



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO.201355 OF 2024

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. AHMEDI BEGUM W/O SYED ZAMEERODDIN,
AGE: 63 YEARS, OCC: HOUSEWIFE,
R/O H.NO.5-2-26, GOLIKHANA,
PATALA NAGARI, BIDAR-585401.
2. SYED RIYAZUDDIN S/O SYED ZAMEERODDIN,
AGE: 41 YEARS, OCC: EMPLOYED IN PRIVATE FIRM,
R/O H.NO.5-2-26, GOLIKHANA,
PATALA NAGARI, BIDAR-585401.
3. SYED TAJODDIN S/O SYED ZAMEERODDIN
AGE: 33 YEARS, OCC: EMPLOYED IN PRIVATE FIRM,
R/O H.NO.5-2-26, GOLIKHANA,
PATALA NAGARI, BIDAR-585401.

PRESENTLY ALL ARE RESIDING AT
H.NO.2-3-512/C/71

1ST FLOOR, CHANNAREDDY NAGAR,
AMBERPET, HYDERABAD-500013
(TELENGANA STATE).

...PETITIONERS

(BY SRI SANJAY A. PATIL, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
THROUGH WOMEN POLICE STATION, BIDAR,
CIRCLE BIDAR SUB-DIVISION,
DIST: BIDAR-585401,
R/BY ADDL. SPP,
HIGH COURT OF KARNATAKA
KALABURAGI BENCH.
2. RAZIYA SULTAN W/O SYED FAIZODDIN
AGE: 30 YEARS, OCC: HOUSEWIFE,
R/O H.NO.5-2-26, GOLIKHANA,
PATAKLANAGRI, BIDAR,
DIST: BIDAR-585401.

...RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
R2 SERVED)

THIS CRL.P. IS FILED U/S.482 OF CR.P.C.(OLD) U/S 528 OF BNSS (NEW), PRAYING TO A) QUASH THE CHARGE SHEET NO.6/2024 DATED 05-04-2024 ARISING OUT OF CRIME NO.29/2024 FILED BY THE 1ST RESPONDENT POLICE/WOMEN POLICE STATION, BIDAR DISTRICT BIDAR, AGAINST THE PETITIONERS FOR THE OFFENCE PUNISHABLE U/SECS. 498-A, 323, 504, 506 R/W 34 OF IPC, AS PER CHARGE SHEET CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS IN C.C. NO.4369/2024 PENDING ON THE FILE OF PRL. CIVIL JUDGE AND JMFC-II COURT BIDAR,

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



CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

Heard learned counsel for the petitioners and learned High Court Government Pleader for respondent No.1/State.

2. Petitioners/accused Nos.2 to 4 have filed this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the following reliefs:

- "a) *Quash the charge sheet No.6/2024 dated: 05.04.2024 arising out of Crime No.29/2024 filed by the 1st respondent Police/Women Police Station, Bidar, District Bidar, against the petitioners for the offence punishable U/Secs. 498-A, 323, 504, 506 R/w 34 of IPC, as per charge sheet and consequently quash the entire proceedings in C.C. No.4369/2024 pending on the file of Prl. Civil Judge and JMFC-II Court, Bidar, in the interest of justice.*
- b) *Pass any appropriate order of direction as deem fit by this Hon'ble Court under the facts and circumstances of the case, so as to secure ends of justice."*



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons. They have not committed any offence, much less as alleged in the complaint or in the charge sheet papers. They are law abiding citizens, having great respect in the society. They are not having any other criminal antecedents. Accused No.1 is the husband of the complainant. Accused No.2 is the mother-in-law of the complainant. Accused No.3 is the brother-in-law of the complainant and so also accused No.4 is another brother-in-law of the complainant. Since accused 2 to 4 are the family members of accused No.1, the complainant has falsely implicated them with an ulterior motive to harass them both physically and mentally, which is not permissible as per the judgment of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam and Others Vs. State of Bihar and Others*** reported in ***(2022) SCC OnLine SC 162***. The very proceedings against the family members of the husband without any specific allegation, is nothing but an abuse of



process of law. Though the complainant has alleged that on 07.03.2024 her husband/accused No.1 assaulted her near medical store in the presence of her father, but till 23.06.2024 she has not proceeded to lodge any complaint. There is a delay of about 20 days in lodging the complaint which has gone unexplained. Hence, the delay creates doubt about the veracity of the complaint and concocted story as held by the Hon'ble Apex Court in the case of ***State of Andhra Pradesh Vs. M. Madhusudhan Rao*** reported in ***2008 (15) SCC 582***. Further, it is submitted that there is absolutely no case made out against them in the complaint and there is no allegation or participation of the present petitioners as on the alleged date of incident i.e., on 07.03.2024 except making allegations on her husband/accused No.1.

