



**IN THE COURT OF THE II ADDITIONAL SENIOR
CIVIL JUDGE AND J.M.F.C., TUMAKURU**

Present:Sri. SHANKAR K.M. B.A.L. LL.B.,
II Addl Senior Civil Judge & J.M.F.C.,
Tumakuru.

Dated, this the 14th day of July, 2026

C.C. No. 250/2024

Complainant: State by the Women Police Station,
Tumakuru.

(By the Learned Asst. Public Prosecutor)

V/s

- Accused Persons:1. Vinayaka Swamy.H.P.
S/o Prakash.S.
Aged about 29 years,
Employed in private firms,
R/o Shivapura Hagaluvadi Hobali,
Gubbi Taluk, Tumakuru.
2. Leelavathi,
W/o Prakash.S.,
Aged about 50 years,

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Housewife, R/o Shivapura
Hagaluvadi Hobali, Gubbi Taluk,
Tumakuru.

3. Prakash.S.
S/o late Siddalingappa,
Aged about 62 years, Farmer,
R/o Shivapura Hagaluvadi Hobali,
Gubbi Taluk, Tumakuru.

A1 to 3 By Sri. S.G., Advocate)

JUDGMENT

The Police Inspector of the Women Police Station, Tumakuru, has submitted a charge sheet against the accused persons for the offences punishable under sections 498A, 323, 324, 504, 506 r/w 34 of the Indian Penal Code and under Section 3 and 4 of the Dowry Prohibition Act, 1961.

2. Brief facts of the case of the prosecution are that, on 06.05.2022, the marriage of the CW.1 was performed with the accused No.1 at Veerashiva Kalyana Mantapa,

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Tumakuru, by the parents of the CW.1 and at the time of the marriage, her parents gave Rs.6,00,000/-, 50 grams of gold bracelet, 12 grams of gold ring and one KG of silver plate to the accused No.1 as a dowry and also given the CW.1 10 grams of ear studs, 32 grams of necklace and 30 grams of gold bangles and performed the marriage by incurring expenses for the same. After the marriage, the CW.1 was residing with the accused No.1 in his house situated at opposite to SSIT, Maraluru, Tumakuru, and for one month, they led happy married life and thereafter, the accused No.1 started demanding the CW.1 to bring dowry from her parents to buy a site in his name to run a PG and her father gave a sum of Rs.5,00,000/- to the accused No.1 and after some days, he gave Rs.6,00,000/- to the accused No.1 as a dowry and further, the accused No.1 demanded the CW.1 to bring

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Rs.2,50,000/- as a dowry when she was pregnant saying that if that amount is brought, she will be given treatment in the hospital, if not, she has to undergo abortion and abused her in filthy language and assaulted on her cheek saying that she has to bring an additional dowry. If she did not do so, she will not be allowed to the house and she will be killed and accordingly, threatened her with death alarm. On 04.05.2024, at 05.00 P.M., the accused No.1 harassed the CW.1 demanding her to bring Rs.50,00,000/- from her parents to buy a site and harassed her physically and mentally. When she told him that her parents do not have money, he assaulted her by means of a bottle and by throwing a chair towards her and caused a simple blood injury to her. Having a common intention, the accused No.2 and 3 demanded the CW.1 to bring an additional dowry of Rs.20,00,000/-

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and harassed her mentally and physically. Further, they have instigated the accused No.1 to do the above acts and all of them have abused the CW.1 in filthy language and harassed her mentally and physically and accordingly, the accused persons have committed the above referred offenses.

3. Based on the first information statement of the CW.1, the concerned police have registered a crime against the accused persons for the above referred offences and submitted a FIR and after completion of the investigation, they have filed a charge sheet against the accused persons for the said offences. After receipt of the charge sheet, cognizance was taken for the above referred offences and this case was registered against the accused persons as there were grounds to proceed against them. They appeared and were enlarged on the

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bail and were supplied the copy of charge sheet. As there were sufficient grounds to frame charge against the accused persons for the said offences, the charge was read over and explained to them in the language known to them and have pleaded not guilty and claimed to be tried.

