

# Sri Viveka P K vs The State Of Karnataka on 3 September, 2024

**Author: M.Nagaprasanna**

**Bench: M.Nagaprasanna**

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NC: 2024:KHC:36345  
CRL.P No. 1364 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2024  
BEFORE

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THE HON'BLE MR JUSTICE M.NAGAPRASANNA  
CRIMINAL PETITION NO. 1364 OF 2023

BETWEEN:

1. SRI VIVEKA P. K.,  
S/O KAVERAPPA P. M.,  
AGED ABOUT 34 YEARS  
R/AT NO.338, NEAR RTO OFFICE  
BELEGADDE, SAKLESHPUR TALUK  
SAKLESHPUR, HASSAN DISTRICT PIN - 573 134.
2. SMT. NAILA  
W/O KAVERAPPA P. M.,  
AGED ABOUT 54 YEARS  
R/AT NO.330, RAGHAVENDRANAGAR  
BELEGADDE, SAKLESHPUR TALUK  
SAKLESHPUR, MARANAHALLI  
HASSAN DISTRICT PIN - 573 134.
3. SRI KAVERAPPA P. M.,  
S/O LATE MADAPPA  
AGED ABOUT 65 YEARS  
R/AT NO.330, RAGHAVENDRANAGAR  
BELEGADDE, SAKLESHPUR TALUK  
SAKLESHPUR, MARANAHALLI  
HASSAN DISTRICT PIN - 573 134.
4. SMT. AKKAMMA SOMANNA

Digitally signed  
by NAGAVENI  
Location: HIGH  
COURT OF  
KARNATAKA

W/O P. M., SOMANNA

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CRL.P No. 1364 of 2023

AGED ABOUT 74 YEARS  
R/AT HARANAHALLI HOBLI  
PERIYAPATNA TALUK  
NILAVADI POST, SUNKADAHALLI  
MYSORE - 571 102.

5. SRI DEELIP SOMANNA  
S/O P.M.SOMANNA  
AGED ABOUT 50 YEARS  
R/AT HARANAHALLI HOBLI  
PERIYAPATNA TALUK  
NILAVADI POST, SUNKADAHALLI  
MYSORE - 571 102.

...PETITIONERS

(BY SRI MURTHY D.NAIK, SR. ADVOCATE FOR  
SRI VIKRAM RAMALINGAM R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA  
REP. BY POLICE SUB-INSPECTOR  
KUSHALNAGAR TOWN POLICE STATION  
KUSHALNAGAR  
REP. BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
HIGH COURT OF KARNATAKA  
BENGALURU - 560 001.
2. SMT. DEEPIKA  
D/O LATE YOGANANDA  
AGED ABOUT 33 YEARS  
R/AT BASAVESHWARA BADAVANE  
2ND BLOCK, MULLUSOGE  
GOPAL CIRCLE, KUSHALNAGAR

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CRL.P No. 1364 of 2023

KODAGU - 571 234.

...RESPONDENTS

(BY SRI JAGADEESHA B. N., ADDL. SPP FOR R1;  
SMT. DEEPIKA, R2 PARTY-IN-PERSON)

THIS CRL.P IS FILED U/S 482 OF THE CR.P.C/528(BNSS)  
PRAYING TO QUASH THE FIR BEARING CR.NO.48/2022 FOR  
THE OFFENCES P/U/S 323, 498A, 504, 506 R/W 149 OF IPC  
REGISTERED BY KUSHALNAGAR TOWN POLICE STATION VIDE  
ANNEXURE-A, PENDING ON THE FILE OF CIVIL JUDGE AND  
J.M.F.C., KUSHALNAGAR.

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

CORAM: HON'BLE MR JUSTICE M.NAGAPRASANNA

#### ORAL ORDER

The petitioners are before this Court calling in question registration of a crime in Crime No.48 of 2022 registered for offences punishable under Sections 323, 498A, 504, 506 and 149 of the IPC pending before the Civil Judge and JMFC, Kushalnagar.

2. Facts, in brief, germane are as follows:-

Accused No.1/petitioner No.1 is the husband; accused No.2, mother in law; accused No.3, father-in-law; accused NC: 2024:KHC:36345 No.4, grandmother and accused No.5, brother-in-law of the complainant. It is the averment in the petition that when the 1st petitioner was working with Virgin Coffee Private Limited during the year 2019, the 2nd respondent had contacted him in connection with business transactions/sale of coffee. Since then, it is the claim of the complainant, that she dealt with agro-products such as spices and coffee and had a company named Deepika Enterprises.

3. The story fast forwards to three years. On 28-08-2022, it appears that the 1st petitioner meets the complainant for the first time in Hotel Lalit Mahal Palace, Mysore in connection with a business transaction. It is then, the relationship of the 1st petitioner with the complainant blooms. On 08-09-2022, the 2nd respondent registers a complaint alleging offences punishable under Section 376 of the IPC barely after 15 days of the aforesaid meeting and blooming of the relationship. On 19-09-2022, it appears that the 2nd respondent registers another complaint where it is alleged that the 1st petitioner married her by appearing before the Sub- Registrar at Sakleshapur; the alleged incident had taken place on 15-09-2022 and she was abandoned in the intervening NC: 2024:KHC:36345 period. The impugned crime comes to be registered on 22-09-2022 before the Kushalnagar Town Police Station for the offences afore-quoted. The registration of crime has driven the petitioners to this Court in the subject petition.

4. Heard Sri Murthy D.Naik, learned senior counsel appearing for the petitioners and Sri B.N. Jagadeesha, learned Additional Special Public Prosecutor for respondent No.1. The 2nd respondent who appears in person has been absent continuously. This Court noting her absence, on 05-03-2024 listed the matter on 21-03-2024. Again on 21-03-2024, the matter was adjourned. On 28-08-2024, this Court heard the learned senior counsel for the petitioners and recorded his submissions. As a last chance, the matter was adjourned to 31-08-2024. On 31-08-2024, again there was no representation of the 2nd respondent. The matter was directed to be listed on 03-09-2024. Even on 03-09-2024, there was no representation of the 2nd respondent. Therefore, the learned senior counsel for the petitioners and the learned Additional State Public Prosecutor were heard and all available materials on record are perused.

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5. The learned senior counsel for the petitioners would project gross abuse of the process of law by the 2nd respondent in registering crime after crime against different men. It is his submission that if it is viewed in a proper perspective, the 1st petitioner would be the victim of 10th crime registered by the complainant. He would submit that all documents are placed on record depicting crimes so registered by the 2nd respondent against several other persons including the 1st petitioner for offences punishable under Section 498A of the IPC that is now alleged. The learned senior counsel would submit that there is not even a speck of ingredient of the offences and the complainant has dragged in all the members of the family including the sister of the mother in-law into the web of crime. Therefore, he would submit that if further proceedings are permitted to be continued, there can be no better illustration of any proceeding becoming an abuse of the process of law.

6. The learned Additional Special Public Prosecutor Sri B.N.Jagadeesha, would also on verification of the record of investigation that has taken place for sometime, submits that the documents that are produced by the learned senior counsel NC: 2024:KHC:36345 for the petitioners are all of a matter of record and investigation also reveals the same facts.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The narration of the 1st petitioner meeting the complainant is what is averred in the petition. It is said that the 1st petitioner after meeting the complainant in the year 2019 meets her in 2022 in connection with business transaction or future business expansion. Therefore, the friendship between the 1st petitioner and the complainant began to bloom initially over phone and later flowers into a relationship. Thereafter, it is the averment again that the complainant used to call the 1st petitioner on his mobile and talk for sometime intermittently. On 28-08-2022, it is the averment that the 1st petitioner has met the complainant for the first time and the issue begins from the said date. The impugned complaint comes to be registered on 22.09.2022. Since the entire issue has now sprung from the complaint, I deem it appropriate to notice the complaint. It reads as follows:

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aÀAiÄÄ,ÄÄi-33 , ! # \$ , ' )\*

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 ¥9 3: ; <, 9 = > ? ; < fA A B ; C D \$, ¢, FG D §  
 H )\* IJ K 4/ L, J D I .

; 3N , 4! O ¤ 3D\*□ 7 7 / Qo ) 9 \* R .' QT, “ ! V  
 ¢ ¤ 7 7 ' 9 \*W )\* X R « ! < 7 7 ZC . R  
 7 J ¥ “R □[ )=C “ ! V J = . < ¥ “□/ ¤  
 J = 9 \*R . 7 7 ¥ R R “ ! “ : fA > ' «  
 , §^ ' 9 \*WC 9 \*R . < N R ' > \_T \_` ¤ )=C 9 \* R .

NC: 2024:KHC:36345 7 7 a >V ' 9 \*W )\* X . < N R  
 ' QT \_` [ 4! O □ \$ C 7 7 / Qo ); 9 >C,  
 7 7 cf L 9 )=C . R □ ¤ > oe7C , “R □ L  
 )= f G <□[ J LK “ ! V G/ g h ¢ J “R □ L , \_ £' §  
 )=C o \$ G “ ! V ¢ ¤ J = . ¥ . ' )V G \_ L 4!  
 “R □[ ' QT , , / , J = J 7 Qo ) H°! X, R [ \_` [!  
 R « ! < ? g jk J D ZC 9 \*R .

`R 28/08/2022 “ [ 4! O 7 ¥9 3: ; <, fA J ; C A B  
 H < 9 \*R . 7 7 9 fC `R 31/08/2022 ¢ > ) <□[ 9 =  
 > L“j , , J D C - « “ ! V G . 7 7/ §hL  
 §mAC 9 “ ` 9 \* R ¤ J = . “ ` R N ; <  
 ; R < , R 7 R ° §! < 9 g □ 7D \* ZB J = 9 \*R . R L  
 4! 7 a >; £ÀUÀgÀPÉÎ ¢: 01/09/2022 gÀAzÀÄ <  
 4! O 7 “R □[ fA A B , ; C D § H < J LC > X , \_  
 ` § R H 9 \* R ¤ J = , 4! ¥“1 R f , ¥ > T  
 , ! > T, n“1, ¥ F“1, n“1 “ ` > J B B ¥! □§ X =  
 / f »A, ÉH < XN J 4! n“1, R 7 R ¥e[ ! G; R <, ¥ · 3  
 'R ; < 7 7 J \$ ¤ [ 4: § 7 ¤ [ J §/ / LC Xg .  
 ¤ [ B L, A B ¤Ãr / L, J D . R  
 `: 08/09/2022 “1 □[ H < 9 \* R . 4! , ,  
 o“ = QTC, §^ 9 7 “R □ , 4! , o“ =  
 QTC, §^ , 9 , 7 3D\* §m, ; ° “ ¶3 q ¤ J =,  
 ` X 3D\* §m J 7 7 9 fC, ZC LK “ ! ' QTC .  
 7 7: R 7GR <, §m^9 \*N , V \_ 9 N H \_`®è ¤ □[  
 . B H < . 4! O 7 7 > \_ r LK s L□[, 7 ¥ > T  
 J “t“ [ LK “ ! V . 4! f G D §, fA  
 A B , ; C D § H < “R □[ > X . J 7 = 50 t ¢ / <, « .  
 ¥ J ¥ “R □ B ) L J

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NC: 2024:KHC:36345 ! 3 , FG ¢/ , J = . R 50 t H < N  
 ; o ¥ R R / § B -3, [! N 7 “R J « J ¤

4! , 4! Yu“ , Y> T, n“ 1, n“ 1 “ Y n“ 1 B B ,  
R 7 R ° §! <, A B H <, K / L, J D 9 \*N . R “R  
J X X, F` :15/09/2022 , 4! O 7 7 M\$âAn ; <, / < “R □  
[ Z« J G 9 \*R . < XL , O “ ° G “R □ [ Z« J G 9 \*R .  
< XL , o“ ° G , L R “ 4 ; 9 \* R J t  
H , L“ 4.

- 3! §m ) “14 #C, ,À»/- "

The complainant narrates that she met the 1st petitioner on 28.08.2022 and barely three days thereafter, she was forcibly asked to get married on 31.08.2022, at a temple. Again after three days i.e., on 01.09.2022, on an alleged incident that the family members of the 1st petitioner have hurled abuses, the complainant seeks to register a complaint at jurisdictional police at Kushalnagar on 08.09.2022. As a preliminary enquiry, the petitioners and the complainant were interacted with and were asked to settle the issue. After the settlement, the 1st petitioner and the complainant register their marriage at Registrar of Marriage, Sakleshpura on 12.09.2022. Later, it transpires that on an allegation that the 1st petitioner has

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NC: 2024:KHC:36345 abandoned the complainant, seeks to register another complaint on 19.09.2022, before the very same police station.

