



CNR: KAHC020158532022

NC: 2026:KHC-D:10710
CRL.P No. 103405 of 2022

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 28TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE
CRIMINAL PETITION NO. 103405 OF 2022
(482(CR.PC)/528(BNSS))

BETWEEN:

SRI. JADESH S/O ERANNA HUGAR,
AGE. 40 YEARS, OCC. BUSINESS,
R/O KAMALAPUR, HOSAPETE,
NOW DIST. VIJAYANAGAR-583221.

...PETITIONER

(BY SRI. ANAND R. KOLLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD.
THROUGH KAMALAPUR POLICE STATION.
2. SMT. PAVITRA W/O JADESH HUGAR,
AGE. 24 YEARS, OCC. HOUSEHOLD WORK,
R/O KAMALAPUR, NEAR ESHWAR TEMPLE,
TQ. HOSAPETE, NOW DIST. VIJAYANAGAR-583221.

...RESPONDENTS

(BY SRI. PRAVEENA Y. DEVAREDDIYAVARA, HCGP FOR R1;
NOTICE TO R2 IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE REGISTRATION OF COMPLAINT, FIR AND CHARGE SHEET CONSEQUENTLY IN CC: 1261/2022 (CRIME NO.16/2022 REGISTERED BEFORE KAMALAPUR POLICE STATION DIST. VIJAYANAGAR), PENDING ON THE FILE OF HON'BLE PRINCIPAL CIVIL JUDGE AND JMFC, HOSAPETE FOR THE OFFENCES PUNISHABLE UNDER SECTION 323, 498A, 504 OF IPC IN THE INTEREST OF JUSTICE.

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





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CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel for the petitioner and the learned High Court Government Pleader¹ for the 1st respondent.

2. This petition is filed by accused No.1 to quash the proceedings in C.C.No.1261/2022 arising from Crime No.16/2022, registered before Kamalapura Police Station, Vijayanagara.

3. The case is pending before JMFC, Hosapete Hospital.

4. The offences alleged are under Sections 323, 498A, 504 of the Indian Penal Code, 1860².

5. The complaint is filed by the wife on 23.04.2022 in respect of the incidents that have taken place on 21.04.2022.

6. The complainant has alleged that, on 21.04.2022, the petitioner/accused No.1 around 5:00 p.m. has abused the

¹ 'HCGP', for short

² 'IPC', for short



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complainant and also assaulted. It is also stated that the incident is witnessed by the neighbour Channappa and his wife. The complainant also states that on the same day, she informed the matter to her mother over the phone and the complainant alleges that on the same day night at 8:00 p.m. she has left the house as she was assaulted by the husband and later, she has admitted to the hospital and took the treatment.

7. Learned counsel appearing for the petitioner would submit that the two persons named in the complaint, namely Channappa and his wife are not shown as the witnesses in the charge sheet. Thus, it would urge that the incident has not taken place.

8. It is further submitted that the wound certificate reveals about the alleged incident dated 20.04.2022 whereas the alleged incident has taken place on 21.04.2022 and the wound certificate is issued on 21.04.2022 itself though the complainant has stated that she went to the hospital on 22.04.2022.



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9. The Court has considered the contentions raised and perused the records.

10. Merely because the eyewitnesses mentioned in the complaint are not examined as the charge sheet witnesses that cannot be a ground to say that the incident has not taken place.

11. Since the complainant has made a statement that she was assaulted by her husband, the Court is of the view that the matter requires trial.

12. It is also relevant to notice that the complainant states that she went to the hospital on 22.02.2022. That being the position, the discrepancy if any is to be analyzed and adjudicated after the trial. That cannot be a ground to quash the proceedings. Hence, the following:

ORDER

- i. The petition is ***dismissed***.
- ii. All contentions are kept open.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

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