4. The petitioners, being accused 2 to 4 are alleged to have been involved in an incident that purportedly occurred more than six years ago. There was no complaint whatsoever from the complainant at the



relevant point of time. For the first time, the complainant ropes in the present petitioners by vague allegations in a complaint dated 26.03.2024. There is enormous delay of more than six years in making allegations in the present complaint. This delay is caused only due to concoction and deliberation.

5. Further, it is submitted on behalf of the petitioners that petitioner No.2 got married in the year 2017 and since then, staying at Hyderabad along with his family and also accompanied by petitioner No.1, being his mother and petitioner No.3, being his younger brother. To substantiate the same, the petitioners have filed rent agreement standing in the name of petitioner No.2 as well as the gas receipts for refill order and also the school receipts of Vidyabhyasa Model High School at Hyderabad, wherein Kumari Syeda Samira, the daughter of petitioner No.2 is studying. Thus, the present petitioners, who are accused Nos.2 to 4 are staying at Hyderabad which is far away from Bidar and leading their life separately and away



from the family of accused No.1, who is the husband of the complainant. The present petitioners have no access to the day-to-day family affairs between the complainant and accused No.1. As such, the proceedings against the present petitioners is nothing but abuse of process of law as held by the Hon'ble Apex Court in the case of ***K. Subba Rao and Others Vs. State of Telangana and Ors.,*** reported in ***2018 (14) SCC 452.***

6. Further, it is submitted that the respondent/police, hand in glove with the complainant, have conducted one sided investigation behind the back of the accused persons and without giving them an opportunity by calling them with due notice as required under law, as held by the Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar and another*** reported in ***(2014) 8 SCC 273*** and failed to comply the guidelines issued by the Apex Court. Hence, the proceedings against the petitioners deserve to be quashed. Further, it is submitted that the petitioners,



being the relatives of accused No.1, though the complainant knowing very well that the petitioners are innocent persons, staying far away at Hyderabad, yet she has concocted story and roped the innocent petitioners as accused, for which petitioners are suffering both physically and mentally, and their image in the society as well as among their relatives is defamed. On all these grounds, prays to allow this petition.

7. As against this, the learned High Court Government Pleader would submit that there are sufficient material to proceed against the accused and the petitioners have not placed any material to quash the proceedings. On all these grounds, he prays to dismiss the petition.

8. I have examined the materials placed before this Court. On the basis of the complaint filed by the complainant, Bidar Women Police have registered the case in Crime No.29/2024 against accused 1 to 4 for



commission of offences under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code. After investigation, the Investigating Officer has submitted the chargesheet against accused 1 to 4 for the aforesaid offences. In column number 17 of the chargesheet, it is stated as under:

“ಈ ದೋಷಾರೋಪಣೆ ಕಾಲಂ 12 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಆರೋಪಿ ನಂ-1 ಇತನ ಜೊತೆಯಲ್ಲಿ ಸಾಕ್ಷಿ ನಂ-1 ರವರ ಮದುವೆಯು ದಿನಾಂಕ: 25-04-2010 ರಂದು ನಿಜಾಮ ಫಂಶನ ಹಾಲದಲ್ಲಿ ಮದುವೆಯಾಗಿದ್ದು, ಅವರಿಗೆ 1. ಸೈಯದ ಫರಹಾನುದ್ದಿನ್ ವಯ:9 ವರ್ಷ ಮತ್ತು 2. ಜುನೈರಾ ತಸ್ತೀನ್ ವಯ:7 ವರ್ಷ ಅಂತ ಇಬ್ಬರು ಮಕ್ಕಳು ಇರುತ್ತಾರೆ, ಸಾಕ್ಷಿ ನಂ-1 ರವರಿಗೆ ಆರೋಪಿತರು ಮದುವೆ ಆದ ನಂತರ 1-2 ವರ್ಷಗಳು ಸರಿಯಾಗಿ ಇಟ್ಟಿಕೊಂಡು ನಂತರ ಆರೋಪಿ ನಂ-1,2,3 ಮತ್ತು 4 ರವರು ಸೇರಿ ಸಾಕ್ಷಿ ನಂ-1 ರವರಿಗೆ "ನಿನಗೆ ಅಡಿಗೆ ಮಾಡಲು ಬರುವದಿಲ್ಲಾ, ನಿನ್ನ ಖಾಂದಾನದವರು ಕಪ್ಪು ತೊಳೆಯುವರಿದ್ದು, ನೀನು ನಾವು ಹೇಳಿದ ಹಾಗೆ ಕೇಳಬೇಕು ಇಲ್ಲದಿದ್ದರೆ ನಿನ್ನ ತವರು ಮನೆಗೆ ಓಡಿಸಿ ಬಿಡುತ್ತೇವೆ ಅಂತ ಪದೆ ಪದೇ ಮಾನಸಿಕ ಹಾಗೂ ದೈಹಿಕ ಕಿರುಕುಳ ಕೊಡುತ್ತಿರುವ ವಿಷಯವನ್ನು ಸಾಕ್ಷಿ ನಂ-01 ರವರು ಸಾಕ್ಷಿ ನಂ-4,5 ಮತ್ತು 6 ರವರಿಗೆ ತಿಳಿಸಿದಾಗ ಸಾಕ್ಷಿ ನಂ-4,5 ಮತ್ತು 6 ರವರು ಆರೋಪಿತರ ಮನೆಗೆ ಬಂದು ಆರೋಪಿತರಿಗೆ ತಿಳುವಳಿಕೆ ಹೇಳಿ ಬಂದ ನಂತರ ಸಾಕ್ಷಿ ನಂ-1 ರವರಿಗೆ ಸ್ವಲ್ಪ ದಿವಸ ಸರಿಯಾಗಿ ನಡೆಸಿಕೊಂಡು ಪುನಃ ಆರೋಪಿತರು ಸಾಕ್ಷಿ ನಂ-1 ಇವಳಿಗೆ "ರಂಡಿ ನೀನು ನಿನ್ನ ತವರು ಮನೆಯವರಿಗೆ ನಮಗೆ ಬುದ್ದಿ ಹೇಳಲು ನಮ್ಮ ಮನೆಗೆ ಕರೆಸುತ್ತಿ ನಿನ್ನ ರವರು ಮನೆಯವರು ಇನ್ನೊಂದು ಸಲ ನಮ್ಮ ಮನೆಗೆ ಬಂದರೆ ನೀನಿಗೆ ಜೀವದಿಂದ ಬಿಡುವದಿಲ್ಲಾ ಅಂತ ಜೀವದ ಬೆದರಿಕೆ ಹಾಕಿ ಹೊಡೆ ಬಡೆ ಮಾಡಿ ಮನೆಯಿಂದ



ಹೊರಗೆ ಹಾಕಿದರಿಂದ ಸಾಕ್ಷಿ ನಂ-1 ರವರು ಕಳೆದ 6 ವರ್ಷಗಳಿಂದ ಸಾಕ್ಷಿ ನಂ-4 ರವರ ಮನೆಯಲ್ಲಿ ಬಂದು ಉಳಿದಿರುತ್ತಾಳೆ.

