



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100096 OF 2026
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. SMT. VANI YASHWANTH RATHOD,
AGE: 39 YEARS, OCC: HOUSEWIFE,
R/O. YALAVIGI VILLAGE,
TQ. SAVANOOR, DIST. HAVERI-581110.
2. SMT. SHOBHA
W/O. VIRUPAXAPPA RATHOD,
AGE: 38 YEARS, OCC: HOUSEWIFE,
R/O. BANJAR COLONY, DEVAGIRI,
HAVERI TQ., DIST. HAVERI-581110.
3. SRI VIRUPAXAPPA S/O. SUBBAJI,
AGE: 48 YEARS,
OCC: FRAMESETS IN GOVT HOSPITAL,
R/O. BANJAR COLONY, DEVAGIRI,
HAVERI TQ., DIST. HAVERI-581110.

...PETITIONERS

(BY SRI NEELENDRA D. GUNDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY RANEBENNUR RURAL POLICE STATION,



REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD-580001.

2. SMT. SUMALATHA
W/O. ANEEL CHOUVAN,
AGE: 28 YEARS,
OCC: HOUSEWIFE/T.R.M.,
R/O. GANGAJAL TANDA,
TQ. RANBENNUR,
DIST. HAVERI-581110. NOW RESIDING
AT R/O. YENNIKOPPA VILLAGE,
ANAVATTI HOBLI, TQ. SORABA-577429,
DIST. SHIVAMOGGA.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
SRI NAVEEN CHATRAD, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS, 2023), PRAYING TO QUASH ORDER DATED 23.12.2025 AND ALL FURTHER PROCEEDING IN C.C.NO.1023/2020 PENDING ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND JMFC RANBENNUR BEING TRIED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 323, 504, 498A R/W. 34 OF IPC AND SECTION 3 AND 4 OF DP ACT. AS AGAINST THE PETITIONERS/ ACCUSED NO.3 TO 5 AND ALLOW THE ABOVE CRIMINAL PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

The proposed accused Nos.3, 4 and 5 have filed this petition under Section 482 of Cr.P.C. with the following prayer:

"WHEREFORE, petitioner/accused 3 to 5 most respectfully prayed that, this Hon'ble Court be pleased to quash order dated 23/12/2025 and all further proceedings in C.C.No.1023/2020 pending on the file of learned Prl. Senior Civil Judge and JMFC, Ranebennur being tried for the offences punishable under Section 323, 504, 498A, r/w 34 of IPC and Section 3 and 4 of DP Act. As against the petitioners/Accused No-3 to 5 and allow the above Criminal Petition, in the interest of justice and equity."

2. It is the brief case of prosecution as per complaint averments that all the accused have committed the offence of threatening the respondent No.2 and meted out cruelty to her as a matrimonial dispute. Therefore, crime registered for the offence above stated.

3. During the course of investigation the charge sheet is filed only against the accused Nos.1 and 2 and dropped the accused Nos.3 to 5 from the charge sheet.



Thereafter, in the course of trial while the complainant who is examined as CW1 has deposed that accused Nos.3 to 5 have also committed the offence alleged. Therefore, upon application filed by the prosecution under Section 319 of Cr.P.C. the learned Magistrate has allowed the application and summoned the petitioner Nos.1 to 3 as accused to face the trial. This order is under challenge in this petition.

4. Heard Sri.Gunde Neelendra Dhanyakumar, learned counsel appearing for the petitioners, Sri.Abishek Malipatil, learned HCGP appearing for the respondent/State and Sri.Naveen Chatrad, learned counsel appearing for the respondent No.2/complainant.

5. The learned counsel for the petitioners/accused Nos.3 to 5 submitted that the entire complaint allegations are false one and none of the ingredients are attracted for the offence alleged. Furthermore upon the application filed under 319 of Cr.P.C. before adding the petitioners as accused, an opportunity of hearing ought to have been



given by the learned Magistrate, but without giving an opportunity of hearing straight away the petitioners are arraigned as accused Nos.3 to 5. Therefore, it is violation of principles of natural justice. Hence, prays to interfere with the impugned order.

6. Learned counsel for the petitioners in support of his arguments has placed reliance on the judgments of Hon'ble Supreme Court in the case of **DARA LAKSHMI NARAYANA & OTHERS v. STATE OF TELANGANA & ANOTHER¹** and the judgment of this Court in the case of **SMT. ASHA AND OTHERS v. STATE OF KARNATAKA²**.

7. On the other hand learned HCGP appearing for the respondent No.1/State and learned counsel appearing for the respondent No.2/complainant submitted that there is no necessity of issuing notice to the petitioners before making them as accused Nos.3 to 5 under section 319 of Cr.P.C. The learned counsel for the respondent

¹ (2025) 3 SCC 735

² CRIMINAL REVISION PETITION No.231/2016 dated 30.03.2016.



No.2/complainant places reliance on the judgment of Hon'ble Supreme Court in the case of **YASHODHAN SINGH AND OTHERS v. STATE OF UTTAR PRADESH AND ANOTHER³**.

