗೆ ಈ ದಿನ ಬೆಳಗ್ಗೆ ತಮ್ಮ
ಠಾಣೆಗೆ ದೂರು ನೀಡಲು ಬರುವಾಗ ನನ್ನ ಗಂಡ
ಮತ್ತು ನನ್ನ ಗಂಡನ ಸ್ನೇಹಿತ ಕಿರಣ ಎಂಬುವವರು
ಬಾ ಕಂಪ್ಲೇಟ್ ಕೊಡಬೇಡ ಸರಿಯಾಗಿರೋಣ
ಎಂದು ವಾಪಸ್ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದು ನಾನು

ಮನೆಗೆ ಹೋದಾಗ ಪುನಃ ನನ್ನ ಅತ್ತೆ ಅವಳು ಹೋಗಲಿ ಬಿಡು ಕಂಪ್ಲೆಂಟ್ ಕೊಟ್ಟು ನಮ್ಮಿಂದ ಏನು ಕಿತ್ತುಕೊಳ್ಳಲು ಅಗುವುದಿಲ್ಲ ಯಾವ ಪೋಲೀಸು ನಮಗೆ ಏನು ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲ ಎಂದು ನನ್ನನ್ನು ಅವ್ಯಾಚಿ ಶಬ್ದದಿಂದ ಬೈದು ನನ್ನನ್ನು ನನ್ನ ಅತ್ತೆ ಮಾವ ಇಬ್ಬರು ಹೊಡೆದು ಕೆಳಕ್ಕೆ ಹಾಕಿ ತುಳಿದಿರುತ್ತಾರೆ ಹಾಗೂ ನನ್ನನ್ನು ಮನೆಯಿಂದ ಹೊರಗೆ ಹಾಕಿರುತ್ತಾರೆ ಹಾಗೂ ನೀನು ಪುನಃ ಮನೆಯೊಳಗೆ ಕಾಲಿಟ್ಟರೆ ನಿನ್ನನ್ನು ಮತ್ತೆ ನಿನ್ನ ಮಗುವನ್ನು ಸಾಯಿಸಿ ಹಾಕುವುದಾಗಿ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ ಇದರಿಂದ ನನಗೆ ತುಂಬಾ ನೋವಾಗಿರುತ್ತದೆ. ಅವರು ಯಾವಾಗ ಏನು ಮಾಡುತ್ತಾರೋ ಎಂಬ ಭಯವಾಗಿರುತ್ತದೆ ನನಗೆ ಈ ಮನೆ ಬಿಟ್ಟರೆ ಬೇರೆ ವಾಸಕ್ಕೆ ಮನೆ ಇರುವುದಿಲ್ಲ. ಈ ಹಿಂದೆ ಕೆಲವು ಬಾರಿ ಗಲಾಟೆಯಾದಾಗ ಗ್ರಾಮಸ್ಥರು ಪಂಚಾಯತಿ ಮಾಡಿದ್ದು ಈಗ ಯಾವನಾದರೂ ಪಂಚಾಯತಿಗೆ ಬಂದರೆ ಅವರಿಗೆ ಒಂದು ಗತಿ ಕಾಣಿಸುವುದಾಗಿ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ.

ಆದುದರಿಂದ ತಾವು ದಯಮಾಡಿ ಮೇಲ್ಕಂಡ ನನ್ನ ಅತ್ತೆ ಜಯಮ್ಮ ನನ್ನ ಮಾವ ದೇವಯ್ಯ ನನ್ನ ಗಂಡ ರಂಗಸ್ವಾಮಿ ರವರನ್ನು ತಾಣೆಗೆ ಕರೆಸಿ ಅವರ ಮೇಲೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕಾಗಿ ಮತ್ತು ನನ್ನ ಗಂಡ ನನ್ನ ಜೊತೆ ಸರಿಯಾಗಿ ಜೀವನ ನಡೆಸಿಕೊಂಡು ಹೋಗುವಂತೆ ಸೂಕ್ತ ಬುದ್ಧಿವಾದ ಹೇಳಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ಪ್ರಾರ್ಥಿಸಿಕೊಳ್ಳುತ್ತೇನೆ”

14. A perusal of the aforesaid complaint, the deceased has made allegations against only accused No.1 to 3. Though there is one sentence with respect to sister-in-laws stating that whenever they used to visit the house of the deceased, they too instigating accused No.1 to give harassment to deceased. The deceased has not averred independent overt act against each sister-in-laws. The entire allegations made in the complaint is against accused No.1 to 3. Even a perusal of the complaint there is no allegation of demand of dowry by the accused No.1 to 3 from the deceased. It was further stated by the complainant for silly reasons, the accused No.1 to 3 quarreling with deceased. The accused No.1 to 3 assaulted for silly reason. This complaint was lodged on 6.9.2021. The deceased committed suicide on 3.1.2022, within a span of 3 months.

15. In the complaint, the complainant has alleged that at the instigation of accused No.4 to 11, accused No.1 to 3 committed the alleged offences. In so far as accused No.1 to 3 are concerned, there are materials both in the complaint lodged by the deceased and complaint lodged by the complainant. In so far as

accused No.4 to 11 are concerned, there is no material to show that the accused No.4 to 11 instigated accused No.1 to 3 for committing the offences. Based on the statements of witnesses, the accused No.4 to 11 have been arraigned as accused. From looking into entire charge sheet materials, the allegations are against only accused No.1 to 3 and not against other accused persons. A general and bald allegations are made against accused No.4 to 11. Taking into account of the entire charge sheet materials, I am of the opinion that there are prima-facie material against accused No.1 to 3 to frame charge and absolutely there are no materials against accused No.4 to 11 to proceed against them. Hence, I hold that it is a fit case to discharge accused No.4 to 11 at this stage. Hence, I answer the ***point No.1 accordingly.***

16. **Point No.2:** In view of aforesaid reasons on point No.1, I proceed to pass the following;;

ORDER

The application u/s.227 of
Cr.P.C. filed by accused No.1 to 3
is rejected.

The application filed by accused No.4 to 11 U/s.227 of Cr.P.C., is allowed and accused No.4 to 11 are discharged from the alleged offences. Bail bonds and surety bonds of accused No.4 to 11 stand cancelled.

(Dictated to the Judgment writer, transcribed and computerized by him, Order corrected on computer and then pronounced by me in the Chamber of this Court on this 18th Day of November 2022)

(JAGADEESH V.N.)

4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna