

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24th of DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

WRIT PETITION NO. 201249 OF 2026 (GM-RES)

BETWEEN:

1. SRI. BELLAYYA
S/O LATE MAREPPA KOLUR/NAYAK
AGED: 28 YEARS, OCC: LABOURER
R/O NEAR POOJA RICR MILL
KATARKI ROAD, MANVI
RAICHUR DISTRICT, KARNATAKA-584123
NOW AT: GOVERNMENT SCHOOL
VIVEKANANDA ROAD, CHEEMASANDRA
VILLAGE, VIRONAGAR POST,
BENGALURU, KARNATAKA-560049.
2. SMT. YALLAMMA
W/O LATE MAREPPA KOLUR/NAYAK
AGED: 50 YEARS, OCC: LABOURER
R/O NEAR POOJA RICR MILL
KATARKI ROAD, MANVI
RAICHUR DISTRICT, KARNATAKA-584123
NOW AT: GOVERNMENT SCHOOL
VIVEKANANDA ROAD, CHEEMASANDRA
VILLAGE, VIRONAGAR POST
BENGALURU, KARNATAKA-560049.
3. SRI. ANJANAYYA
S/O LATE MAREPPA KOLUR/NAYAK
AGED: 32 YEARS, OCC: LABOURER
R/O NEAR POOJA RICR MILL
KATARKI ROAD, MANVI
RAICHUR DISTRICT, KARNATAKA-584123
NOW AT: GOVERNMENT SCHOOL
VIVEKANANDA ROAD, CHEEMASANDRA

VILLAGE, VIRONAGAR POST
BENGALURU, KARNATAKA-560049.

4. SRI. DEVARAJ
S/O LATE MAREPPA KOLUR/NAYAK
AGED: 30 YEARS, OCC: LABOURER
R/O NEAR POOJA RICR MILL
KATARKI ROAD, MANVI
RAICHUR DISTRICT, KARNATAKA-584123
NOW AT: GOVERNMENT SCHOOL
VIVEKANANDA ROAD, CHEEMASANDRA
VILLAGE, VIRONAGAR POST
BENGALURU, KARNATAKA-560049.

...PETITIONER

(BY SRI. MANV. PRABHAKAR KULKARNI AND
SRI. BASAVAKIRAN G R ADVOCATES)

AND:

- 1 THE STATE OF KARNATAKA
REPRESENTED BY THE STATEION
HOUSE OFFICER, MANVI TOWN
POLICE STATION, MANVI, RAICHUR DISTRICT
KARNATAKA-584123
REP. BY ITS STATE PUBLIC PROSECUTOR
ADVOCATE GENERAL'S OFFICE
HIGH Court BUILDING
KALABURAGI-585103
- 2 SMT. BHARATHI W/O SRI. BELLAYYA
AGED 24 YEARS, OCC: HOUSEWIFE
R/O NEAR PUJA RICE MILL
HATTIRA KATHARI ROAD
MANVI TOWN, VILLAGE KARADIGUDDA
TALUK MANVI, RAICHUR DISTRICT
KARNATAKA-584123.

...RESPONDENTS

(BY SRI.JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI. MAHANTESH PATIL ADV., FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
R/W SEC. 528 OF BNSS 2023, R/W ARTICLE 227 OF THE OF
THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT,

ORDER OR DIRECTION IN NATURE OF CERTIORARI QUASHING THE FIR IN CRIME NO.75/2026 DATED 03.03.2026 AT ANNEXURE-A, REGISTERED AT MANVI TOWN POLICE STATION, RAICHUR DISTRICT ON 03.03.2026 FOR THE ALLEGED OFFENCES UNDER SECTIONS 85, 115(2), 352 AND 351(2) READ WITH SECTION 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023, PENDING BEFORE THE 1ST ADDL. CIVIL JDUGE (SR.DN) AND CJM COURT, MANVI, RAICHUR DISTRICT, AND ALL FURTHER PROCEEDINGS INCLUDING THE INVESTIGATION, PROCEEDINGS AND ANY CHARGESHEET/FINAL RECOPT OT BE FILED PURSUANT THERETO, IN THE INTEREST OF JUSTICE AND EQUITY; B) ISSUE A WRIT, ORDER OR DIRECTION IN NATURE OF CERTIORARI QUASHING THE COMPLAINT DATED 03.03.2026 AT ANNEXURE-B LODGED BY RESPONDENT No.2 BEFORE THE RESPONDENT NO.1/POLICE AND ALL FURHTER PROCEEDINGS PURSUANT THERETO AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 21.04.2026, COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV ORDER

The petitioners have filed this petition under Articles 226 and 227 of the Constitution of India r/w 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking following relief:

"Wherefore, for the reasons stated above, the Petitioners most respectfully prays that this Hon'ble Court be pleased to:

a. Issue a Writ, Order or Direction in nature of Certiorari Quashing the FIR in Crime No. 75/2026

dated 03.03.2026 at Annexure-A, registered at Manvi Town Police Station, Raichur District on 03.03.2026 for the alleged offences under Sections 85, 115(2), 352 and 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending before the 1st Addl. Civil Judge (Sr.Dn) & CJM Court, Manvi, Raichur District, and all further proceedings including the investigation, proceedings and any charge sheet/final report to be filed pursuant thereto, in the interest of justice and equity;

b. Issue a Writ, Order or Direction in nature of Certiorari Quashing the Complaint dated 03.03.2026 at Annexure-B lodged by Respondent No.2 before the Respondent No.1/Police and all further proceedings pursuant thereto;

c. Such further or other reliefs be granted as this Hon'ble Court deems fit in the facts and circumstances of the case."

2. On the basis of the complaint filed by Smt.Bharati, Manvi Police have registered the case in Crime No.75/2026 against the petitioners for the commission of offence punishable under Sections 85, 115(2), 352 and 351(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023. The petitioners have filed this petitioner

seeking to quash the proceedings initiated against them in Crime No.75/2026.

3. I have heard the learned counsel appearing for the parties.

4. Learned counsel for the petitioners has urged the following grounds;

1. The allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. Permitting the criminal process to go on against the Petitioners in such a situation would, therefore, result in clear and patent injustice.

2. Pertinently, Section 85 of the BNS, 2023 (the legislative successor to Section 498-A of the Indian Penal Code, 1860) punishes the husband or his relatives for subjecting a woman to 'cruelty'. The provision defines 'cruelty' as: (a)

wilful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health (whether mental or physical); OR (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security.

3. A thorough reading of the complaint upon which the FIR is founded reveals that there is not a single word, sentence, or allegation express or implied pertaining to any demand for dowry, property, or valuable security. The entire complaint revolves around character-suspicion allegations and the specific incident of 25-02-2026, which is an attempt to coerce consent for a second marriage. In the complete absence of any property demand, part (b) of the definition is not attracted. As regards part (a), the generalised allegations of harassment' narrated

in the complaint, lacking any date, place, or specific incident, cannot constitute 'wilful conduct likely to drive the woman to commit suicide or cause grave injury or danger to life, limb or health as required by the statute.

4. The Hon'ble Supreme Court in ***Rajesh Sharma vs. State of U.P., (2018) 10 SCC 472***, while reviewing the misuse of Section 498-A IPC (now Section 85 BNS), held that the provision was introduced to combat real cruelty and dowry harassment, and its invocation in cases absent any such element amounts to an abuse of process and Uncalled for arrest may ruin the chances of settlement. In the present case, the invocation of Section 85 BNS in the total absence of any dowry demand or property demand renders the FIR, to that extent, wholly unsustainable on the face of the record.

5. Section 115(2) of BNS, 2023 penalises the offence of voluntarily causing grievous hurt. For

this section to be attracted, the prosecution must establish that the accused voluntarily caused hurt that falls within the definition of grievous hurt under Section 114 of BNS, 2023 (i.e., emasculation, permanent privation of sight/hearing. privation of any member or joint, destruction or permanent impairment of the powers of any member or joint, permanent disfiguration of head or face, fracture or dislocation of a bone or tooth, or hurt which endangers life or which causes the sufferer to be in severe bodily pain for twenty days).

6. The complaint contains no allegation, statement or suggestion of any grievous hurt as defined above being caused to Respondent No. 2. Critically, the complaint itself states that when the Petitioners 'came to assault her, her own mother, brother Basavaraja, and neighbour Yankob immediately intervened and physically separated the parties. The complainant

therefore, on her own admission, establishes that no such alleged act of physical assault was carried to completion. No injury is described; no medical treatment is referred to; and no medical record or certificate is appended to the complaint. Section 115(2) is fundamentally inapplicable.

7. Section 352 of BNS, 2023 penalises assault or use of criminal force on a woman with intent to outrage her modesty. The essential ingredient of this offence is that the assault or use of criminal force must be actuated by the intention to outrage the modesty of the woman. The Hon'ble Supreme Court has consistently held that the culpable intention of the accused is the crux of the offence under this section.

8. The complaint does not contain neither expressly nor by implication any allegation of any act committed by any of the Petitioners with the intention of outraging the modesty of

Respondent No. 2. The alleged confrontation on 25.02.2026 related entirely to the demand for an alleged consent for a second marriage. There is no allegation whatsoever of any act of a sexual nature or an act intended to outrage the complainant's dignity or modesty. The invocation of Section 352 BNS against all four Petitioners, in the complete absence of any such allegation, is ex facie unsustainable, misconceived and constitutes a gross abuse of process.

9. Section 351 of BNS, 2023 deals with criminal intimidation. Sub-section (2) provides for a higher punishment where the threat is to cause death or grievous hurt. While the complaint does allege a verbal threat to kill the complainant, it is submitted that: (i) the alleged threat was not an independent criminal act but was conditioned entirely upon and connected to the demand for consent for a second marriage; (u) the threat, if any, was made after the alleged

confrontation was already separated; and (iii) for the aggravated form under Section 351(2), the prosecution must establish not merely the words but also the intention to cause alarm and the gravity of the threat none of which are substantiated by any specific, credible, and independently corroborated material in the FIR.

10. The complaint does not attribute any specific criminal act to any specific accused. Petitioners Nos. 2, 3 and 4. Smt. Yallamma (mother-in-law), Sri. Anjinappa and Sri. Devaraja (relatives) named as a group throughout the complaint, without any allegation specifying what individual role each of them played in any particular incident, on any particular date, at any particular place. This is a classic example of the omnibus group allegation pattern that the Hon'ble Supreme Court has repeatedly deprecated and quashed.

11. Pertinently on the alleged date all the accused/petitioners were at Bengaluru and were not present at the alleged place of occurrence of the incident. The complainant has made false accusations against all the family members deliberately to compel the Petitioner No.1 to come to terms with her.

12. More importantly, the 1st Petitioner herein had also issued a legal notice dated 27.01.2026 to Respondent No 2/Complainant for restitution of conjugal rights despite her being mean and abusive to his old age Mother, making unreasonable materialistic demands, and repeated threats by her close relative to compel the 1st Petitioner to leave his occupation and go and stay with her at her parental home.

13. The Hon'ble Supreme Court in ***Kahkashan Kausar @ Sonam u. State of Bihar, (2022) 6 SCC 599***, quashing an FIR against relatives of the husband under Section 498-A, held that

where the allegations are 'general and omnibus and do not specifically implicate the accused in any crime, continuation of prosecution constitutes an abuse of process. The Court emphasized that a criminal trial, even one ending in acquittal, leaves a permanent and indelible scar on the reputation of the accused.

14. Similarly, in ***Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741***, the Court observed that merely numbering the relatives of the husband in an FIR, without attributing specific criminal acts to each, cannot form the basis for prosecution of those relatives. Petitioners Nos. 2 to 4 fall squarely within this category and deserve to be protected from an abuse of criminal process.

15. The FIR in its entirety arises from a matrimonial dispute. The specific episode narrated in the complaint the demand for consent to an alleged second marriage may give

rise, at most, to a civil complaint or a complaint under the law relating to bigamy, it does not constitute the multiple grave offences invoked in the FIR. The FIR has been registered not to advance the cause of justice but to harass and pressurize the Petitioners and to gain an unfair advantage in the inipending matrimonial legal proceedings.

16. The Hon'ble Supreme Court in ***Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667***, after a comprehensive survey of cases, deprecated in the strongest possible terms the growing tendency to implicate every member of the husband's family in Section 498-A FIRs arising out of matrimonial discord, and held that Courts must exercise their power to quash such FIRs to prevent miscarriage of justice. The Court observed that most such complaints are filed without real basis and ought to be viewed with circumspection.