8. So far as **DARALAKSHMI NARAYANA's** case is concerned it is applicability of Section 498A of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961. The learned counsel for the petitioners/accused places reliance on paragraph 31 of the said judgment, which reads as under:

*"31. Further, this Court in **Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667** held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."*

9. The facts in the above stated judgment is on the facts disputed whether the harassment by husband's close relative, who had been living in different cities and never

³ AIR 2023 SCC 3878



visited or visited the place where the complainant resided, would have an entirely different case. This can be considered only on the evidence whether the accused Nos.3, 4 and 5 are residing separately and at different places and whether they were giving harassment, are all disputed facts to be considered during the trial. But in the complaint filed by the complainant before police she has named the accused Nos.3, 4 and 5 and the investigating officer has left the accused Nos.3, 4 and 5 from the charge sheet. Therefore, the trial court has proceeded only against the accused Nos.1 and 2 named in the FIR. Thereafterwards, the learned Magistrate upon evidence of the complainant during the examination as CW1 has found there is evidence against accused Nos.3, 4 and 5 and as such summoned the petitioners and arraigned them as accused. Therefore, these are the disputed facts to be tried in trial. Due to difference in factual aspect in the above stated case and in the present case, the above stated judgment is not applicable in the present case at this stage,



as the presence of accused Nos.3, 4 and 5 is a matter for trial.

10. It is the argument canvassed by the counsel for the petitioners that before the petitioners were arraigned as accused, an opportunity of hearing ought to have been granted to them by placing reliance on the judgment of this Court in ***Crl.R.P.No.231/202016*** dated 30.03.2016 in the case of ***ASHA & ORS. v. STATE.***

11. This Court in the above said case has laid down law that before making any person as accused under Section 319 of Cr.P.C. an opportunity of being heard ought to have been granted and the learned Magistrate shall not straight away arraign the persons as accused. But the recent judgment of Hon'ble Supreme Court in ***YASHODHAN SINGH's*** case (supra) it is held that there is no necessity to issue notice to the persons to arraign them as accused before making them as accused. It is relevant to extract



principle of law laid down by the Supreme Court at paragraphs 32, 33, 34:

"32. Merely because in certain proceedings the persons summoned had been provided an opportunity of being heard cannot be the same thing as stating that it is a mandatory requirement or a pre-condition that at the time of summoning a person under Section 319 of the Cr.P.C., he should be given an opportunity of being heard. That is not the mandate of law inasmuch as Section 319 clearly uses the expression "to proceed" which means to proceed with the trial and not to jeopardise the trial at the instance of the person(s) summoned by conducting a mini trial or a trial within a trial thereby derailing the main trial of the case and particularly against the accused who are already facing trial and who may be in custody. A person who is summoned in exercise of the power under Section 319 Cr.P.C. cannot hijack the trial so to say and deviate from its focus and take it to a tangent in order to bolster his own case in a bid to escape trial. All that is contemplated when a person is summoned to appear is to ascertain that he is the very person who was summoned and if any summoned person fails to appear on the given date. On the appearance of the summoned person, no procedure of an inquiry or opportunity of being heard is envisaged before been added as an accused to the list of accused already facing trial unless such a summoned person had already been discharged, in which event, an inquiry is contemplated as discussed above. Thus, the contention that a summoned person must be given an opportunity of being heard before being added as an accused to face the trial is clearly not contemplated under Section 319 Cr.P.C. It is also observed by this Court in Hardeep Singh that such a summoned person can assail a summoning order before a superior Court and will also have the right of cross examining the witnesses as well as can let in his defence evidence, if any.

33. Thus, the lateral entry of a person summoned in exercise of power under Section 319 Cr.P.C. is only to face the trial along with other



accused. This, being a salutary provision in order to meet the ends of justice, the same cannot be diluted by importing within the scope of Section 319 Cr.P.C. principles of natural justice which in any case would be followed during the trial.

It is well settled that principles of natural justice cannot be applied in strait-jacket formula and they would depend upon the facts of each case and the object and purpose to be achieved under a provision of law.

34. In view of the aforesaid discussion, we do not think that the judgment in Jogendra Yadav calls for any re-consideration and the said observation in paragraph 9 as extracted supra is relatable only to the facts of the said case. Thus, the principle of hearing a person who is summoned cannot be read into Section 319 Cr.P.C. Such a procedure is not at all contemplated therein. In the circumstances, we do not accept the contentions of the appellants herein."

12. As per the principle of law laid down by the Hon'ble Supreme Court (supra) there is no necessity of giving an opportunity of being heard to the persons who are summoned to making them as accused. Therefore, by following the principle of law laid down, as above stated, in the present case the learned Magistrate upon considering the evidence of CW1 that she has named the petitioners in the complaint as they have also committed the offence alleged, therefore though they have been left out from the



charge sheet but as per the evidence of CW1, they have been arrayed as accused as per Section 319 of Cr.P.C. and accordingly, issuing summons to them is not found to be irregular or improper. Therefore, there is no necessity to interfere with the order passed by the learned Magistrate. Hence, the petition is liable to be dismissed. Accordingly, the petition is ***dismissed***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE