

**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC.,
AT SINDHANUR**

Present :- SRI. LAKSHMIKANTH JANAKIRAM MISKIN, M.A., LL.M
Senior Civil Judge & J.M.F.C.
Sindhanur

C. C. No. 535/2025

Dated: 2nd day of June 2026

Complainant:- The State R/by Balaganur Sub-Inspector,
(Represented by: Learned Asst. Public Prosecutor)

-Versus-

Accused:- 1) Siddappa S/o Arjunappa
Age: 45 years, Occ: Others PI specify
R/o Yaddaladoddi village, Tq. Sindhanur.

2) Balappa S/o Arjunappa
Age: 47 years, Occ: Agri.,
R/o Yaddaladoddi village, Tq. Sindhanur

3) Veerabhadrappe S/o Arjunappa
Age: 46 years, Occ: Farmer
R/o Yaddaladoddi village, Tq. Sindhanur, Dist. Raichur
(Represented by: Sri. AK. Advocate.)

ORDERS ON APPLICATION U/ SEC. 250 of BNS Act 2023

This application is filed by the accused No.2 and 3 to discharge them for the offences punishable under Section 85, 115(2), 351(2), 352 and 3(5) of BNS Act 2023.

2. The accused persons stated that the charge sheet filed against accused No.2 and 3 is absolutely false, baseless, illegal and unsustainable in law. There is no iota of material against these accused persons to frame charges. The present complaint itself motivated, malicious and filed only in continuation of the civil/DV Act dispute between complainant and late husband (accused No.1). The entire allegations are outcome of personal vengeance and property dispute. Such colourable litigation cannot give rise to criminal prosecution. Accused No.1 was mentally unsound for the past 12 years and the same is already recorded in earlier court proceedings and commissioner's report in the DV Act case. The complainant herself admitted the mental condition of accused No.1 before court. Thus, FIR allegation that accused No.1 along with accused No.2 and 3 committed intentional criminal acts is inherently impossible and unbelievable. Accused No.1 has expired. Still police have retained allegation and common intention theory, which abates automatically upon death of a co-accused. When the principal accused is incapable in law, supporting allegation collapse automatically. The allegations against accused No.2 and 3 are omnibus, vague, without overt-act without independent witness, without any medical or documentary proof. Charge sheet merely states presence no role. Presence does not constitute offence. This is purely civil dispute of land transaction dated 06.04.2011. The complainant herself admits execution of agreement in 2011, and now after 12 years she has invented criminal story only to pressurize accused in civil dispute. Under these circumstance to secure ends of justice

and to prevent abuse of process of law, the proceedings are liable to be discharge. These are all grounds the accused person sought to be discharged for the offences.

3. On the other hand learned APP filed objection.

4. Heard arguments. The following points arise for my consideration.

POINTS

1. Whether the accused persons have made out ground to discharge them under Section 250 of BNSS Act 2023?
2. What Order?

5. My answers to the above points are as under.

Point No-1: In the Affirmative

Point No-2: As per final order

REASONS

6. **Point No-1**: A perusal of complaint dated 15.04.2025 make it clear that it is given only on 03.05.2025. The complaint dated 15.04.2025 is given after 17 days of alleged incident of assault though it was prepared on 15.04.2025 itself. A perusal of complaint dated 15.04.2025 make it clear that the complainant has been residing with her parents for the last 14 years. Since, more than 14 years, the complainant is not residing with her husband and other accused persons. Therefore, question of ill-treating her does not arise as she is away from her husband and other accused persons.

7. Assuming that as per complaint dated 15.04.2025 the incident has taken place on 15.04.2025 but she has given complaint only on 03.05.2025 after 7 days. The complainant did not explain the delay. Thus, it is clear that complaint dated 15.04.2025 is an after thought. Although complaint dated 15.04.2025 is prepared on the said date but it was given to the police only on 03.05.2025. Thus, there is a delay of 17 days in giving the complaint to the police. Vague allegations of assault without medical evidence are made by the complainant in complaint dated 15.04.2025. Thus, complaint dated 15.04.2025 is given by the complainant only to harass the accused persons.

8. Apart from it, it is alleged in complaint dated 15.04.2025 that the accused persons have also assaulted the parents of the complainant but said allegation is not supported by medical evidence. As per complaint dated 15.04.2025, really the accused persons have assaulted the parents and uncle of the complainant as alleged there in, they must have taken treatment at the nearest hospital. Unfortunatily there is no medical evidence to this effect. The allegations shown in complaint dated 15.04.2025 are vague and leads to doubt in the mind of this court as complainant is presented with the Balaganur police after gaps of 17 days. Thus, it is fit case to pass an order to discharge the accused persons. This fact assumes significants as, her own complaint dated 15.04.2025 indicates that she has been residing with her parents for last 14 years. She was never residing with her husband and in-laws who are accused herein. When she has been residing with her parents at her native place where is the question of giving ill-treating by the accused

persons by assaulting her. Since, accused No.2 and 3 are non other than in-laws of the complainant, it appears to this court that complaint dated 15.04.2025 is given only to harass the accused persons.

9. Therefore in the absence of medical certificate and wound certificate self serving allegations of the complainant that the accused have assaulted the complainant cannot be considered. Assuming that she did not visit nearest Primary Health Center, at-least she must have visited a private hospital for the injuries caused by the accused . Therefore without medical evidence and without documentary evidence self serving statement of the complainant that the accused have assaulted the complainant cannot be accepted. Therefore, such Vegue and omini bus allegations are leveled by the complainant against the accused saying that the accused have assaulted the complainant cannot be accepted. Moreover, accused No.1 is a in Indian Army. He is a Para Military Personnel posted near India – China border when he came, when he demanded dowry are not specifically shown in complaint.

10. As discussed above Therefore in the absence of medical certificate and wound certificate self serving allegations of the complainant that the accused have assaulted the complainant cannot be considered. Hence, it is a fit case to discharge the accused No.2 and 3. With these observations, Point No-1 is answered in the Affirmative.

24. **Point No-2**: In view of my finding to Point No-1 as above, the following order is passed.

ORDER

The application filed by the accused persons under Sec.250 of BNS Act 2023 is hereby allowed.

The accused No.2 and 3 are discharged from the offences punishable under Section 85, 115(2), 351(2), 352 and 3(5) of BNS Act 2023.

Senior Civil Judge & JMFC.,
Sindhanur