



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.102787 OF 2022
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. DINESH S/O. SUGRATH PAWAR,
AGED ABOUT 47 YEARS, OCC: PRIVATE JOB,
R/O. NO.280, 4TH CROSS, SAYYED GALLI,
NEW GANDHINAGAR, BELAGAVI-590001.
2. PRAMEELA W/O. SUGRATH PAWAR,
AGED ABOUT 67 YEARS, OCC: HOUSEHOLD,
R/O. NO.280, 4TH CROSS, SAYYED GALLI,
NEW GANDHINAGAR, BELAGAVI-590001.
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3. ALKA W/O. VICKY RANA
AGED ABOUT 49 YEARS, OCC: HOUSEHOLD,
R/O. NO.280, 4TH CROSS, SAYYED GALLI,
NEW GANDHINAGAR, BELAGAVI-590001.
4. GOURI W/O. VINAYAK PAWAR,
AGED ABOUT 39 YEARS, OCC: HOUSEHOLD,
R/O. NO.280, 4TH CROSS, SAYYED GALLI,
NEW GANDHINAGAR, BELAGAVI-590001.
5. SANGEETA W/O. MANOJ LALBEG,
AGED ABOUT 39 YEARS, OCC: PRIVATE JOB,
NOW AT: R/O. NO.280, 4TH CROSS, SAYYED GALLI,



NEW GANDHINAGAR, BELAGAVI-590001.
ALSO R/O. GOSAVI GALLI, MIRAJ.

...PETITIONERS

(BY SRI SHIVAKUMAR S. BADAWADAGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH S.P.P., HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING, DHARWAD-580008,
THROUGH WOMEN POLICE STATION,
BELAGAVI, DIST. BELAGAVI.
2. SMT. ANUJA D/O. GOVIND GIRI
W/O. DINESH PAWAR, AGE: 35 YEARS,
R/O. 3RD CROSS, GURU APARTMENT,
SWAMI VIVEKANAND COLONY,
BELAGAVI-590004.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;

* **SMT. SONU SUHEL**, ADV. FOR
SRI SHARAD V.MAGADUM, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO ALLOW THE ABOVE CRIMINAL PETITION AND FURTHER BE PLEASED TO QUASH THE PROCEEDINGS IN C.C.NO.738/2020 PENDING ON THE FILE OF 2ND JMFC COURT AT BELAGAVI REGISTERED BY THE WOMEN POLICE STATION, BELAGAVI, IN CRIME NO.50/2019 FOR THE OFFENCES PUNISHABLE U/S.323, 406, 504, 420 R/W. 34 OF IPC, IN THE INTEREST OF JUSTICE AND EQUITY.

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

* Corrected vide chamber order dated 29.04.2026

Sd/-
(HSJ)



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This criminal petition is filed by the petitioners/accused Nos.1 to 5 under Section 482 of Code of Criminal Procedure (Cr.P.C)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS), seeking to quash the proceedings initiated against the petitioners/accused Nos.1 to 5, with the following prayer:

"PRAYER

Wherefore it is humbly prayed petitioners/accused Nos.1 to 5 that this Hon'ble court be pleased to allow the above criminal petition and further be pleased to quash the proceedings in CC No.738/2020 pending on the file of 2nd JMFC Court at Belagavi registered by the Women police station Belagavi in Crime No.50/2019 for the offences punishable under section 323, 406, 504, 420 r/w 34 of IPC, in the interest of justice and equity."

2. It is the brief case of prosecution as per the FIR complaint and charge sheet materials that all the petitioners/accused Nos.1 to 5 by suppressing the fact of the first marriage of the petitioner/accused No.1 with



another, solemnized the marriage of petitioner No.1/accused No.1 with the complainant and also, after the marriage, the petitioners/accused Nos.1 to 5 were giving ill-treatment and cruelty both physically and mentally by demanding the dowry and insisting on handing over the salary; therefore, with these allegations, suppressing the fact of the 1st marriage of petitioner No.1/accused No.1, solemnized the 2nd marriage with the complainant. After marriage, the petitioners/accused Nos.1 to 5 started giving ill-treatment and cruelty both physically and mentally. With these allegations, the complaint is filed and accordingly, the crime is registered for the offences alleged as above stated.