17. The Hon'ble Supreme Court in State of ***Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, laid down seven categories of cases in which the inherent power under Section 482 CrPC (now Section 528 BNSS) can be exercised to quash FIRs and criminal proceedings. The present case falls squarely under the following categories enumerated therein:

(i) Category 1: Where the allegations in the FIR, even if taken at face value and accepted in entirety, do not prima facie constitute any offence or make out a case against the accused, specifically as regards Section 85 BNS (no dowry demand), Section 115(2) BNS (no grievous hurt, attempt not completed), and Section 352 BNS (no act to outrage modesty);

(ii) Category 3: Where uncontroverted and unimpeachable evidence in the form of the complaint itself makes it impossible for the accused to be convicted the complaint's own disclosure that the assault was intercepted negates Section 115(2);

(iii) Category 7: Where the criminal proceeding is manifestly attended with malafides and has been maliciously instituted with an ulterior motive of wreaking vengeance on the accused which is clearly the case here, as the FIR is designed to secure an advantage in the matrimonial dispute.

18. The fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India has been interpreted to include the right to fair procedure, the right against arbitrary prosecution and the right to be free from vexatious criminal proceedings instituted without foundation. Petitioners Nos. 2 to 4, particularly elderly Smt. Yallamma (the Mother-in-law), have been arraigned as accused and face the prospect of arrest, detention, and public humiliation on the basis of generalised, unfounded allegations that do not disclose any cognizable offence against them individually. This Court must intervene to protect their constitutional rights.

19. Section 3(5) of BNS, 2023 (analogous to Section 34 IPC) provides for joint criminal liability where a criminal act is done by several persons in furtherance of the common intention of all. This provision does not create an

independent offence; it is a rule of evidence and liability that must necessarily ride on the commission of an established primary offence by the group. Once it is demonstrated, as above, that the primary offences under Sections 85, 115(2), 352 and 351(2) of BNS, 2023 are not made out on the face of the FIR, Section 3(5) has no independent application and must fall to the ground along with the primary charges.

20. That the false implication of the Petitioners in the FIR amounts to the violation of the Right to Life of the Petitioner envisaged under article 21 of the Constitution of India, 1950.

5. Further, he submits that the Investigating Officer has failed to conduct preliminary enquiry before initiation of the proceedings against the petitioners. The Investigating Officer has not complied the circular issued by the Government of Karnataka (Police Department) No.L&O/MISC/06/2026 dated 07.02.2026 and also SOP issued by the Ministry of Home Affairs, Government of

India, New Delhi-37 so also the relied the circular No.01/2024 issued by Government of Meghalaya, Office of the Director General of Police, Meghalaya, Shillong, which are produced before the Court. To substantiate his arguments, he relied on the following decisions:

- (a) Imran Pratapgadhi Vs. State of Gujarat, 2025 INSC 410;
- (b) Lalita Kumari Vs. State of U.P., (2014) 2 SCC 1;
- (c) Sri Rama Sugar Industries Vs. State of A.P., (1974) 1 SCC 534;
- (d) State of Uttar Pradesh Vs. Jogendra Singh, AIR 1963 SC 1618
- (e) Babu Venkatesh and Another Vs. State of Karnataka and Another, (2022) 5 SCC 639;
- (f) Shrinivasa J T and Others Vs. State of Karnataka and Another, order dated 07.04.2025 in Criminal Petition No.9517/2024.
- (g) Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667;
- (h) Digambar Vs. State of Maharashtra, 2024 SCC Online SC 3836
- (i) Aditya Mohan Nigam and Others Vs. The State (NCT of Delhi) and Others, 2026 SCC Online Del 106;
- (j) K. Subba Rao Vs. State of Telangana, (2018) 14 SCC 452;
- (k) Ghanshyam Soni Vs. State (NCT of Delhi), 2025 SCC Online SC 1301;
- (l) Dara Lakshmi Narayana and Others Vs. State of Telangana and Another, SLP (Crl.) No.16239 of 2024:
- (m) Rajesh Sharma Vs. State of U.P., (2018) 10 SCC 472;
- (n) Social Action Forum for Manav Adhikar Vs. Union of India, (2018) 10 SCC 443:

- (o) Shivangi Bansal Vs. Sahib Bansal, 2025 SCC Online SC 1494;
- (p) Mukesh Bansal Vs. State of Uttar Pradesh and Another, Criminal Revision No.1126/2022;
- (q) Ashish Dave Vs. The State of Rajasthan and Another, SLP (Crl.)No.19369/2025;

6. On all these grounds he sought to allow the petition.

7. As against this, learned High Court Government Pleader would submit that the alleged commission of offences are cognizable in nature. After due enquiry, the Investigating Officer has registered the case against the accused and there are no grounds to quash the proceedings. Accordingly, he prays to dismiss the petition.