4. In order to prove the case of the prosecution, it has examined three witnesses as PW.1 to 3 and got marked a wound certificate, first information statement, spot mahazar, marriage invitation card, 7 bills, further statement of PW.1, statements of PW.2 and 3 as Ex.P1 to P.14. PW.1 to 3 are the material witnesses in the case. During chief examination, the PW.1 has supported the case of the prosecution in her chief examination but during her cross examination by the accused persons, she has utterly turned hostile to the case of the

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prosecution and the PW.2 and 3 have also turned hostile to the case of the prosecution. Therefore, rest of the witnesses have not been examined as no purpose would be served in examining them. No incriminating circumstances were appeared against the accused persons in the evidence of the prosecution. As such, their examination U/S 313 of Cr.P.C., has been dispensed with.

5. I have heard the learned APP and learned counsel for the accused persons and perused the materials available on record.

6. Points that arise for determination of this court are:

1. Whether the prosecution proves beyond all reasonable doubt that, on 06.05.2022, the marriage of the CW.1 was performed with the accused No.1 at Veerashiva Kalyana

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Mantapa, Tumakuru, by the parents of the CW.1 and at the time of the marriage, her parents gave Rs.6,00,000/-, 50 grams of gold bracelet, 12 grams of gold ring and one KG of silver plate to the accused No.1 as a dowry and also given the CW.1 10 grams of ear studs, 32 grams of necklace and 30 grams of gold bangles and performed the marriage by incurring expenses for the same and after the marriage, the CW.1 was residing with the accused No.1 in his house situated at opposite to SSIT, Maraluru, Tumakuru, and for one month, they led happy married life and thereafter, having a common intention the accused No.1 started demanding the CW.1 to bring dowry from her parents to buy a site in his name to run a PG and harassed her physically and mentally and thereby, the accused persons have committed the

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offence punishable U/S.498A r/w 34 of IPC?

2. Whether the prosecution proves beyond all reasonable doubt that after the marriage of the CW.1 with the accused No.1 and while she was residing with the accused No.1 in the matrimonial home, having a common intention, the accused No.1 assaulted on the cheek of the CW.1 saying that she has to bring an additional dowry and if she did not do so, she will not be allowed to the house and thereby, the accused persons have committed an offence punishable U/S.323 r/w 34 of IPC?
3. Whether the prosecution proves beyond all reasonable doubt that on 04.05.2024, at 05.00 P.M., the accused No.1 harassed the CW.1 demanding her to bring Rs.50,00,000/- from her parents to buy a site and harassed her physically and mentally and when she told him that her

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parents do not have money, having a common intention he assaulted her by means of a bottle and by throwing a chair towards her and caused a simple blood injury to her and thereby, the accused persons have committed an offence punishable U/S.324 r/w 34 of IPC?

4. Whether the prosecution proves beyond all reasonable doubt that after the marriage of the CW.1 with the accused No.1 and while she was residing with the accused No.1 in the matrimonial home and on 04.05.2024, at 05.00 P.M., having a common intention, all the accused persons abused the CW.1 in filthy language and thereby, the accused persons have committed an offence punishable U/S.504 r/w 34 of IPC?

5. Whether the prosecution proves beyond all reasonable doubt that after marriage,

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when the CW.1 was residing along with her husband, having a common intention the accused persons demanded the CW.1 to bring an additional dowry from her parents to purchase a site to run PG and if she did not do so, she will not be allowed to the house and she will be killed and thereby, the accused persons have committed an offences punishable U/Sec.506 r/w 34 of IPC?

6. Whether the prosecution proves beyond all reasonable doubt that the accused persons though received dowry at the time of marriage and and also received Rs.5,00,000/- and Rs.6,00,000/- from the father of the CW.1 to purchase a site to run PG in the same, inspite of it, having a common intention all the accused persons harassed the CW.1 mentally and physically when she was residing along with them and demanded her to bring additional

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dowry of Rs.2,50,000/- when she was pregnant saying that if that amount is brought, she will be given treatment in the hospital, if not, she has to undergo abortion and on 04.05.2024, at 05.00 P.M., the accused No.1 harassed the CW.1 demanding her to bring Rs.50,00,000/- from her parents to buy a site and the accused No.2 and 3 demanded the CW.1 to bring an additional dowry of Rs.20,00,000/- from her parents and harassed her mentally and physically and thereby, the accused persons have committed the offences punishable U/S. 3 and 4 of the D.P. Act?

7. What order?

7. Findings of this court on the above points are as under:

Point No.1 : in the negative

Point No.2 : in the negative

Point No.3 : in the negative

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Point No.4 : in the negative

Point No.5 : in the negative

Point No.6 : in the negative

Point No.7 : as per the final order
for the following:

REASONS

8. Points No.1 to 6: these points are taken up together for a common discussion in order to avoid repetition in discussion.

