



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 7477 OF 2023 (482(Cr.PC) /
528(BNSS))

BETWEEN:

SMT ASHA GABRIEL
W/O CARMEL ISAAC
AGED ABOUT 39 YEARS
NO 8, CRISTA THE KINGS ELLAM
BAIRATHI CROSS, KOTTANUR
BANGALORE 560 077
NOW AT DUBAI
BY GPA HOLDER DANIEL B G
S/O LATE D GABRIEL
AGED ABOUT 35 YEARS,
SHARON NILAYAM, NO 1/1,
RAMACHANDRAPPA LAYOUT
EXTENSION 2
KARIYANAPALYA
ST THOMAS TOWN POST
LINGARAJAPURAM
BANGALORE 560 084.

...PETITIONER

(BY SRI. AMARESH A ANGADI, ADVOCATE)

AND:

1. STATE BY
HENNUR POLICE
BY ITS POLICE INSPECTOR
HENNUR POLICE STATION
BANGALORE CITY 560043
2. MRS. FATIMA SAMSON
W/O SAMSON
AGED ABOUT 65 YEARS
NO.24, HANUMANNA LAYOUT,





VIDYARANYAPUR
BENGALURU 560 084.

...RESPONDENTS

(BY SRI. B.N.JAGADEESH, ADDL. SPP FOR R1
SRI. SHIVAJI H MANE, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF THE CODE OF CRIMINAL
PROCEDURE, 1973 PRAYING TO QUASH THE CRIMINAL
PROCEEDINGS IN C.C.NO.53825/2019 PENDING ON THE FILE OF XI
ADDL. C.M.M., MAYO HALL, BENGALURU AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before the Court seeking the following
relief:

*"To quash the Criminal proceedings in
C.C.No.53825/2019 pending on the file of the
Hon'ble Court of XI Additional CMM Court, Mayo
Hall, Bengaluru."*

2. Learned counsel for the complainant and the
learned Additional SPP would submit that charges have been
framed and trial is in progress.

3. In the light of the charges being framed and the
trial being in progress, the petition under Section 482 of Cr.P.C.
would not be entertained in the light of the judgment of the



Hon'ble Apex Court in the case of **MINAKSHI BALA V. SUDHIR KUMAR¹**.

4. Learned counsel for the petitioner submits that the petitioner/accused No.2 is residing in Dubai and she may not be able to come and attend the trial.

5. That would not mean that this Court would grant exemption to a person, who is sitting abroad and not facing the trial. It is for her to file necessary application before the concerned Court and the concerned Court to consider the same in accordance with law.

6. With the aforesaid observations, the petition stands disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

PMR
List No.: 1 Sl No.: 271

¹ (1994) 4 SCC 142