Therefore, the entire narration in the complaint relates to happenings of 25 days i.e., between 28.08.2022 till the date of registration of a crime i.e., 22.09.2022, for the offences under Sections 323, 498A, 504, 506 and 149 of the IPC.

9. Before considering the subject issue as to whether it is an abuse of the process of the law or otherwise, I deem it appropriate to notice what is placed on record by the learned senior counsel for the petitioners. The documents on record depict that several crimes are registered against several men by this very complainant for the last 10 years. In the light of no offence being made out in the complaint, I deem it appropriate to notice the grievance of the complainant which suffers from want of bona fides. The 1st petitioner and the complainant, as observed hereinabove, got their marriage registered before the Marriage Officer at Sakleshpur on 12.09.2022. In the application filed by the 2nd respondent/complainant, for the purpose of registration of

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NC: 2024:KHC:36345 marriage, she depicts herself to be unmarried. The application reads as follows:

"REGISTRATION HINDU MARRIAGE (KARNATAKA) RULES 1966 (Form 1) See Rule 4 MEMORANDUM OF MARRIAGE Photo 1 Date of Marriage Dated:

31-08-2022 2 Place of Marriage SHRI VINAYAKA DEVASTHANA SIDDARTHA LAYOUT MYSORE (With sufficient particular locate the place) 3 (a) Full name of the bridegroom VIVEKA P K

(b) Name of the Father S/O KAVERAPPA P M

(c) Name of the Mother NAILA

(d) His age 13/06/1988 (34 YRS)

(e) Usual Place of Residence

(f) Address NEAR RTO OFFICE, BALEGADDE, SAKLESH PURA (T) HASSAN (Dist)

(g) Status of Bridegroom at the time of Marriage Whether Unmarried unmarried/Divorced

(h) Signature of the Bridegroom With Date: Mob No: 9741997353 4 (a) Full name of the Bride DEEPIKA Y G

(b) Name of the Father D/O LATE YOGANANDA

(c) Name of the Mother GAYATHRI

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(d) Her Age 29/08/1988 (34YRS)

(e) Usual Place of residence NO.327, HANUMANTHANAGAR, BANGLORE-SOUTH-560019

(f) Address

(g) Status of Bride at the time of Marriage Whether UNMARRIED Unmarried/Divorced

(h) Signature of the bride with date: 9972851731"

(Emphasis added) The 1st petitioner out of serendipity gets to know the history of the complainant. The events in history would date back to 10 years. In these ten years, close to ten complaints have emerged against different men, either terming them as husbands or accused for offence of rape on the score of promise of marriage. Therefore, it becomes germane to notice all of them and they independently are as follows:

2011 - THE BEGINNING - Crime No.1

10. A crime comes to be registered by the complainant on 16-07-2011 for offences punishable under Sections 498A r/w 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition

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NC: 2024:KHC:36345 Act. The Police after investigation have filed a charge against the husband and other members of his family.

The gist of the crime as obtaining in Column No.12 of the FIR No.400 of 2011, reads as follows:

"12. First Information Contents:

», C B N ! R N , QV ' ` eo “ ) ` Q, «1 < N Q□ 7 Qo )C ` .  
19-09-2010 “ ! V G X, `R 25-09-2010 Q ¢3 r L K  
s L□[ LK ; <C 9 \*N . » 4£□QV ' ` 9 W )= <N Q□. 9 □[  
B ; 9 §mAC, > X, QV ' `□ DgÉÆÃ|AiÀÄN ` < “R □[  
B ; )\* ! I “R W w J-1 & J2 DgÉÆÃ|UÀ¼ÄÄ  
DUÁUÉÎ dUÀ¼ÄÄ ªÀiÁ£Ä¹PÀ °ÁUÀÆ fA ! G A B H )\*zÄÄÝ< QV ' ` “R □  
[ / < □[ ! °□\* 1 « §m ¥ > ! G ªÀiÁvÀ£Ár ° §, F ,  
H )\* Xg A B 9 § “R J G X ¥[ §A ° § ; <  
7 “ » \$ , §m^ \_ ` [! J = 7 “R PÀgÉzÄÄ,  
`R 14-03- 2011 QV ' ` < [ ; < ` > > o□7C  
H 7 7, / N G□ 7 “ ! V 9 \* R J LC 9 \*R  
QV ' `□ 7 “R J G \_ G < N Q § c “ ` o“, FG  
H < 9 3 `.”

