



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 202062 OF 2025

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

BETWEEN:

1. YAMANAPPA S/O ARJUNAPPA PAYTI
AGED: 38 YEARS
OCC: DRIVER AND AGRI.
2. LAXMI @ MAHALAXMI W/O YAMANAPPA
AGED ABOUT 35 YEARS
OCC: HOUSEWIFE
3. SIDDAMMA W/O ARJUNAPPA PAYTI
AGED: 55 YEARS, OCC: HOUSEWIFE

PETITIONERS NO.1 TO 3 ARE
R/AT TARAKASPYATI, TQ: CHITTAPUR
DIST: KALABURAGI-585211

4. BHIMBAI @ BASAMMA
W/O HANMANTHA AMBAGER
AGED ABOUT 40 YEARS
OCC: HOUSEWIFE
R/AT HOTINAMADI VILLAGE
TQ: JEWARGI
DIST: KALABURAGI-585310
5. HANMANTH S/O SHARANAPPA AMBAGER
AGED ABOUT 42 YEARS, OCC: AGRI.
R/AT HOTINAMADI VILLAGE
TQ: JEWARGI, DIST: KALABURAGI-585310



6. NAGAMMA
W/O LATE DURGAPPA BOMANAHALLI
AGED: 50 YEARS, OCC: HOUSEWIFE
R/AT MAILAPUR AGASI YADGIRI
TQ: AND DIST: YADGIRI-585201

...PETITIONERS

(BY SRI. BHEEMARAYA., ADVOCATE)

AND:

SMT. HEMA W/O YAMANAPPA PAYTI
AGE: 35 YEARS, OCC: HOUSEWIFE
R/AT: TARKASPET, TQ: CHITTAPUR
DIST: KALABURAGI-585102
NOW R/AT ANABI VILLAGE
TQ: SHAHAPUR, DIST: YADGIRI-585201

...RESPONDENT

(BY SRI. MOHAN R. RATHOD AND
SMT. BHUWANESHWARI G. B., ADVOCATES)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO ALLOW THIS PETITION AND BE PLEASED TO QUASH THE PROCEEDINGS IN C.C.NO.1199/2024, PENDING ON THE FILE OF ADDL. CIVIL JUDGE AND JMFC, SHAHAPUR, ARISING OUT OF PRIVATE COMPLAINT FILED BY THE RESPONDENT IN PCR NO.56/2024 AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE U/SEC. 494, 108 R/W 149 OF IPC TO SECURE THE ENDS OF JUSTICE AND TO PREVENT ABUSE OF PROCESS OF THE COURT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA



ORAL ORDER

The petitioners have filed this petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') seeking following relief:

"To Quash the proceedings in C.C.No.1199/2024, pending on the file of Addl. Civil Judge and JMFC, Shahapur, arising out of private complaint filed by the respondent in PCR No.56/2024 against the petitioners for the offences punishable u/sec. 494, 108 r/w 149 of IPC to secure the ends of justice and to prevent abuse of process of the court and etc

Pass such other order or orders, which this Hon'ble Court may be pleaded to pass, in the circumstances of the case, in the interest of justice."

2. Respondent appeared before this Court through counsel and filed objection.

3. The learned counsel for the petitioners would submit that petitioners are innocent of the allegation made against them. Petitioners have nothing to do with the alleged offence, as they have been falsely implicated in the above case vindictively and in order to cause harassment. That there is no *prima facie* case against the petitioners.



There is no specific overt act against the petitioners. The second marriage took place on 19.02.2024, but the complaint was lodged on 30.04.2024 without any proper explanation for the delay. Such unexplained delay creates spontaneity of the allegation. No documentary evidence, no photography, no video, no priest's statement, and no temple record are produced to substantiate the allegation of second marriage. Except omnibus and general allegations, there is no active participation of accused Nos.3 to 6. On all these grounds sought for allowing this petition.

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

5. Hema W/o: Yamanappa Pyati, had lodged a complaint against the accused Nos.1 to 6 for the offence under Sections 494, 108 r/w 149 of IPC. The case was registered in PCR No.56/2024. Thereafter, sworn statement of CW.1 was recorded and five documents were marked as Exs.C1 to C5. On the basis of sworn statement,



the trial Court has taken cognizance against accused Nos.1 to 6 for the offence under Sections 494, 108 r/w 149 of IPC and the case was registered in C.C.No.1199/2024. Being aggrieved by the order passed by the trial Court, the petitioners have preferred this petition seeking to quash the proceedings.

6. On perusal of the complaint, in paragraph No.8 of the complaint, it is stated that accused Nos.3 to 6 have abetted accused Nos.1 and 2 for second marriage. In the sworn statement of CW.1-Hema, she has not stated that accused Nos.3 to 6 have abetted accused Nos.1 and 2 for second marriage. Though there are no sufficient materials to proceed against accused Nos.3 to 6 for the commission of offence under Sections 494, 108 r/w 149 of IPC, however, the Trial Court has registered the case against them for the commission of offence under Sections 494, 108 r/w 149 of IPC. As regards petitioner Nos.1 and 2 is concerned, there are sufficient materials to proceed against them for the commission of offence under Sections



494, 108 r/w 149 of IPC. Hence, I proceed to pass the following:

ORDER

- (a) The petition is ***partly allowed***.
- (b) The petition in respect of petitioner Nos.1 and 2 is ***dismissed***.
- (c) The petition in respect of petitioner Nos.3 to 6 is ***allowed***.
- (d) The cognizance taken against accused Nos.3 to 6 who are petitioner Nos.3 to 6 in C.C.No.1199/2024, pending on the file of Addl. Civil Judge and JMFC, Shahapur, arising out of private complaint filed by the respondent in PCR No.56/2024 for the offences punishable under Sections 494, 108 r/w of 149 of IPC, is hereby quashed.

Registry directed to send the copy of this order to the Trial Court.

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

SDU,MSR
LIST NO.: 1 SL NO.: 39;CT-BH