



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
TIPTUR.**

Dated this the 01st day of JULY-2026

PRESENT:

**Sri. VARADARAJ.B.,B.Sc, L.L.B., M.L.,
Senior Civil Judge & JMFC
Tiptur.**

C.C. No.706/2023

Complainant: State by Tiptur Town police.

(By learned APP.)

V/s

- Accused: 1. Umesh.V S/o
Late Veerabhadraiah,
Aged about 56 years,
R/o.Kanchaghatta,
Tiptur Town.
2. Susheelamma D/o
Late Veerabhadraiah,
Aged about 70 years,
R/o.Kanchaghatta,
Tiptur Town.
3. Rudresh S/o
Late Veerabhadraiah,



Aged about 50 years,
R/o.Kanchaghatta,
Tiptur Town.

4. Shivamma,
Aged about 45 years,
R/o.Kanchaghatta,
Tiptur Town.

(A1 to 4 By Sri.C.V., Advocate)

Date of occurrence of offence : 08.12.2008

Date of report of offence : 28.06.2023

Name of the complainant : Nagarathna.N.A

Date of commencement of
recording evidence : 03.06.2025

Date of closing of recording
of evidence : 05.11.2025

Nature of the offence : Punishable U/Sec.3, 4,
6(1)(b)D.P.Act and
498(a), 506 r/w.sec.34 of I.P.C.

Opinion of the Judge : Accused not found
guilty.



J U D G M E N T

The Police Inspector of Tiptur Town Police Station has submitted this charge sheet against the accused persons alleging that, the accused persons have committed the offences punishable under section U/Sec.3, 4, 6(1)(b) D.P Act and 498(a), 506 r/w.sec.34 of I.P.C.

2. The gist of the prosecution case is as follows:

That on 08.12.2008 the complainant of this case Smt. Nagarathna.N.A was married to accused No.1 and at the time of the marriage, as per the demand of all the accused persons, the father of the complainant had given ₹1,00,000 and other golden ornaments to the accused No.1 as dowry and after the marriage complainant and accused persons were residing in the



house built in the land belonging to accused No.2. After the marriage, the accused persons started harassing the complainant stating that she was unable to begotten children and continuously they started torturing her. They also tortured her to bring dowry of 25 lakhs, and when Panchayathdars went for conciliation, they threatened complainant to do away with her life, Thereby, the accused persons have committed the offences as alleged against them.

3. Hence, the complainant lodged the complaint to the Tiptur Town police station. Thereafter, the Tiptur Town police registered the case, visited the spot, drawn the mahazar, recorded the statements of the witnesses, procured the marriage photograph. Accused no 1 was arrested and produced before the magistrate at 11.30



Pm at home office and he was immediately released as the police did not comply the guidelines of Hon'ble Supreme court. The accused no 2 to 4 were granted anticipatory bail by the Hon'ble sessions court. After completion of the investigation, the I.O. has filed the charge sheet against the accused persons.

4. After receiving the charge sheet, Court has taken cognizance of the offences against the accused persons and has issued summons to the accused persons. The accused persons appeared before the court through their counsel and produced the copy of the anticipatory bail and there after they were enlarged on bail. The copies of the prosecution papers were furnished under Sec.207 of Cr.P.C. Thereafter heard both the prosecution and the accused. The charge against the



accused persons was framed for the offences punishable under U/Sec.3, 4, 6(1)(b) D.P Act and 498(a), 506 r/w.sec.34 of I.P.C., read over and explained to them. Accused persons pleaded not guilty and claimed to be tried. Hence the matter was posted for evidence of the prosecution.

5. To substantiate the case of the prosecution, the prosecution has examined 8 witness as P.W.1 to 8 and got exhibited 23 documents as Ex.P1 to P23. The statement of the accused persons under sec.313 of Cr.P.C. was recorded. The accused persons denied all the incriminating evidence against them but submitted no defense evidence.

6. I have heard the arguments of the learned Assistant Public Prosecutor and the learned counsel for accused



and perused the materials available on record. Learned counsel for the accused has relied on a citation.