9. According to the prosecution, on 06.05.2022, the marriage of the CW.1 was performed with the accused No.1 at Veerashiva Kalyana Mantapa, Tumakuru, by the parents of the CW.1 and at the time of the marriage, her parents gave Rs.6,00,000/-, 50 grams of gold bracelet, 12 grams of gold ring and one KG of silver plate to the accused No.1 as a dowry and also given the CW.1 10 grams of ear studs, 32 grams of necklace and 30

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grams of gold bangles and performed the marriage by incurring expenses for the same. After the marriage, the CW.1 was residing with the accused No.1 in his house situated at opposite to SSIT, Maraluru, Tumakuru, and for one month, they led happy married life and thereafter, the accused No.1 started demanding the CW.1 to bring dowry from her parents to buy a site in his name to run a PG and her father gave a sum of Rs.5,00,000/- to the accused No.1 and after some days, he gave Rs.6,00,000/- to the accused No.1 as a dowry and further, the accused No.1 demanded the CW.1 to bring Rs.2,50,000/- as a dowry when she was pregnant saying that if that amount is brought, she will be given treatment in the hospital, if not, she has to undergo abortion and abused her in filthy language and assaulted on her cheek saying that she has to bring an additional

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dowry. If she did not do so, she will not be allowed to the house and she will be killed and accordingly, threatened her with death alarm. On 04.05.2024, at 05.00 P.M., the accused No.1 harassed the CW.1 demanding her to bring Rs.50,00,000/- from her parents to buy a site and harassed her physically and mentally. When she told him that her parents do not have money, he assaulted her by means of a bottle and by throwing a chair towards her and caused a simple blood injury to her. Having a common intention, the accused No.2 and 3 demanded the CW.1 to bring an additional dowry of Rs.20,00,000/- and harassed her mentally and physically. Further, they have instigated the accused No.1 to do the above acts and all of them have abused the CW.1 in filthy language and harassed her mentally and physically. In order to

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prove the above allegations the prosecution has relied upon the evidence of the PW.1 to 3 and the Ex.P1 to 14.

10. PW.1 to 3 are the material witnesses in the case. During chief examination, the PW.1 has supported the case of the prosecution but during her cross examination by the accused persons, she has utterly turned hostile to the case of the prosecution and deposed contrary to the case of the prosecution, and the PW.2 and 3 have also deposed contrary to the case of the prosecution, and nothing was elicited in their cross examination by the prosecution in support of it's case and hence, there is nothing to rely on the evidence of the PW.1 to 3 and accordingly, the guilt against the accused persons for the alleged offences is not proved beyond reasonable doubt with cogent and convincing evidence

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and therefore, the benefit of doubt has to be extended to the accused persons and accordingly, the point No.1 to 6 are answered in the negative.

11. Point No.7: in view of the findings arrived on the above points, I proceed to pass the following:

O R D E R

Acting under Section 248(1) of the Code of Criminal Procedure, accused persons are acquitted of the offences punishable under sections 498A, 323, 324, 504, 506 r/w 34 of the Indian Penal Code and under Section 3 and 4 of the Dowry Prohibition Act, 1961.

Bail bond of accused persons and their surety shall be in force for a period of six months.

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Office shall consign the record
to the CRR as per the Rules.

(Dictated to the stenographer directly on
computer. Typed by her, corrected, signed and
then pronounced by me in the open court on this
the 14th day of July, 2026)

(SHANKAR K.M.)
II Addl., Senior Civil Judge & J.M.F.C.,
Tumakuru.

A N N E X U R E

List of Witness examined for prosecution:

PW.1 : Roopa T.P.
PW.2 : Palakshaiah
PW.3 : Vinaykumar

List of documents marked for prosecution;

Ex.P.1 : Wound Certificate
Ex.P.2 : First Information Statement
Ex.P.2(a) : Signature of PW.1
Ex.P.3 : Spot Mahazar
Ex.P.3(a) : Signature of PW.1

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Ex.P.4 : Marriage Invitation Card

Ex.P.5-11 : 7 Bills

Ex.P.12 : Further statement of PW.1

Ex.P.13 : Statement of PW.2

Ex.P.14 : Statement of PW.3

List of Witnesses examined for Accused:

None

List of Documents marked for accused:

Nil

List of material objects marked for prosecution:

Nil

(SHANKAR K.M.)

II Addl. Senior Civil Judge & J.M.F.C.,
Tumakuru.