8. I have examined the materials placed before this Court.

9. On the basis of the complaint filed by Smt.Bharati, Manvi Police Station have registered the case in Crime No.75/2026 against the accused Nos.1 to 4 for the commission of offence under Section 85, 115(2), 352 and 351(2) read with Section 3(5) of the BNS, 2023.

10. In the complaint it is stated as under:

“ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯದಲ್ಲಿ ನಾನು ಶ್ರೀಮತಿ ಭಾರತಿ ಗಂಡ ಬೆಳ್ಳಯ್ಯ ಕೋಳೂರು,ಎಂ ವಯಾ 24 ವರ್ಷ ಜಾತಿ ನಾಯಕ ಉ ಮನೆಗೆಲಸ ಸಾ: ಪೂಜಾ ರೈಸ್ ಮಿಲ್ ಹತ್ತಿರ ಕಾತರಕಿ ರೋಡ್ ಮಾನವಿ ಇದ್ದು ತಮ್ಮಲ್ಲಿ, ದೂರು ಸಲ್ಲಿಸುವದೇನೆಂದರೆ, ನನ್ನ ತವರು ಮನೆ ಮಾನವಿ ತಾಲೂಕು ಕರಡಿಗುಡ್ಡಾ ಗ್ರಾಮ ಇದ್ದು, ನಮ್ಮ ತಂದೆ ಶ್ರೀಷ್ಠಯ್ಯ ಕೋಟೆ ಈತನು ಸುಮಾರು 15 ವರ್ಷದ ಹಿಂದೆ ತೀರಿಕೊಂಡಿದ್ದು, ತಾಯಿ ಲಕ್ಷ್ಮೀ ಇದ್ದು, ನನಗೆ ಒಬ್ಬ ಅಣ್ಣ ಬಸವರಾಜ ಮತ್ತು ಇಬ್ಬರು ತಂಗಿಯರು ಇರುತ್ತಾರೆ, ನಾನು ಬಿ.ಎ ಓದಿಕೊಂಡಿರುತ್ತೇನೆ.

ನನ್ನ ಮದುವೆಯನ್ನು ನಮ್ಮ ತಾಯಿ ಮತ್ತು ಗುರು ಹಿರಿಯರು ಸೇರಿ ಕುಲ ಸಂಪ್ರಾಯದಂತೆ ದಿನಾಂಕ 19-4-2024 ರಂದು ಮಾನವಿಯ ಪೂಜಾ ರೈಸ್ ಮಿಲ್ ಹತ್ತಿರ ಕಾತರಕಿ ರೋಡ್ ನ ನಿವಾಸಿಯಾದ ಬೆಳ್ಳಯ್ಯ ತಂದೆ ದಿ:ಮರೆಪ್ಪ ಕೋಳೂರು,ಎಂ ಈತನೊಂದಿಗೆ ವರನ ಸ್ವಗೃಹದಲ್ಲಿ ಮದುವೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದು ಇರುತ್ತದೆ. ಮದುವೆಯ ನಂತರ ನಾನು ಗಂಡನ ಮನೆಗೆ ನಡೆಯಲು ಹೋಗಿದ್ದು ಮನೆಯಲ್ಲಿ ನಾನು ನನ್ನ ಗಂಡ ಬೆಳ್ಳಯ್ಯ, ಅತ್ತೆ ಯಲ್ಲಮ್ಮ ಗಂಡ ದಿ:ಮರೆಪ್ಪ ಭಾವಂಧಿರಾದ ಅಂಜಿನಯ್ಯ ದೇವರಾಜ ಕೂಡಿ ಇದ್ದೆವು. ಮದುವೆಯ ನಂತರ ಒಂದು ತಿಂಗಳತನಕ ಗಂಡನ ಮನೆಯವರು ನನ್ನನ್ನು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಂಡಿದ್ದು ನಂತರದ ದಿನಗಳಲ್ಲಿ ನನ್ನ ಗಂಡ ಮತ್ತು ಅತ್ತೆ ಯಲ್ಲಮ್ಮ, ಭಾವಂಧಿರಾದ ಅಂಜಿನಯ್ಯ ದೇವರಾಜ ಇವರುಗಳು ಸೇರಿ ನನಗೆ " ನೀನು ನೋಡಲು ಚೆನ್ನಾಗಿಲ್ಲಾ, ನಿನಗೆ ಸರಿಯಾಗಿ ಅಡುಗೆ ಮಾಡಲು ಬರುವದಿಲ್ಲಾ, ಸೂಳೇ ಅಂತಾ ಅವಾಚ್ಯವಾಗಿ ಬೈದು ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ ಹಿಂಸೆಯನ್ನು ನೀಡಲು ಪ್ರಾರಂಭ ಮಾಡಿದರು ಅಲ್ಲದೇ ನನ್ನ ಗಂಡನು ನೀನು ಅವರಿಗೆ ನೋಡುತ್ತೀ, ಇವರಿಗೆ ನೋಡುತ್ತಿ ಅಂತಾ ನನ್ನ ಶೀಲದ ಮೇಲೆ ಸಂಶಯ ಪಡುತ್ತಾ, ಕೈಯಿಂದ ಹೊಡೆ ಬಡೆ ಮಾಡುತ್ತಿದ್ದನು ನಾನು ಈ ವಿಷಯವನ್ನು ನಮ್ಮ ತವರು ಮನೆಯವರಿಗೆ ತಿಳಿಸಿದಾಗ ನಮ್ಮ ತವರು ಮನೆಯವರು ಸಹ ಬಂದು ನನ್ನ ಗಂಡ ಮತ್ತು ಗಂಡನ ಮನೆಯವರಿಗೆ ತಿಳಿ ಹೇಳಿ ಹೋಗಿದ್ದರು, ಆದರೂ ಅವರು ನನಗೆ ತೊಂದರೆ ಕೊಡುವದು ಬಿಟ್ಟಿರಲಿಲ್ಲಾ.