7. The points that arise for my consideration are:

1. Whether the prosecution proves its case beyond all reasonable doubt that, the marriage between CW-1 and the accused No-1 was solemnized on 08.12.2008 and at that time ₹1,00,000 and other golden ornaments were given to the accused No.1 as dowry and thereby accused committed offence punishable U/section 3,4 and 6(1) of D.P.Act?

2. Whether the prosecution further proves its case beyond all reasonable doubt that, the accused persons was residing in the house built in the land belonging to accused No.2 and after the marriage, the accused persons started



harassing the CW-1 stating that she was unable to procure children and continuously they started torturing her and accused persons were harassing the CW-1 to bring additional dowry of Rs.25 lakhs subjecting her to mental and physical cruelty and thereby accused persons committed offense punishable U/section 498(A) of IPC ?

3. Whether the prosecution further proves its case beyond all reasonable doubt that, on the above said date, time and place accused persons gave threat to the life of CW-1 and thereby accused persons committed offense punishable U/sections 506 R/W 34 of I.P.C.?

4.What order?



8. My findings on the above points are as follows:

Point No.1 to 3: In the Negative.

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

REASONS

9. Point No.1 to 3: Since these points are interlinked With each other and required similar type of appreciation of evidence, I proceed to discuss all the points together to avoid repetition.

10. To substantiate their case, the prosecution has examined as many as 8 witnesses and also got marked 23 documents from Ex.P1 to Ex.P23. Complaint Nagarathna is examined before the court as PW-1. PW-2 and PW-3 were stated to be the eye witnesses to the rift between complainant and accused No.1. PW-4 is none other than the elder brother of the complainant who has



deposed regarding the case filed by his sister. The PW-5 and PW-6 are the mahazar witnesses who are stated to be present at the time of mahazar as pancha witnesses and assisted for the spot mahazar. The PW-7 is the police officers who received the complaint from PW-1 and thereafter PW-8 PSI has conducted the investigation.

11. Before appreciating anything else, when I go through the entire deposition of PW-1 to PW-6, it is very clear that none of them have deposed anything against accused No.2 to 4. PW 2 and 3 who are stated to be the neighbors of complainant's house depose regarding oral rifts between complainant PW-1 and the accused. But they have not stated anything against accused No.2 to 4. PW-1 and PW-4, who are the siblings, has reiterated



their allegations made against the accused persons in toto. They were thoroughly cross examined by Learned counsel for the accused. What requires to be appreciated in their cross examination in the first instance is that both of them have admitted that they are BPL card holders i.e. they are under the poverty line but still they claim that they have paid gold and money at the time of the marriage to the accused no 1. Even though both PW-1 and PW-4 claims that certain golden articles were given at the time of the marriage as dowry in demand by accused No.1 to 4 not even a photographs is produced before the court or any documents to show that such ornaments would have been given by them to the accused No.1 at the time of the marriage. It is also worth mentioning that in their deposition, during the course of cross examination by the learned counsel for



the accused, it is made clear that as a customary practice, they have given cloth and other ornaments to the bride and bridegroom at the time of the marriage and apart from that not even a piece of paper is produced before the court to show that there was any money or articles given at the time of marriage.

12. On appreciating the evidence of PW-2 and PW-3 who are stated to be the neighbors of accused No.1 and the complainant, they speak about oral rifts what they have heard between the husband and wife. It is suggested to both the witnesses that it is not unnatural for the husband and wife to have oral rifts and as such, they have also deposed that they have not seen any physical assault made by accused No.1 against the complainant. Now going to the evidence of PW-5 and



PW-6 mahazar witnesses, admittedly they are not localities. In the cross-examination both of them have admitted that they hail from Hassan district. This fact acquires significance for those reasons which will be discussed by me in the later stage of my discussion.