3. Heard the arguments of learned counsel appearing on behalf of the petitioners/accused Nos.1 to 5 and learned HCGP appearing on behalf of respondent No.1/State and learned counsel appearing on behalf of respondent No.2/Complainant.



4. Learned counsel appearing on behalf of the petitioners/accused Nos.1 to 5 submitted that petitioner Nos. 3 to 5/accused Nos.3 to 5 have married and are living in their respective matrimonial home and therefore, they are not connected with this crime. Further submitted that the complainant has filed a suit for declaration to declare that the marriage between the complainant and petitioner No.1/accused No.1 is null and void by decree of void marriage and the said suit is decreed and now the marriage of the complainant and petitioner No.1 is declared as null and void; therefore, prays to quash the proceedings. Also submitted that the complainant had suppressed her first marriage and solemnized the 2nd marriage with the petitioner/accused No.1. Therefore, on all these reasons, prayed to quash the proceedings initiated against the petitioners/accused Nos.1 to 5.

5. On the other hand, learned counsel appearing on behalf of respondent No.2/complainant submitted that the



complainant had not solemnized 1st marriage with other. Further submitted that though the decree passed nullifying the marriage of the complainant with petitioner No.1, the fact of commission of offence still remains and they have cheated the complainant. Therefore, there are *prima facie* materials to proceed with the trial and charge sheet is filed in this regard. Therefore, submitted that none of the ingredients are attracted so as to invoke the provisions of Section 482 of Cr.P.C. to quash the proceedings. Hence, prays to dismiss the petition.

6. Considering the FIR, complaint and charge sheet materials, there are *prima facie* allegations made out so as to proceed with the trial. It is the case of the complainant that accused Nos.2 to 5 solemnized the 2nd marriage of the petitioner/accused No.1 with the complainant by suppressing the fact of 1st marriage of accused No.1. Therefore, in this regard, investigation is conducted and also charge sheet is filed. Hence, when this being *prima*



facie case is made out that the accused No.1 and other accused have suppressed the fact of 1st marriage of accused No.1 and have solemnized 2nd marriage with the complainant.

7. Just because the complainant has obtained the decree of declaration that the marriage between the complainant and accused No.1 is null and void and the marriage is illegal, that alone cannot be a ground to quash the proceedings. The said decree is passed because of the fact that accused No.1 had suppressed the fact of 1st marriage with other and solemnized 2nd marriage with the complainant. Therefore, under the Hindu Law, the 2nd married is illegal and accordingly decreed the suit.

8. Inevitably, the complainant is now residing separately, but the said decree passed cannot absolve the offences committed by the accused. Accused No.2 is the mother of accused No.1 and accused Nos.3 to 5 are the sisters of accused No.1 and all have common intention and



suppressed the fact that solemnization of 1st marriage of accused No.1 have solemnized the 2nd marriage with the complainant. Hence, for accused No.1, it is the second marriage and all the accused are connected to each other and without disclosing the 1st marriage of accused No.1 have solemnized the 2nd marriage with the complainant.

9. Just because even according to the learned counsel appearing on behalf of the petitioners/accused Nos.1 to 5, accused Nos.3 to 5 are residing separately, all have common intention and committed offences as alleged above. Accused Nos.3 to 5 are the sisters of accused No.1 and accused No.2 is the mother of accused Nos.1 and 3 to 5. If really, the sisters have *bona fide* intention, then they could have intimated the fact of 1st marriage of accused No.1 to the complainant, but they have not disclosed it during the 2nd marriage of accused No.1. Moreover, they actively participated in the marriage of accused No.1 with the complainant. Therefore, all these *prima facie* materials



are revealed during the course of investigation and *prima facie* case is made out so as to go to the trial.

10. Further, the petitioners/accused Nos.1 to 5 have failed to demonstrate how the petition would give effect to the Code and also how it is abuse of process of the Court and also failed to demonstrate in what way this petition is to secure the ends of justice. Hence, when the grounds are raised, the same are matters for trial and those cannot be considered in the petition filed under Section 482 of Cr.P.C. Thus, the petition is liable to be dismissed

11. Accordingly, the petition is ***dismissed***.

12. The Trial Court is directed to expedite the trial and dispose of the case as expeditiously as possible.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**