



IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
VIRAJPET

PRESENT: Sri. Vishwanath A. B.B.A.,LL.B.,
Prl. Civil Judge & JMFC.,
Virajpet.

DATED THIS THE 18th DAY OF JULY 2026

CRIMINAL CASE NO:176/2023

BETWEEN:

The State, represented by
Virajpet Town Police Station,
Virajpet Taluk.

...Complainant

(By Smt.Chaithra.M.G.,Learned A.P.P.)

AND:

Subramani.B.P,
Aged about 33 years,
S/o C.Poovaiah,
R/o Balele Village,
Virajpet Taluk.

.... Accused

(By Smt.Vidya C.P,Adv.,)

1.	Date of occurrence of offence	07.10.2022
2.	Date of report of offence	02.12.2022
3.	Name of complainant	Sethamma.A.M
4.	Date of commencement of evidence	21.05.2024
5.	Date of closure of evidence	11.12.2025
6.	Offences complained of	Under Sections 323, 498A and 504 of IPC.



7.	Opinion of the Judge	Accused found not guilty.
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(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

JUDGMENT

The PSI of Virajpet Town P.S., has filed the charge sheet against accused for the offences punishable under Sections 323, 498A and 504 of IPC.

2. It is the case of the prosecution that the accused, being the husband of CW1, allegedly maintained an illicit relationship with one [REDACTED]. When CW1 questioned him regarding the said relationship, the accused allegedly subjected her to physical and mental harassment. It is further alleged that, on 07.10.2022 at about 8.00 p.m., at their house in Virajpet, the accused assaulted CW1 with his hands and abused her in filthy language, stating that she should not question him about his relationship with another woman. On these allegations, the accused is alleged to have committed offences punishable under Sections 323, 498A and 504 of the IPC.

3. The copies of charge sheet materials are supplied to the accused in compliance of Section 207 of Cr.P.C. The accused is released on bail. After hearing the prosecution and so also the accused, the charges are framed for the offences under Sections 323, 498A and 504 of IPC. The charges are read over and



explained to the accused, the accused pleaded not guilty and claimed to be tried.

4. In order to bring home the guilt of accused, the prosecution has examined witnesses as PW1 to PW7, got marked documents as Ex.P1 to Ex.P13.

5. After completion of prosecution evidence, the incriminating evidence appearing against the accused is read over and his statement under Section 313 of Cr.P.C., is recorded. The accused denied the incriminating evidence and did not choose to lead defence evidence.

6. Heard the arguments addressed by both sides and also perused the entire materials on record.

7. The points that arise for consideration are as follows:

- 1.** Whether the prosecution proved beyond all reasonable doubt that on 07.10.2022 at 08.00 PM, at their house in Virajpet, the accused voluntarily assaulted CW1 with his hands and thereby committed the offence punishable under Section 323 of IPC?
- 2.** Whether the prosecution proved beyond all reasonable doubt that on the said date, time and place, the accused has abused the CW1 in filthy language, stating that she should not question him about his relationship with



another woman and thereby the accused committed the offence punishable under Section 504 of IPC?

3. Whether the prosecution proved beyond all reasonable doubt that the accused, being the husband of CW1, maintained an illicit relationship with one [REDACTED]. When CW1 questioned him regarding the said relationship, the accused subjected her to physical and mental harassment and thereby committed the offence of punishable under Section 498A of IPC?

4. What order?

8. The findings of this Court on the above points are:

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

Point No.2: **In the Negative**

Point No.3: **In the Negative**

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

REASONS

9. **Point No.1 to 3:** These points require common appreciation of materials on record. Thus, to avoid repetition of facts and appreciation, all these points are taken for common discussion.



CW1 who is stated to be victim and examination in this case as PW1, states that she got married to the accused on 26.10.2021. After the marriage, they both resided in a rented house in Virajpet for 3 months. Thereafter, she saw the accused sending illegal messages to one [REDACTED]. When she questioned the accused as to why he was sending such messages, the accused quarreled with her, scolded her in filthy language. Then she informed her mother, sister and brother about the incident. After that, her brother CW5 called the accused to which, accused assured that he will not repeat such acts. But he again started to call and text. One day, she obtained the mobile number of [REDACTED] from the mobile phone of accused and she had called her husband, who said that he would warn [REDACTED] and also the accused. But the chats and calls continued.

10. PW1 further states that on 08.10.2022 when she saw the mobile phone of the accused, she got to know that the accused had sent money to said [REDACTED] through Google Pay. When she enquired about the same, accused assaulted her with his hands, pushed her, scolded her and left the house, and he did not come back and blocked the phone numbers of her parents. Then on 18.10.2022, the sister of accused had connected the call to the accused through conference call and stated that she will stand in support of the accused. The mother of accused also replied in the same manner as that of his sister and further stated that they are trying to arrange another marriage for the accused.



