



**IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH**

**DATED THIS THE 15<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**CRIMINAL PETITION NO.200214 OF 2024**  
**(482(Cr.PC)/528(BNSS))**

**BETWEEN:**

1. BASANNA @ BASAVARAJ  
S/O GUDADAPPA TOKAPUR,  
AGE: 34 YEARS, OCC: BUSINESS,
2. SMT. SHOBHA W/O BASANNA @ BASAVARAJ,  
AGE: 25 YEARS, OCC: HOUSEHOLD,
3. MALAMMA W/O GUDADAPPA,  
AGE: 63 YEARS, OCC: AGRICULTURE
4. BHIMANNA S/O GUDADAPPA  
AGE: 31 YEARS, OCC: AGRICULTURE,
5. SMT. NANDAMMA W/O ADAPPA,  
AGE: 41 YEARS, OCC: HOUSEHOLD,
6. SMT. BHIMAVVA W/O PARAMANNA  
@ PRABHU BHOYI,  
AGE: 38 YEARS, OCC: HOUSEHOLD,
7. PARAMANNA @ PRABHU S/O PARAMANNA BHOYI,  
AGE: 42 YEARS, OCC: AGRICULTURE,
8. SMT. SAMAVVA W/O MALLAPPA GHANTI,  
AGE: 36 YEARS, OCC: HOUSEHOLD
9. SHANTAMMA W/O TIPPANNA GHANTI,  
AGE: 36 YEARS OCC: AGRICULTURE,
10. SMT. MALLAMMA W/O SIDDAPPA NELOGI,  
AGE: 33 YEARS, OCC: HOUSEHOLD,
11. NEELAMMA W/O SHIVANNA TEGGELLI,  
AGE: 32 YEARS, OCC: HOUSEHOLD
12. BHIMANNA AMBUJAR

Digitally signed  
by RENUKA  
Location: HIGH  
COURT OF  
KARNATAKA



- AGE: 56 YEARS OCC: AGRICULTURE,
13. SARJEPPA AMBUJAR  
AGE: 51 YEARS OCC: AGRICULTURE,
14. SHARANAPPA S/O NAGAPPA KOLKAR,  
AGE: 51 YEARS, OCC: AGRICULTURE,
15. NAGAMMA W/O SHARANAPPA KOLKAR  
AGE: 41 YEARS, OCC: AGRICULTURE
16. MALLAPPA S/O SHARANAPPA KOLKAR  
AGE: 31 YEARS OCC: AGRICULTURE  
ALL ARE R/O KAKKERA VILLAGE  
TQ. SOLAPUR, DIST. YADGIRI.

...PETITIONERS

(BY SRI. GANESH NAIK, ADVOCATE)

**AND:**

1. SMT. BHIMABAYI W/O BASANNA @  
BASAVARAJ TOKAPUR  
AGED ABOUT 28 YEARS,  
OCC: HOUSEHOLD WORK  
R/O PULABAVI DODDI,  
KAKKERI GRAM, TQ. SHORAPUR  
DIST. YADGIRI-585202.
2. THE STATE GOVT.,  
ADDL. SPP, HIGH COURT OF KARNATAKA  
AT KALABURAGI-585103  
(DELETED V/O DATED 06.08.2024)

...RESPONDENT

(BY SRI. SANTOSH PATIL, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., (OLD) UNDER SECTION 528 OF BNSS, PRAYING TO SET ASIDE THE ORDER DATED 30.01.2024 IN C.C.NO.14/2024 (P.C.NO.112/2023) PASSED BY THE PRL. CIVIL JUDGE AND J.M.F.C. SHORAPUR, AND QUASH THE FURTHER PROCEEDINGS AGAINST THE PETITIONERS IN C.C.NO.14/2024, ON THE FILE OF THE PRL. CIVIL JUDGE AND J.M.F.C. SHORAPUR.

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



CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This petition is filed seeking quashing of the proceedings pending in C.C.No.14/2024 (arising out of P.C.No.112/2023) on the file of Principal Civil Judge and JMFC, Shorapur, for the offence punishable under Section 494 of IPC.

2. The gist of the prosecution case is that accused No.1, during the subsistence of his valid marriage with the respondent-complainant, is alleged to have contracted a second marriage with accused No.2, thereby committing an offence punishable under Section 494 of the IPC. It is further alleged that the parents of accused Nos.1 and 2, along with certain relatives, actively participated in and facilitated the said second marriage, leading to the filing of the present complaint.



3. The present petition is filed by accused No.1 — the husband of the respondent-complainant, accused No.2 — the alleged second wife, and the parents, mother, siblings, and relatives of accused Nos.1 and 2, who have been arrayed as co-accused in the complaint.

4. This Court has heard the learned counsel appearing for the petitioners as well as the learned counsel representing the respondent and has carefully perused the contents of the complaint lodged by the respondent.

5. It is an admitted fact that the respondent-complainant did not personally witness the alleged marriage between accused Nos.1 and 2. The private complaint has been filed solely on the basis of information purportedly received by her from third parties. In this background, before examining the rival contentions, it is considered appropriate to extract the relevant portion of the private complaint, which reads as under:



“..... ಫಿರ್ಯಾದಿದಾರರು ಮನೆಯಲ್ಲಿದ್ದನ್ನು ನೋಡಿಕೊಂಡು  
ಒಂದನೆಯ ಆರೋಪಿಯು ದಿನಾಂಕ:27.05.2023 ರಂದು ಮದ್ಯಾಹ್ನ  
12 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಕಕ್ಕೇರಾ ಸೋಮನಾಥ ಗುಡಿ ಅಂಗಳದಲ್ಲಿ  
ಎರಡನೆಯ ಲಗ್ನವಾದ ಬಗ್ಗೆ ಸಾಕ್ಷಿದಾರರು ಬಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.”