ನಂತರ ನಾವು ಗಂಡ ಹೆಂಡತಿ & ಮನೆಯವರು ಕೂಡಿ ದುಡಿದು ತಿನ್ನಲು ಬೆಂಗಳೂರಿಗೆ ಹೋಗಿ ಅಲ್ಲಿಯೇ ಇದ್ದೆವು. ಅಲ್ಲಿಯು ಸಹ ನನಗೆ ವಿಪರೀತ ಮೇಲಿನಂತೆ ಮಾನಸಿಕ ಮತ್ತು ದೈಹಿಕ ಹಿಂಸೆಯನ್ನು ನೀಡುತ್ತಿದ್ದರಿಂದ ನಾನು ಕಳೆದ ಒಂದು ವರ್ಷದಿಂದ ಬೆಂಗಳೂರಿನಿಂದ ನಮ್ಮ ತವರು ಮನೆ ಕರಡಿಗುಡ್ಡಾ ಗ್ರಾಮಕ್ಕೆ ಬಂದು ಇಲ್ಲಿಯೇ ಇದ್ದೆನು. ನಮ್ಮ ತವರು ಮನೆಯವರು ಗಂಡನ ಮನೆಯವರಿಗೆ ಫೋನು ಮಾಡಿ

ಭಾರತಿಯನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸಂಸಾರ ಮಾಡಿಕೊಳ್ಳಿರಿ ಅಂತಾ ಹೇಳಿದನ್ನೂ ಅವರು ನಮಗೆ ಆಕೆಯ ಅವಶ್ಯಕತೆ ಇಲ್ಲಾ ಬೇಕಾದರೆ ಬರೆದುಕೊಡಲಿ ಬೆಳ್ಳಿಯುನಿಗೆ ಬೇರೆ ಮದುವೆ ಮಾಡುತ್ತೇವೆ ಅಂತಾ ಹೇಳುತ್ತಾ ಬಂದಿರುತ್ತಾರೆ.