11. PW1 further stated that on 02.12.2022 she lodged the First Information Statement as per Ex.P1 with the police and on the following day, police visited her house and drew the spot mahazar as per ExP2, during that time the marriage invitation at Ex.P3 and 4, marriage photographs at Ex.P5 and 6 were seized and the photographs Ex.P7 and 8 were taken. During the cross-examination by the learned APP who treated this witness as partly hostile, PW1 admits having recorded the further statement on 03.12.2022 with the police. In her cross-examination by the defence, PW1 states that the accused had a cloth shop to which many customers will be visiting and likewise [REDACTED] is also the customer of the said shop. She had not gone to the hospital. PW1 states that she had voice recordings with respect to [REDACTED] but the same are not produced to the police. This witness states that she does not know whether the amount paid by accused to [REDACTED] is a refund. This witness further denied that she herself had thrown the accused out of the house and the accused has not committed any offence as alleged.

12. CW2 and CW3 are said to be witnesses to the spot and seizure mahazar at Ex.P2. These witnesses who are examined as PW2 and 3 though identified their signatures in the mahazar, state that the police have not drawn any mahazar in their presence, nothing was seized in their presence, and they do not know the contents of mahazar. The cross-examination of these witnesses by learned APP does not support the case of prosecution.



13. CW5/PW4 is the brother of PW1. This witness who states about the marriage between PW1 and accused, states that after three months of marriage, PW1 called him and stated that the accused is physically and mentally harassing her. Then he along with his mother CW6 went to the house of CW1 and advised the accused and PW1 to live together by adjusting. Then on 18.10.2022, CW1 called him and said that the accused had an illicit relationship with one [REDACTED] and on 07.10.2022 when she enquired the accused in that regard, he abused PW1 in filthy language, assaulted her and left the home, and later blocked her phone number. PW4 further states that CW1 lodged police complaint on 02.12.2022.

14. In his cross examination, PW4 also admits that the accused had got cloth shop and states that he does not know whether the customers to the said shop will pay the amount online. He also states that he does not know whether the customers will call the accused to place orders. He denies the suggestion that on 07.10.2021, PW1 had thrown the accused out of the house by quarreling in connection with food. PW1 had shown him the documents with respect to the allegation regarding [REDACTED]. This witness also states that he does not know whether the amount paid by the accused to said [REDACTED] is a refund.

15. CW9/PW5 is the Women Police Constable who states to have assisted the Investigation Officer CW11 to draw the mahazar on 03-12-2022 as the spot was shown by CW1 in the presence of



CW2 and 3. During that time, the marriage invitation and marriage photographs at Ex.P3 to 6 were seized and the photographs at Ex.P7 and 8 were taken. During her cross-examination, PW5 denies the defence suggestion that they had not gone to any spot and drawn the mahazar and that the mahazar at EX.P2 and the photographs at Ex.P7 and 8 were created in support of the false case.

16. CW11/PW6 is the Police Head Constable who states to have received the First Information Statement at Ex.P1 from CW1 on 02.12.2022. Pursuant to the same, he registered the FIR as per Ex.P11. Then on 03.12.2022, he went to the place of occurrence where he drew the mahazar from 11.30 a.m. to 12.30 p.m. as per Ex.P2 as the spot was shown by CW1 in the presence of CW2 and 3. During that time, the marriage invitation and marriage photographs at Ex.P3 to 6 were seized by taking the photographs at Ex.P7 and 8. He then came back to the police station and reported the seizure under PF No.171/2022. On the same day, he recorded the further statement of CW1 and statements of CW2 to 4 and 9. On the same day he issued notice to the accused.

17. PW6 further states that on 03.12.2022, he received the 65B certificate as per Ex.P12 from CW10. On 10.12.2022, he recorded the statement of CW5 to 8. On 23.12.2022, he got the statement of victim recorded under Section 164 of Cr.P.C. and handed over the case file to CW12 for further investigation. During his cross-examination, this witness admits that the First Information Statement has been lodged after lapse of two days



from the date of alleged incident. PW6 denies the defence suggestion that the mahazar and other documents are fabricated for purpose of filing false charge sheet against accused who is not at all involved in any offence and though he was not at the spot on the date of alleged incident.

