



**IN THE COURT OF THE II ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 23rd day of January 2026

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

SC.No.253/2023

COMPLAINANT

:: State by Yelawala
Police Station, Mysuru.

[By : Public Prosecutor]

-Vs-

ACCUSED

:: Shivu @ Shivaiah T.C,
S/o. Channappa,
Aged about 34 years,
R/at. No.37/A,
Gaddide Main Road,
Ganigarahundi Village,
Yelawala Hobli, Mysuru Taluk,
Mysuru District.

[By : Sri. H.N.M., - Adv.,]

ORDERS ON APPLICATION FILED BY ACCUSED
UNDER SECTION 227 OF Cr.P.C.

This is the case in which Police Sub-Inspector of
Yelawala Police Station has filed charge sheet against the
accused stating that, deceased Harshitha is the

permanent resident of Ganigarahundi village, accused is also residing in the house of CW.9 on rent which is situated at Ganigarahundi village. From 3-4 years accused was harassing the deceased Harshitha demanding her to marry him, when some other bridegroom intended to marry Harshitha and they decided to perform marriage talks after Ashada month the accused met the deceased Harshitha in the road and again demanded her to marry him and threatened her not to marry some other person, due to such harassment by the accused on 01.07.2023 at about 3.30 pm., deceased Harshitha has committed suicide by consuming pesticides thereby accused has committed the offence punishable under Section 306 of I.P.C.

2. Now accused filed present application under Section 227 of Cr.P.C. seeking to discharge him for the offence punishable under Section 306 of I.P.C. in which he has contended as under ;

3. Impugned registration of the criminal case is contrary to law and facts and material available on record. Hence, accused is entitled to be discharged as accused has been falsely implicated in the case and there is no material placed by the defacto complainant to substantiate the alleged offence committed by the accused. Except raising suspicion against the accused absolutely no circumstances or material to connect the accused to the alleged offence. There is no material placed by the prosecution in order to attract the ingredient of abatement under Section 306 of I.P.C. Therefore, continuation of the instant case against the accused is gross abuse of process of Court. Even if the prosecution case is accepted as true there is absolutely no material to connect the accused to the offence alleged by the prosecution except allegations in the complaint. Therefore, accused is entitled for discharge.

4. To this application learned Public Prosecutor has filed objection stating that, there is prima-facie material to show that, when deceased Harshitha intended to marry another bridegroom and marriage talks were going on accused demanded Harshitha to marry him and threatened her not to marry any other person due to such harassment by the accused deceased Harshitha has committed suicide. Therefore, accused is not entitled for discharge, therefore, application filed under Section 227 of Cr.P.C by the accused is liable to be rejected.

5. Heard and perused the entire record.

6. The points that arises for my consideration are as here under :

1. Whether the accused has made out valid grounds for discharge him under Section 227 of Cr.P.C. for the offence punishable under Section 306 of I.P.C. ?
2. What order ?

7. My findings on the above point is as hereunder;

Point No.1 : In the Negative
Point No.2 : As per final order
for the following;

:: REASONS ::

8. **POINT No.1**: During arguments also learned counsel for the accused has argued stating that, there is no prima-facie material to show that in view of the abatement of the accused deceased Harshitha has committed suicide. Infact, the accused has filed petition before the Hon'ble High Court of Karnataka and subsequently he has withdrawn the said petition with liberty to file application for discharge before this Court. Accordingly, he filed the present application. Therefore, accused is entitled for discharge.

9. On the other hand, learned Public Prosecutor has submitted her arguments stating that, if the

statements of the witnesses are accepted as true definitely there is material to convict the accused for the offence punishable under Section 306 of I.P.C. Accordingly, accused is not entitled for discharge.

10. On perusal of the charge sheet and other materials produced by the prosecution it appears to me that, as rightly pointed out by the learned Public Prosecutor if complaint and statements of the witnesses recorded under Section 161 of Cr.P.C. are accepted as true definitely the same is sufficient to convict the accused for the offence punishable under Section 306 of I.P.C. Therefore, it appears that at the most accused may be having good defence to take during the trial. Therefore, defence of the accused can be considered at the time of final hearing of the matter and after the trial only. Accordingly, when the complaint and statements of the witnesses prima-facie shows that due to the harassment by the accused only deceased Harshitha has

committed suicide definitely there is prima-facei material to continue with the trial. Therefore, it is decided to reject the application filed by the accused under Section 227 of Cr.P.C. and proceed with the trial. Accordingly, ***Point No.1 is answered in the Negative.***

11. **POINT No.2:-** In the result, I proceed to pass the following;

ORDER

The application filed by the accused under Section 227 of Cr.P.C. is **rejected.**

[Dictated to the Stenographer, transcribed & computerized by her, transcript revised, corrected and then pronounced by me in the open Court on this the **23rd day of January, 2026**].

[MALLANAGOUDA]

II Addl. District & Sessions Judge,
Mysuru.