6. On a careful reading of the extracted portion of the complaint, it becomes apparent that the respondent-complainant has not disclosed the source of her information or the identity of the person who allegedly informed her about the purported second marriage between accused Nos.1 and 2. The complaint, therefore, is founded merely on hearsay information without disclosing the informant's identity. While it is true that the respondent-complainant, being the legally wedded wife of accused No.1, is entitled to initiate criminal proceedings against her husband, the alleged second wife (accused No.2), and the parents of accused No.2, the absence of particulars as to who conveyed the alleged information and the lack of any foundational material against the remaining accused makes it manifest that even if the



complaint and the supporting materials are taken at their face value, no prima facie case is made out against petitioners 3 to 16.

7. It is a well-settled principle of criminal jurisprudence that, like all other offences, the offence of bigamy under Section 494 of the IPC also requires the presence of mens rea a guilty intent as an essential ingredient for conviction. The respondent-wife may, during the course of trial, be in a position to establish that accused Nos.1 and 2 have indeed contracted a second marriage during the subsistence of the first. However, to implicate the relatives of either accused No.1 or accused No.2 in the offence, there must be specific and tangible material showing their active participation or abetment in the alleged bigamous marriage. A person can be held liable for abetment only if there are clear and cogent allegations that he or she actively aided, instigated, or conspired in the commission of the offence.



8. On a plain reading of the complaint, it is seen that although the respondent has arrayed petitioners 3 to 16 as accused and made a sweeping allegation that they have “actively participated” in the second marriage, there are no specific averments describing their individual roles or acts that could constitute abetment under Section 109 of the IPC. Since the instant case is a private complaint, a greater degree of particularity is required. The complainant was expected to provide concrete details specifying the overt acts of each of the petitioners and how such acts would attract the ingredients of abetment. The complaint, however, is bereft of any such details.

9. It is further noticed that the learned Magistrate has taken cognizance of the offence only under Section 494 of the IPC and not for abetment under Section 109 IPC. Even on this ground, continuation of proceedings against petitioners 3 to 13 who are alleged to be relatives or family members merely present at the time of the alleged marriage would not be sustainable. The law is clear



that mere passive presence or attendance at a marriage ceremony, without any active role or instigation, does not amount to abetment of bigamy. In the absence of clear and specific allegations showing any direct involvement of these petitioners in the solemnization of the second marriage, the continuation of criminal proceedings against them would amount to an abuse of the process of law.

10. Accordingly, this Court is of the considered view that the proceedings deserve to be quashed insofar as petitioners 3 to 13 are concerned. However, the question whether accused No.2, the alleged second wife, and her parents had knowledge of the subsistence of the first marriage, or whether there was concealment of that fact by accused No.1 and his parents, is a matter that can be determined only during the trial. Therefore, the complaint insofar as it relates to accused Nos.1 and 2 cannot be interfered with at this stage.



11. Insofar as petitioners 14 to 16 are concerned, the only allegation made against them is that they introduced or arranged the alleged marriage alliance between accused Nos.1 and 2. It is not the case of the complainant that these petitioners had any prior knowledge of the subsistence of the earlier marriage or that they played any active role in solemnizing the second marriage. Even assuming the allegations in the complaint to be true in their entirety, merely introducing or arranging a marriage alliance, without any knowledge of the illegality or subsisting first marriage, would not constitute an offence under Section 494 of the IPC. Consequently, the continuation of criminal proceedings against petitioners 14 to 16 would also be wholly unwarranted.

12. The view taken by this Court finds full support from the principles laid down by the Hon'ble Supreme Court in ***Chand Dhawan (Smt) v. Jawahar Lal and***



***Others***<sup>1</sup>, wherein it was categorically held that in complaints alleging bigamy, the allegations against distant relatives or other family members must be specific and particularized. Vague, omnibus, and generalized statements implicating an entire family or extended relatives cannot form the basis of prosecution. The Apex Court further clarified that mere presence at or attendance of a second marriage on invitation, without any active facilitation or participation, does not amount to abetment of the offence of bigamy. The expression facilitation used in this context carries significant meaning. It denotes conscious and deliberate aid to the commission of the offence. In the absence of such active facilitation, distant relatives cannot be subjected to criminal prosecution merely on account of relationship or presence. The ratio laid down in the said judgment squarely governs the facts of the present case.

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<sup>1</sup> (1992)3 SCC 317



13. For the foregoing reasons and in light of the legal principles discussed above, this Court proceeds to pass the following:

**ORDER**

- (i) The petition is allowed in part.
- (ii) The petition stands dismissed insofar as petitioner Nos.1 and 2 are concerned.
- (iii) The criminal proceedings in C.C.No.14/2024 (arising out of P.C.No.112/2023) pending before the Court of the Principal Civil Judge and JMFC, Shorapur, for the offence punishable under Section 494 of the IPC, are hereby quashed insofar as petitioners 3 to 16 are concerned.

**Sd/-  
(SACHIN SHANKAR MAGADUM)  
JUDGE**

NB  
List No.: 1 Sl No.: 17  
CT:SI