18. CW12/PW7 is the Investigating Officer who states to have received the case file from CW11 on 27.12.2022 and on 28.12.2022, he received the statement of victim recorded under Section 164 of Cr.PC. PW7 further states that on 12.01.2023, after receiving the rent agreement as per Ex.P13 with respect to the rental house belonging to PW1 and accused, completed the investigation and submitted charge sheet against the accused. During his cross-examination, PW7 denies the defense suggestion that the documents at Ex.P3 to 8 are created for the purpose of case. He states that the rent agreement at Ex.P13 was received from the accused.

19. As per the prosecution, accused who is the husband of PW1, subjected her to physical and mental harassment in the background of the alleged illicit relationship, abused her in filthy language and assaulted her. PW1 has deposed regarding the alleged illicit relationship of the accused with one [REDACTED], the quarrels arising therefrom, the alleged assault on 08.10.2022, and the subsequent conduct of the accused and his family members. Her evidence does disclose that matrimonial differences between her and the accused. Even otherwise, the



existence of marital disputes by itself is insufficient to hold the accused liable unless the ingredients of the alleged offences are established by reliable and convincing evidence.

20. Though PW1 alleged that the accused was continuously communicating with [REDACTED] and had transferred money to her through Google Pay, she admitted during cross-examination that [REDACTED] was a customer of the accused's cloth shop. She further admitted that she did not know whether the amount transferred was merely a refund to a customer. PW1 further admitted that she got voice recordings relating to [REDACTED] but did not produce the same before the Investigating Officer. No call detail records, chat messages, bank transaction details, Google Pay records, or any other electronic evidence are produced to corroborate the allegations of an illicit relationship or the alleged acts of cruelty.

21. Further, the allegation of physical assault also remains uncorroborated. PW1 admittedly did not seek any medical treatment nor produced any medical records to substantiate the alleged assault. The evidence of PW4 the brother of PW1, is admittedly hearsay insofar as the alleged incidents inside the matrimonial home are concerned. His knowledge is entirely derived from what PW1 informed him. His testimony, therefore, only establishes that PW1 had complained to him regarding matrimonial disputes and cannot be treated as independent corroboration of the alleged acts committed by the accused. Even PW4 admitted that he



was unaware whether the amount transferred by the accused to [REDACTED] was towards refund of money.

22. It is relevant to note that the alleged incident of assault is stated to have occurred on 08.10.2022, whereas the complaint came to be lodged only on 02.12.2022. Though delay in lodging a complaint in matrimonial offences is not invariably fatal, the prosecution has not placed convincing material explaining the delay, particularly when its case lacks with medical record or independent evidence. Therefore, only the existence of strained matrimonial relations arising out of the suspicion entertained by PW1 regarding the accused's interaction with [REDACTED], stands established. Suspicion, however strong, cannot take the place of proof beyond reasonable doubt. Accordingly, this Court holds that the prosecution has not proved the charges against the accused beyond all reasonable doubt. Hence, point No.1 to 3 are answered in **Negative**.

23. Point No.4: For the reasons recorded on the above points No.1 to 3, this Court deems it fit to acquit the accused. Hence, the following:

ORDER

Accused is acquitted of the offences punishable under Section 323, 498A and 504 of IPC.

Bail bond stand cancelled.



Bond executed in compliance of Section 437(A) of Cr.P.C., shall be in force for a period of 6 months from the date of judgment.

*(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in the open court on this the **18th day of JULY 2026, at Virajpet.**)*

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION:-

PW.1 : A.M.Seethamma
PW.2 : T.S.Sampath
PW.3 : SharanKumar.P.K
PW.4 : M.M.Sathyanarayanrao
PW.5 : Arpitha.B.M
PW.6 : Sathish.B.V
PW.7 : Sridhar.C.V

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PROSECUTION:-

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 : Mahazar
Ex.P2(a) : Signature of PW1
Ex.P2(b) : Signature of PW2



Ex.P2(c) : Signature of PW3
Ex.P2(d) : Signature of PW5
Ex.P3 : Lagna Patrike
Ex.P3(a) : Signature of PW6
Ex.P4 : Marriage Invitation
Ex.P4(a) : Signature of PW6
Ex.P5 to 8 : Photos
Ex.P5(a) : Signature of PW6
Ex.P6(a) : Signature of PW6
Ex.P9 : Statement of PW2
Ex.P10 : Statement of PW3
Ex.P9 11 : FIR
Ex.P12 : 65 B Certificate
Ex.P12(a) : Signature of PW6
Ex.P13 : Rent agreement

LIST OF MATERIAL OBJECTS MARKED ON BEHALF OF THE PROSECUTION:-

-----Nil-----

LIST OF WITNESSES EXAMINED ON BEHALF OF THE ACCUSED :-

-----Nil-----

LIST OF DOCUMENTS MARKED ON BEHALF OF THE ACCUSED :-

-----Nil-----

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Virajpet.