13. After analyzing the evidence of all the witnesses wherein it is found that all the witnesses either have supported the prosecution in toto or they have supported the version of the complainant to some extent. Now I have gone to the documents very meticulously. One particular point is stressed upon by the learned counsel for the accused at the time of the arguments. It is the date of the complainant, the earlier NCR registered with police, the date of mahazar and other proceedings and investigation in this case. In view



of the strong arguments canvased by the learned counsel for the accused regarding lacuna's and high handedness of the police, I have meticulously analyzed the documents. On analyzing the documents, very interestingly Ex.P1 complaint which is received from complainant was made on 28.06.2023 at 05.00 p.m. The very next document that is Ex.P2 is the panchanama which shows that panchanama was done on the same day itself between 5.45 PM to 6.30PM. Thereafter, when I go to further, document Ex.P5 is the notice issued to the complainant which is also again on the same date calling upon the complaint to produce all the documents. The Ex.P6 is the answer with documents given by complainant on 3.7.2023. Further when I go through Ex.P21 it is the authorization given by Police Inspector to PW-8 PSI to conduct the



investigation in this case on the same day and EX.P 22 is the letter written by the PSI to the SP seeking his permission to arrest the accused person on the same day and as per Ex.P23 permission was granted by the superintendent of police to arrest accused No.1 to 4 on the same day. It would go with out saying that the hurry to conduct the investigation and the arrest of the accused particularly in this type of matrimonial case will not repose confidence in the system but create doubt in their intention more particularly with respect to the nature of this case and also the dictum of the superior courts. Admittedly, the complainant appeared before the police in the evening at 05.00 p.m. and gave the first information. Very interestingly immediately the police have visited this spot, conducted the mahazar in the presence of the panch witnesses who are not



localities, obtained permission from SP, proceeded to arrest accused No.1 who appeared before the police on the notice for conciliation and produced him before the magistrate. This is highly improbable and unknown. This case pertains to a family dispute. The Hon'ble Supreme Court has very clearly narrated what are the procedures to be adopted when a case under Section 498A of IPC is registered and how it has to be dealt with. The Hon'ble Supreme Court has time and again desisted the police from arresting the husband and his relatives without their being any proper and unavoidable reasons. The **Hon'ble Supreme court** in the case between **Rajesh sharma and others V/s state of UP** has framed guidelines and put an end to the automatic arrest of men and their family members



under sec 498A of IPC. The Judgment was aimed at curbing the misuse of dowry harassment law.

14. During the course of the cross-examination of PW-8 PSI, she has admitted that she is aware of the fact that whenever a case of this nature is received she has to refer the same to the CDPO for conciliation. But, she says that, Since earlier there was an NCR against the accused No.1 she proceeded to arrest accused No.1. This deposition of PW-8 cannot be accepted at all. On going through the documents Ex.P10 and 11 It is very clear that in the year 2014 there was rift between complainant and the accused No1. The matter went to the police station and ended up in compromise where the accused No.1 accepted to arrange for a separate residence. That means to the difference between



husband and wife about 10 years back from the present incidence which is not continued is not a basis for the police to make arrest of the accused in this case. The said NCR was closed then and there itself. The allegation at present is that the accused No.1 has harassed the complainant stating that she could not have procured children. At this point of time it would be appropriate to state that the learned counsel for the accused during the course of cross examination of PW1 he has confronted the photo album got it marked as DW-1 where the PW1 and the accused No.1 have participated in a religious program which is not too old. That means to say with out investigating the matter on all fecets, the police have hastily proceeded to arrest accused No.1 and the reasons assigned by them is not at all prudent. Not only this, very conveniently the



police have not followed the procedure contemplated by the **Hon'ble Supreme Court of India in Arneesh Kumar case.** This also goes against the investigation of the police. The police could have very well obtained the local witness as panchas instead of calling two persons who are not the residents of the locality in which complainant and accused No.1 were residing. Not only this the police have also not bothered to obtain any of the documents which would support the case of the complainant with respect to giving dowry.

15. The hasty approach of the police in conducting the investigation wherein within no time after receipt of the complaint proceeding to the place of alleged occurrence and thereafter conducting the investigation, obtaining the permission from the superior officials, altogether



appears to be very surprising and appears to be a cooked-up story for the purpose of framing accused No.1. The approach of the police Sub inspector in arresting accused No.1 who appeared in the police station for conciliation only shows her misuse of power and certainly it is against the dictum of the Honble Supreme court In the case between **Arneesh Kumar V/s State of Bihar reported in 2014 (8)SCC 273** where the supreme court desisted the police from arresting the accused straight away without giving notice in those case which are punishable less than 7 years and without stating the reasons for such arrest. It is found from the order sheet that when the accused was produced before my learned predecessor, citing non compliance of supreme court guidelines, my



learned predecessor immediately released the accused with out bail application. In view of these facts the PSI who flouted the guidelines of the Hon'ble Supreme court intentionally ,has to be made liable for her act and the copy of this judgment has to be sent to the IGP central range for further action in accordance with criminal rules of practice.

