

KAMS300008122025



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND JMFC AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 17th day of March, 2026.

CC No.291/2025

Complainant: State by Mysuru District Women
Police Station.Mysuru.

(By: APP, Hunsur)

-Vs-

Accused: 1. Krishna.Y.K., S/o Krishnamurthy,
Aged about 35 years, Tailor,
2. Venkatalakshmi, W/o Krishnamurthy,
Aged about 52 years,
3. Krishnamurthy, S/o Late Govindaiah,
Aged about 67 years, Coolie,
4. Shivamma, W/o Nagaraju,
Aged about 40 years, Housewife,
5. Nagaraju, S/o Late Thimmaiah,
Aged about 47 years, Agriculturist,
All are residing at Yalachipalya
Village, Channapatna Taluk,
Ramanagara District.

(By: Sri.J.Mahadevaswamy, Advocate)

1. Date of commission of offence: From 02.12.2022 to 05.12.2022
2. Date of report of offence: 11.12.2024
3. Arrest of accused:
 - Date of arrest of accused: -
 - Date of release of accused: -
 - Duration in custody:
4. Name of the complainant: Hemalatha
5. Date of recording of evidence: 09.03.2026
6. Date of closing of evidence: 09.03.2026
7. Offences complained of: Section 498(A), 504, 506 R/w Section 149 of IPC
8. Opinion of the Judge: Accused No.1 to 5 are found not guilty.

JUDGMENT

The ASI of Mysuru District Women Police Station has submitted the charge-sheet against accused No.1 to 5 for the offences punishable under Section 498(A), 504, 506 R/w Section 34 of IPC.

2. It is the case of the prosecution that, CW1 Smt.Hemalatha is the legally wedded wife of accused No.1 and their marriage was solemnized on 22.01.2021 at Mahadeshwara Temple of Mallinathapura Village, Bilikere Hobli in the presence of CW2 Mahadevabhovi, CW3 Bhagya, CW4 Govinda, CW5 Thimmaraju and CW6 Ramanna. After the marriage only for two years the accused persons have looked after CW1 with love and affection and thereafter accused No.1 to 5 in prosecution of their common object started quarrel with CW1 for silly reasons saying that, she is not beautiful and she

has got no issues and also subjected her to mental and physical cruelty. It is the further case of the prosecution that, on 02.12.2022 at about 10.00 a.m when CW1 was in the house of accused No.1 and on 05.12.2022 at about 4.00 p.m. when CW1 was in the house of CW2, accused No.1 to 5 in prosecution of common object formed unlawful assembly, started quarrel with her and abused her in filthy language in order to annoy the public peace and also gave life threat to her and thereby accused No.1 to 5 have committed the aforesaid offences.

3. After the incident CW1 Hemalatha lodged the complaint before CW13 Syeda Sarvat Afza. Upon receiving the complaint CW13 registered the case in Crime No.68/2024 and submitted the FIR. Thereafter, she has proceeded towards the place of the incident, drawn the mahazar in the presence of CW7 and CW8 and seized the documents. She has also recorded the statements of CW2 to CW7. She has received the documents and after completion of the investigation she has submitted the charge-sheet against accused No.1 to 5 for the aforesaid offences.

4. After filing of the charge-sheet the court took cognizance for the offences punishable under Section 498(A), 504, 506 R/w 149 of IPC and issued summons to accused No.1 to 5. At the investigation stage itself accused No.1 to 5 voluntarily appeared before the court and have been released on bail. In pursuance of service of summons accused No.1 to 5

appeared before the court. The copy of the charge-sheet and other prosecution papers have been supplied to accused No.1 to 5 as provided under Section 207 of Cr.P.C.

5. Thereafter, heard both side and upon finding prima-facie materials charge for the offences punishable under Section 498(A), 504, 506 R/w 149 of IPC was framed. Accused No.1 to 5 pleaded not guilty and claimed to be tried. In order to prove the guilt of accused No.1 to 5, the prosecution got examined totally three witnesses out of thirteen witnesses cited in the charge-sheet as PW1 to PW3. The prosecution got marked totally 12 documents as per Ex.P1 to Ex.P12. Since, PW1 to PW3 being the material witnesses turned hostile to the prosecution case, this court rejected the prayer of learned APP to examine the other witnesses and dropped CW4 to CW13 since no purpose will be served by examining them. Since, there are no incriminating circumstances appeared against accused No.1 to 5 in the prosecution evidence, the statements of accused No.1 to 5 under Section 313 of Cr.P.C. has been dispensed with.

6. Thereafter, heard arguments addressed by learned APP and learned counsel for accused No.1 to 5 and perused the case papers. After hearing the arguments and on perusal of the case papers, the points that arise for consideration are as hereunder:

POINTS

1. Whether the prosecution proves beyond all reasonable doubt that, the marriage of accused No.1 and CW1 Hemalatha solemnized on 22.01.2021 at Mahadeshwara Temple of Mallinathapura Village, Bilikere Hobli in the presence of CW2 Mahadevabhovi, CW3 Bhagya, CW4 Govinda, CW5 Thimmaraju and CW6 Ramanna and after two years of the marriage accused No.1 to 5 in prosecution of their common object started quarrel with CW1 for silly reasons saying that, she is not beautiful and she has got no issues and also subjected her to mental and physical cruelty and thereby accused No.1 to 5 have committed the offence punishable under Section 498(A) R/w 149 of IPC?
2. Whether the prosecution further proves beyond all reasonable doubt that, on 02.12.2022 at about 10.00 a.m when CW1 was in the house of accused No.1 and on 05.12.2022 at about 4.00 p.m. when CW1 was in the house of CW2, accused No.1 to 5 in prosecution of common object formed unlawful assembly, started quarrel with her and abused her in filthy language in order to annoy the public peace and thereby accused No.1 to 5 have committed the offence punishable under Section 504 R/w 149 of IPC?
3. Whether the prosecution further proves beyond all reasonable doubt that, on the above said date, time and place accused No.1 to 5 in prosecution of common object formed unlawful assembly, started quarrel

with CW1 and gave life threat to her and thereby accused No.1 to 5 have committed the offence punishable under Section 506 R/w 149 of IPC?

4. What order?

7. The findings on the above points are as hereunder:

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

8. **Point No.1 to 3:** Since these points are inter-connected with each other and in order to avoid repetition of facts, these points are taken up together for discussion.

9. It is the specific case of the prosecution that, accused No.1 is the husband of PW1 Smt.Hemalatha and it is an admitted that, the marriage of accused No.1 and CW1 was solemnized on 22.01.2021 at Mahadeshwara Temple, Mallinathapura Village of Bilikere in the presence of elders and well wishers of the family. It is the definite case of the prosecution that, after the marriage for two years the accused persons have looked after PW1 with love and affection and thereafter, they started quarrel with her for silly reasons saying that she is not beautiful, she has got no issues and thereby they have subjected her to mental and physical cruelty. It is the further case of the prosecution that, on

02.12.2022 at about 10.00 a.m when PW1 was in the house of accused persons and on 05.12.2022 when PW1 was in the house of her parents, the accused persons formed unlawful assembly, abused her in filthy language and gave life threat to her. In order to prove the case the important witnesses examined by the prosecution are CW1 Hemalatha, who is the complainant as well as victim in this case and the prosecution examined her as PW1. The other witnesses are CW2 Mahadevabhovi and CW3 Bhagya who are parents of PW1.

10. In the chief-examination PW1 has only identified her signatures in complaint as well as two mahazars and identified the photographs. The said documents came to be marked as per Ex.P1 to Ex.P6. Her signatures have been got marked as per Ex.P1(a) to P3(a). She has also identified herself in two more photographs which are marked as per Ex.P7 and Ex.P8 and also identified her signature in the statement recorded under Section 183 of BNSS which came to be marked as per Ex.P9 and her signature came to be marked as per Ex.P9(a). She has not at all deposed anything about the contents of the complaint as well as mahazars. She turned completely hostile to the prosecution case. Though learned APP cross-examined her at length, she has not deposed a single word in support of the prosecution case. Her further statement came to be marked as per Ex.P10.

11. The prosecution examined CW2 and CW3 as PW2 and PW3 who are the parents of PW1. In their chief-examination have not at all deposed anything about the statements recorded by the investigating officer. They have been turned hostile to the case of the prosecution. Though learned APP cross-examined them at length they have not deposed a single word in support of the prosecution. Their statements have been got marked as per Ex.P11 and Ex.P12.

12. In this case PW1 to PW3 are the material witnesses and they have turned hostile to the prosecution case. As such the prayer made by the learned APP to issue summons to other witnesses has been rejected by this court and CW4 to CW13 have been dropped since no purpose will be served by examining them. Since, there were no incriminating circumstances appeared against the accused persons, their statement under Section 313 of Cr.P.C has been dispensed with. It is very important to note that, in the cross-examination PW1 to PW3 have admitted the suggestions put to them by learned APP that, now PW1 and accused No.1 are leading happy marital life and they have compromised the case. The case involves the family life of PW1 and accused No.1. As such there are no materials before the court which proves the allegations made against the accused persons beyond all reasonable doubt. On the basis of the above discussions this court comes to the conclusion that the prosecution has failed to prove the guilt of the accused persons beyond all reasonable

doubt. Accordingly, point No.1 to 3 are hereby answered in the Negative.

13. **Point No.4:** In view of the reasons discussed above this court proceeds to pass the following:

ORDER

Acting under Section 248(1) of Cr.P.C accused No.1 to 5 are hereby acquitted for the offences punishable under Section 498(A), 504, 506 R/w 149 of IPC.

The bail bond and surety bond of accused No.1 to 5 and their surety shall stand cancelled.

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this the 17th day of March, 2026.)

Sd/-

(Anitha)

Prl.Senior Civil Judge and JMFC.,
Hunsur.

ANNEXURE

List of witnesses examined on behalf of the prosecution:

PW1 : Hemalatha
PW2 : Mahadevabhovi
PW3 : Bhagya

List of documents marked on behalf of the prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW1
Ex.P2 & P3 : Spot Mahazars

Ex.P2(a) & P3(a) : Signatures of PW1
Ex.P4 & P5 : Marriage photos
Ex.P6 : Marriage invitation card
Ex.P7 & P8 : Photographs
Ex.P9 : 183 Statement
Ex.P9(a) : Signature of PW1
Ex.P10 : Further statement of PW1
Ex.P11 : Statement of PW2
Ex.P12 : Statement of PW3.

Witnesses examined on behalf of the accused persons: Nil

Documents marked on behalf of the accused: Nil

Material objects marked on behalf of the prosecution: Nil

Material objects marked on behalf of the accused persons:
Nil

Sd/-
(Anitha)
Prl.Senior Civil Judge and JMFC.,
Hunsur.