



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 257 OF 2019

BETWEEN:

SRI. SUNIL SAVADI
S/O MOHAN SAVADI
AGED 40 YEARS,
R/O B1, 504, ELITA PROMENADE,
J.P. NAGAR, 7TH PHASE, BANGALORE SOUTH,
BANGALORE-560078

...PETITIONER

(BY SMT.POOJA KATTIMANI, ADVOCATE FOR
SRI.DINESH KUMAR K.RAO, ADVOCATE)

AND:

1. STATE BY THE STATION HOUSE OFFICER,
PUTENNAHALLI POLICE STATION
PUTENAHALLI, J.P. NAGAR,
BANGALORE-78.
2. PREETHI SAVADI,
AGED 34 YEARS,
W/O SUNIL SAVADI
R/O B1, 504, ELITA PROMENADE
J.P.NAGAR, 7TH PHASE, BANGALORE SOUTH,
BANGALORE-560078

...RESPONDENTS

(BY SRI. MOHAL AYUB ALI, ADDITIONAL
STATE PUBLIC PROSECUTOR FOR R1;
SMT.H.M.BHANU, ADVOCATE FOR R2)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, 1973 BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO QUASH THE CHARGE SHEET/FIR (CRIME NO.405/2017) DATED 19.11.2017 AND ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.8459/2018, UNDER SECTIONS 498A AND 504 OF IPC, BEFORE THE HON'BLE 44TH ACMM AT BANGALORE, KARNATAKA AND ALL FURTHER PROCEEDINGS CONCERNING AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has challenged the prosecution launched against him in C.C.No.8459/2018 for the offences punishable under Sections 498A and 504 of the Indian Penal Code, 1860 (henceforth referred to as 'IPC') pending trial before the XLIV Additional Chief Metropolitan Magistrate, Bangalore and also to quash the non-bailable warrant (henceforth referred to as 'NBW') dated 10.09.2018 issued by the XLIV Additional Chief Metropolitan Magistrate, Bangalore and the consequent proclamation and attachment warrant issued against him on 05.12.2018.



2. (i) The respondent No.2 informed the respondent No.1 on 19.11.2017 that the petitioner being her husband used to mentally harass her by underestimating her looks and also for being overweight. She alleged that the petitioner used to always raise an issue for not generating any income for the family and not being supportive. She alleged that the petitioner who was working in the USA, returned to India on 20.09.2017 without any intimation to her. She alleged that he quarrelled with her, claiming that the house where she lived and everything else in the house belonged to him.

(ii) She alleged that he abused her in filthy language and harassed her for enjoying his earnings. She claimed that the quarrel went beyond control and she was so upset that she couldn't digest his abuses. She alleged that the petitioner used to snatch her mobile phone and forcibly change the password of her e-mail, bank accounts etc. so that she does not get help or any kind of support from friends and relatives.

(iii) She alleged that on 25.09.2017, he pushed her out of the house and did not allow her to take her basic things and also refused to send her son along with her. She claimed that



she sought shelter with a friend and despite several requests, the petitioner did not return the phone and did not disclose the password that was changed, also the personal belongings and the passport etc. She claimed that the petitioner left to United States along with her son without her notice, knowledge and consent. Based on this, the respondent No.1 registered Crime No.405/2017 for the offences punishable under Sections 498A and 504 of IPC and took up investigation.

(iv) The charge sheet was thereafter filed for the offences punishable under Sections 498A and 504 of IPC. The petitioner was released on bail but failed to appear before the Court, which compelled the Court to issue a NBW to him, following which a proclamation and attachment warrant was issued on 05.12.2018. Being aggrieved by the prosecution launched against him as well as the NBW issued against him and the proclamation and the attachment warrant, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that the information furnished by the respondent No.2 did not disclose the commission of offences punishable either under



Section 498A or under 504 of IPC. He submitted that it is the respondent No.2, who has lived in adultery with another person and that she had sent a message by WhatsApp on 09.08.2017, that she had a relationship with another person and that she cannot live in a relationship with the petitioner and that she needs a divorce. She therefore contends that the respondent No.2 is responsible for the relationship going sour and that the respondent No.2 has misused the law by lodging a false complaint against the petitioner. He also contends that the respondent No.2 has now rented out the house belonging to the petitioner and she is enjoying the rent.

4. Per contra, the learned counsel for the respondent No.2 submitted that a perusal of the information furnished by the respondent No.2 to the respondent No.1 shows that the petitioner had caused immense mental agony and cruelty to the respondent No.2. She also contends that the petitioner had taken away the son of the respondent No.2 without her consent and despite various attempts made, she could not get back her son and the petitioner did not provide access to her son, even through telephone. She therefore submits that the impugned



action initiated against the petitioner for offences punishable under Sections 498A and 504 of IPC is justified.

5. Learned Additional State Public Prosecutor representing the respondent No.1 submitted that the petitioner has failed to appear before the Court and therefore the Court was constrained to issue a non-bailable warrant and also a proclamation and attachment to the properties of the petitioner. He contends that the petitioner is bound to appear before the Court and establish his innocence.

6. I have considered the submissions of the learned counsel for the petitioner and the learned Additional State Public Prosecutor for the respondent No.1 and the learned counsel for the respondent No.2.

7. The respondent No.1 has launched prosecution against the petitioner in C.C.No.8459/2018 for offences punishable under Sections 498A and 504 of IPC. The respondent No.2, who informed the respondent No.1 on 19.11.2017, referred to incidents that happened on 20.09.2017, i.e. after nearly two months from the date of the alleged incident. She also referred to an incident on



25.09.2017, when she was thrown out of the house by the petitioner. No reason is mentioned in the information so furnished as to why and as to what prevented the respondent No.2 from lodging a complaint immediately. Be that as it may, perusal of the information furnished by the respondent No.2 before the respondent No.1 shows that this was a result of skirmishes between the petitioner and the respondent No.2. There is no allegation constituting an offence under Section 498A of IPC. There is not even a whisper that the cruelty meted out by the petitioner has forced the respondent No.2 to attempt to commit suicide and there is no averment in the information that the petitioner has made any demand for dowry or money etc. Therefore, the respondent No.1 before taking cognizance must have applied his mind to the information to find out whether a cognizable offence more particularly under Sections 498A and 504 of IPC, was made or not. A perusal of the entire charge sheet along with all materials produced therein do not show the commission of offences punishable under Sections 498A and 504 of IPC.



8. In that view of the matter, the continuation of the proceedings against the petitioner would be a perpetuation of the abuse of the process of law and hence, warrants interference. Accordingly, the following order is passed:

ORDER

- i. The petition is ***allowed***;
- ii. The impugned prosecution of the petitioner by the respondent No.1 in C.C.No.8459/2018 on the file of the XLIV Additional Chief Metropolitan Magistrate, Bangalore, for the offences punishable under Sections 498A and 504 of IPC is quashed. Consequently, the non-bailable warrant as well as the proclamation and the attachment warrant issued on 10.09.2018 and 05.12.2018, respectively, are also quashed.

**Sd/-
(R. NATARAJ)
JUDGE**