16. Under such circumstances, absolutely the prosecution has failed to prove the guilt of the accused persons and there is no reason whatsoever to appreciate the evidence given by the witnesses in support of the prosecution. The entire investigation done by the police creates a doubt about their intention and the entire story put forth by them has become feeble. When these being the facts, I am of the opinion



that in total the prosecution has failed to bring home the guilt of the accused persons beyond all reasonable doubt. In view of the same, **I hold point No.1 to 3 in the Negative**

17. Point No.4: In view of the above findings and discussions, I proceed to pass the following;

ORDER

The Accused persons are found not guilty of the offences punishable under section 3, 4, 6(1)(b) D.P Act and 498(a), 506 r/w.sec.34 of I.P.C.

Acting under section 248(1) of Code of Criminal Procedure the accused persons are hereby acquitted for the offences punishable under section 3, 4, 6(1)(b) D.P Act and 498(a), 506 r/w.sec.34 of I.P.C.



Bail bonds of accused persons and surety shall stand canceled.

Further acting under chapter X rule 6 of criminal rules of practice, Office is directed to send the copy of this judgment to the IGP, Central range for his perusal and further action.

(Dictated to the stenographer, transcribed by him, corrected and then pronounced by me in the open court on this the 1st day of July 2026.)

Sd/-

(Varadaraj .B)
Senior Civil Judge & JMFC.,
Tiptur.
ANNEXURE

1.List of witnesses examined on behalf of prosecution:

PW.1 : Nagarathana.N.A

PW.2 : Tejashwini



PW.3 : Shanthamma
PW.4 : Nagabhushan
PW.5 : Manjappa
PW.6 : S.Siddarameshwar
PW.7 : Shameen.K
PW.8 : Dakshayani

2.List of witnesses examined on behalf of accused :

- Nil-

3.List of documents exhibited on behalf of prosecution:

Ex.P1 : Complaint
Ex.P1(a) : Signature of PW-1
Ex.P1(b) : Signature of PW-8
Ex.P2 : Mahazar
Ex.P2(a) : Signature of PW-1
Ex.P2(b) : Signature of PW-5



Ex.P2(c) : Signature of PW-8

Ex.P.3 & 4 : Photos

Ex.P.5 : U/s.91 of Cr.P.C notice

Ex.P5(a) : Signature of PW-1

Ex.P6 : Reply to public notice

Ex.P6(a) : Signature of PW-1

Ex.P6(b) : Signature of PW-6

Ex.P7 : Wedding card

Ex.P8 & 9 : Marriage Photos

Ex.P10 : Endorsement

Ex.P11 : NC

Ex.P12 : Statement of PW-2

Ex.P13 : Report

Ex.P13(a) : Signature of PW-6

Ex.P13(b) : Signature of CW-13

Ex.P14 : Notice



- Ex.P15 : Reply to letter
- Ex.P15(a) : Signature of PW-6
- Ex.P15(b) : Signature of CW-1
- Ex.P16 : RTC
- Ex.P16(a) : Signature of PW-6
- Ex.P17 : CD
- Ex.P17(a) : Signature
- Ex.P18 : U/s.65(B) of certificate
- Ex.P18(a) : Signature of PW-6
- Ex.P19 : Report
- Ex.P19(a) : Signature of PW-6
- Ex.P19(b) : Signature of CW-13
- Ex.P20 : FIR
- Ex.P20(a) : Signature of PW-8
- Ex.P21 : Memorandum
- Ex.P22 : Letter to SP



Ex.P22(a) : Signature of PW-8

Ex.P23 : Memorandum

Ex.P23(a) : Signature of PW-8

4. List of documents exhibited on behalf of accused:

Ex.D1 : Photo album

5. Materials marked for the prosecution:

NIL

Sd/-
Senior Civil Judge & JMFC.,
Tiptur.