ದಿನಾಂಕ: 07-03-2024 ರಂದು ಸಾಕ್ಷಿ ನಂ-1 ಇವಳು ತನ್ನ ಮಗನಿಗೆ ಆರಾಮವಿಲ್ಲದ ಕಾರಣ ಮಗನಿಗೆ ಆಸ್ಪತ್ರೆಗೆ ತೋರಿಸುವಂತೆ ತಿಳುವಳಿಕೆ ನೀಡುವಂತೆ ಆರೋಪಿ ನಂ-1 ಇತನ ವಿರುದ್ಧ ರಾಣೆಯಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಆರೋಪಿ ನಂ-1 ಇತನಿಗೆ ರಾಣೆಗೆ ಕರೆಸಿ ವಿಚಾರಿಸಿದಾಗ ಆರೋಪಿ ನಂ-1 ಇವನು ಮಗುವಿಗೆ ಆಸ್ಪತ್ರೆಗೆ ತೋರಿಸಲು ಒಪ್ಪಿಕೊಂಡ ನಂತರ ಸಾಕ್ಷಿ ನಂ-1 ಮತ್ತು 4 ಹಾಗೂ ಆರೋಪಿ ನಂ-1 ರವರು ಕೂಡಿ ರಾಣೆಯಿಂದ ಆಸ್ಪತ್ರೆಗೆ ಹೋಗೋಣಾ ಅಂತ ರೋಡಿಗೆ ಹೋಗಿ ನಡೆದುಕೊಂಡು ರಾಣೆಯ ಬದಿಯಲ್ಲಿದ್ದ ಮೆಡಿಕಲ ಹತ್ತಿರ ಹೋದಾಗ 1700 ಗಂಟೆ ಸುಮಾರಿಗೆ ಆರೋಪಿ ನಂ-1 ಇತನು ಸಾಕ್ಷಿ ನಂ-1 ಇವಳಿಗೆ "ಏ ರಂಡಿ ನೀನು 6 ವರ್ಷದಿಂದ ನನಗೆ ಬಿಟ್ಟು ನಿನ್ನ ತವರು ಮನೆಯಲ್ಲಿದ್ದಿ ನಾನೇಕೆ ಮಗನಿಗೆ ಆಸ್ಪತ್ರೆಗೆ ತೋರಿಸಲಿ ಅಂತ ಅಂದು ಕೈಯಿಂದ ಸಾಕ್ಷಿ ನಂ-1 ರವರ ಮೈ ಮೇಲೆ ಹೊಡೆಯುವಾಗ ಸಾಕ್ಷಿ ನಂ-4 ರವರು ಬಿಡಿಸಿಕೊಂಡಿದ್ದು ಇರುತ್ತದೆ.

ಕಾರಣ ಆರೋಪಿತರು ಕಲಂ-498(ಎ), 323, 504, 506 ಜೊತೆ 34 ಐ.ಪಿ.ಸಿ. ನೇದ್ದರ ಅಡಿಯಲ್ಲಿ ಅಪರಾಧ ಎಸಗಿದ ಬಗ್ಗೆ, ಸಾಕ್ಷ್ಯಾಧಾರಗಳಿಂದ ಸಾಬೀತಾಗಿ ಶಿಕ್ಷೆಗೆ ಅರ್ಹರಿದ್ದರಿಂದ ಸದರಿ ಅಪಾದಿತರ ವಿರುದ್ಧ ಮಾನ್ಯ ಘನ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಈ ದೋಷಾರೋಪಣೆ ಪತ್ರ ಸಲ್ಲಿಸಲಾಗಿದೆ."

9. The FIR reveals that the date of offence is 07.03.2024. Accused 2 to 4 were not present at the time of alleged commission of offence. Admittedly, petitioners 2 to 4 are not residing with accused No.1. The prosecution papers reveal that the complainant was residing in her



parents' house six years prior to 07.03.2024. There is no specific allegation against accused 2 to 4, as to the alleged date, time and place of incident. However, the Investigating Officer has mechanically submitted the chargesheet against the accused 2 to 4. Viewed from any angle, I do not find any material to proceed against he accused 2 to 4 for the alleged offences. The proceedings initiated against accused 2 to 4 without any material amounts to abuse of process of law. Accordingly, I proceed to pass the following:

ORDER

- (a) The Criminal Petition is ***allowed***.
- (b) The chargesheet No.6/2024 dated 05.04.2024 arising out of Crime No.29/2024 registered by Women Police Station, Bidar for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the proceedings in C.C. No.4369/2024, pending on the file of the Principal Civil Judge



and JMFC-II, Bidar, insofar as the petitioners are concerned, are quashed.

- (c) The Registry is directed to send a copy of this order to the Trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

RSP
List No.: 1 Sl No.: 30
CT: BH