

KARN320016292019



**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC,
KANAKAPURA**

**Present: Sri. Suresh Annappa Savadi, B.A, L.L.B.,(Spl.)
Civil Judge & JMFC, Kanakapura**

C.C No.812/2019

Dated this the 13th day of June 2024

COMPLAINANT: Town Police Station, Kanakapura

Versus.

ACCUSED: Parashiva and others

PARTIES ON APPLICATION U/SEC.239 OF CR.PC.,

APPLICANTS:

ACCUSED No.2 to 4: Puttananjamma and others

-Versus-

OPPONENT:

COMPLAINANT Town Police Station, Kanakapura

* * * * *

ORDER ON APPLICATION U/SEC.239 OF CR.PC.,

The Accused No.2 to 4 have filed this application for their discharge.

2. In the application contended that the accused No.1 married with CW.1 namely Smt.Parvathamma at Mahadeshwara Hills on 12.11.2012. Further contended that, initially the accused No.1 taken care of the complainant, later the accused No.2 to 4 instigated the accused No.1 to give physical and mental harassment to the complainant and also instigated the accused No.1 to marry another lady. The accused No.1 on the instigation of the accused No.2 to 4 started physical and mental harassment to the complainant. On 07.02.2016 the accused No.1 was given life threat to the complainant for that the complainant lodged the complainant before the Kanakapura town police and the same was registered as Crime No.41/2016 on 04.06.2016 for the offence punishable U/s 498A, 114 and 506 r/w Sec.34 of IPC. After investigation, the police have filed the charge sheet. Under such circumstances, these accused sought for discharge on the grounds that, the accused No.1 has not married the complainant and also sought for discharge on the ground that she never stayed along with accused No.1 in the house of Bachahalli and the name of the complainant is not appearing in the election voter list, ration card, aadhar card and other documents. The three independent witnesses are the resident of Ambedkar Nagar, Kanakapura Town and the said

statements are stereo typed statements and not from the resident of Bachahalli and it creates doubt about the alleged statements. The complainant never married the accused No.1 and she was not lived with the accused No.1 and the child was not born to the accused No.1. The complainant is the unknown person to the accused No.2 to 4. The accused No.2 to 4 never seen the complainant as wife of accused No.1 at any point of time and there is no question of instigating the accused No.1 to give harassment to the complainant and the accused No.2 is staying with her daughter at Bengaluru. The accused No.1 purchased the vacant site from the complainant on 21.01.2013. Later the complainant approached the accused No.1 for return of vacant site, when the accused No.1 refused to return the site the complainant created the story and filed this false complaint. With these set of contentions the accused prays to discharge the accused.

3. On the other hand, the learned APP filed objections and denied the grounds urged in the application and also relied the decision of the Apex court and prays to reject the application.

4. Heard both the sides.

5. The points for my consideration are:

1. Whether the accused No.2 to 4 are entitled for discharge as prayed in the application filed U/s 239 of Cr.P.C.?
2. What Order?

6. My answers to the above points are :

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

:: R E A S O N S ::

7. **Point No.1:** After going through the material available on record, the P.S.I., Kanakapura Town P.S filed the final report about the commission of offence by the accused No.1 to 4. On the strength of the complaint filed by the CW.1 by name Parvathamma who is the wife of the accused No.1. As per the accused in the application urged several grounds to discharge the accused No.2 to 4. After going through the said contention it requires full fledged trial to decide the questions raised by the accused in the grounds of discharge. Now the case is posted for framing of charge and as per the charge sheet

material there is a prima-facie material about the commission of offence by the accused No.1 to 4. The contention taken by the accused No.2 to 4 are requires full fledged trial and at this stage the same cannot be considered for the grounds to discharge the accused No.2 to 4. Hence, considering the entire material, this court is of the opinion that, the accused No.2 to 4 failed to show the sufficient grounds to discharge the accused. Hence this court answered the point No.1 in the **Negative**.

8. **Point No.2** For the reasons stated in the point No.1, this Court proceed to pass the following;

:: O R D E R ::

The application
U/Sec.239 of Cr.P.C., filed by
the Accused No.2 to 4 is
hereby rejected.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced by me in the open Court on this the **13th day of June 2024**)

**Prl. Civil Judge and J.M.F.C.,
Kanakapura.**