ಅದರಂತೆ ಹೋದ ವಾರ ದಿನಾಂಕ 25-2-2026 ರಂದು ಮುಂಜಾನೆ 10-00 ಗಂಟೆ ಸುಮಾರಿಗೆ ಬೆಂಗಳೂರಿನಿಂದ ನನ್ನ ಗಂಡ ಬೆಳ್ಳಿಯು ಅತ್ತೆ ಯಲ್ಲಮ್ಮ ಭಾವಂದಿರಾದ ಅಂಜಿನಯ್ಯ ದೇವರಾಜ ಇವರುಗಳು ಕರಡಿಗುಡ್ಡಾದ ನಮ್ಮ ತವರು ಮನೆಗೆ ಬಂದು ನನ್ನೊಂದಿಗೆ ಜಗಳಾ ತೆಗೆದು " ಎಲೇ ಸೂಳೇ ನಾವು ನಿನ್ನ ಗಂಡನಿಗೆ ಬೇರೆ ಮದುವೆ ಮಾಡುತ್ತೇವೆ ಅದಕ್ಕೆ ನೀನು ಗಂಡ ಬೇಕಾಗಿಲ್ಲಾ ಅಂತಾ ಬರೆದುಕೊಡು ಅಂತಾ ನನಗೆ ಒತ್ತಾಯ ಮಾಡಿದ್ದು, ಅದಕ್ಕೆ ನಾನು ನನಗೆ ಗಂಡ ಬೇಕು, ಬರೆದುಕೊಡುವದಿಲ್ಲಾ ಅಂತಾ ಹೇಳಿದಕ್ಕೆ ಎಲ್ಲಾರು ಸೇರಿ ನನಗೆ ಕೈಗಳಿಂದ ಮೈಕೈಗೆ ಹೊಡೆಯಲು ಹತ್ತಿದಾಗ ನಮ್ಮ ತಾಯಿ ಮತ್ತು ಅಣ್ಣ ಬಸವರಾಜ ಹಾಗೂ ನಮ್ಮ ದೊಡ್ಡಪ್ಪ ಯಂಕೋಬ ಇವರುಗಳು ಬಂದು ಬಿಡಿಸಿಕೊಂಡರು. ಆಗ ಅವರು ನೀನು ಗಂಡ ಬೇಕಿಲ್ಲಾ ಅಂತಾ ಬರೆದುಕೊಡದಿದ್ದಲ್ಲಿ ನಿನ್ನನ್ನು ಸಾಯಿಸಿ ಬೆಳ್ಳಿಯುನಿಗೆ ಬೇರೆ ಲಗ್ನ ಮಾಡುತ್ತೇವೆಂದು ಜೀವದ ಬೆದರಿಕೆಯನ್ನು ಹಾಕಿ ಹೊರಟು ಹೋದರು, ನಂತರ ನಾನು ಈ ಬಗ್ಗೆ ಮನೆಯಲ್ಲಿ ವಿಚಾರ ಮಾಡಿಕೊಂಡು ಈ ದಿವಸ ನಮ್ಮ ಅಣ್ಣನೊಂದಿಗೆ ತಡವಾಗಿ ಬಂದು ದೂರು ನೀಡಿದ್ದು ಇರುತ್ತದೆ.

ಕಾರಣ ಮೇಲ್ಕಂಡ ನನ್ನ ಗಂಡ ಮತ್ತು ಗಂಡನ ಮನೆಯವರ ವಿರುದ್ಧ ಕಾನೂನು ಪ್ರಕಾರ ಕ್ರಮ ಜರುಗಿಸಲು ವಿನಂತಿ."

11. The alleged commission of offence under Sections 85, 115(2), 351(2) of BNS are cognizable in nature punishable with imprisonment for a term which may extent to 3 years and shall also liable to fine.

12. It is settled principal of law that the FIR is not encyclopedia and does not need to contain all minute details of an incident. Its primary purpose is to set the criminal law in motion, not to serve as a detailed,

exhaustive account of the crime. The law does not require the mentioning of all the ingredients of the offence in the FIR. The Hon'ble Apex Court in the case of ***Somjeet Mallick Vs. State of Jharkhand*** reported in **2024 INSC 772**, the Hon'ble Supreme Court reiterated that an FIR is not an encyclopedia of all imputations. The focus should be on the gravamen (core) of the accusations to determine if a cognizable offense is disclosed.

13. In the case of hand, the contents of FIR reveals that there are prima facie materials to constitute the offence under alleged commission of offences. Therefore, the IO has clearly mentioned in Column No.7C of the FIR that, he "Took up the investigation". Since there are prime facie materials to proceed for investigation. The IO has registered the case as the alleged offences are cognizable offences. At this stage, on the basis of the grounds urged by the learned counsel for the petitioner along with the citations relied, the proceedings cannot be quashed. Hence, at this stage arguments advanced on behalf of petitioner cannot be accepted.

14. A careful examination of the entire material on record I do not find any grounds to quash the proceedings. Accordingly, I proceed to pass the following:

ORDER

The petition is ***dismissed.***

**Sd/-
(G BASAVARAJA)
JUDGE**

Msr/TIN
CT:BH