CRIME NO.2 10.1. The second crime is against one Santhosh, a resident of Bangalore and other members of his family for offences punishable under Sections 376, 420, 504 and 506 of the IPC. This is registered on 22-04-2015. The allegation was that physical relationship with the first accused therein on the

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NC: 2024:KHC:36345 promise of marriage and its breach. This becomes a crime in Crime No.297 of 2015.

Gist of the crime as obtaining in Column No.10 reads as follows:

"10. > o´ “ ’; `□4 §m F PÉÃ£Ä B N ! R N `R -06/03/2015  
QV ' “ \* > J1 < N Q□ ' > ` \* a > o! , F J GzÁÝ  
> L□□ G < N Q□ QV ' `□ 7 Qo ) )\* \_ G J “ ! V \_ G



ZC ¢R -15/03/2015 c , « , F N , J G X  
`R -16/03/2015 o“ ¢3> \_ X. Q 8R , , .x .Q ^  
> \*GL N C\$ H , ¥ ' c [ .20 ¥ 7 ¶L `C \_ G ZC 3 ¥ 7  
R < , N ¢ / x QV ' `□ 7 “{ 3 7 4-00 f ¥Áè  
N , ! G ¥9 3: ; < 9 \*R . QV ' “ !  
; < , §m^ 9 ' 9 \*WC X, F 1R < N Q□ < G X < J W  
B 7 A 9 N ¢ x ? ; < 9 \*R . » 4£□ £ÀÄß `R -17/03/2015  
QV ' < N Q□ 9 W )=C X, F < N Q□ 9 W  
¥¢k- G□ B L ¥! □ß X = / f , ; \_ G o¢ / L,  
J D 9 \*N . < XL > o’ “ ; `.”

CRIME NO.3 10.2. The third complaint is registered by respondent No.2 against one Hanumesha, a resident of Bangalore and other members of his family for offences punishable under Sections 504 and 506 Part II of the IPC. This is registered on 14.06.2015. The allegation was that of criminal intimidation and life threat. This becomes a crime in Crime No.44 of 2015.

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NC: 2024:KHC:36345 Gist of the crime as obtaining in Column No.10 reads as follows:

" 10. > o’ “ ; `□4 §m » > o ¢ B ! R N :- QV '  
`R 13.06.2015 < □[ QV ' ' “1, C 4: ! G; A)  
> \$ □ J G : “N ° f □[ “1“R J > \_ ` \*N `  
“— B \*□[ \$ , J )\* ! . 7-30 f □ “□ [ ` \*N } “—  
B \*□[ J )\* ! QV ' A ` , C < N Q g c ~, B 4 o“1,  
> o)/ J “1 7 A / C, B \*□[ < n > ¥ . 9 ` X  
H7 . 9 B L, QV ' ° « 7 A< xg zÁ< : 7 9 LC  
QV ' L ¥! □ß X = / f “14 • » A , > , 7! > 9  
, §^/ , 9 , §^` XN “1 7 J “1 9 W□ 7, ; \_  
G , / L, J D QV ' 7 =^, ¥ ` X, L [ J «  
J N c F < N Q § 4 • \* o“, FG, « 9 3`.”

CRIME NO.4 10.3. The fourth complaint comes to be registered by the complainant on 26.04.2017 against one Kumar Gowrav, a resident of Bangalore along with another for the offences under Sections 34, 120B, 376, 420, 307, 323, 328 and 354 of the IPC. The allegation is that there was a physical relationship on the promise of marriage and later assault. This becomes a crime in Crime No.41/2017.

The gist of the complaint as obtaining in Column No.10, reads as follows:

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NC: 2024:KHC:36345 " 10. > o’ “ ; `□4 §m » , C Që¥ÀÛ,  
B N ! R N €V ' L x2 < N Q9 { §m B 7 A9 V G X », □

" • 1 < N Q 2017R 4 , o L ) = [ > L G X  
`R :01-03-2017 2 < N Q9 'QV ' 7 eÁÔ£À vÀ|àzÁUÀ J1  
DgÉ/ÆÄ|AiÄÄÄ |AiÄiÄðzÄÄzÁgÀgÀ aÉÄÄ-É < 9 3: ! G \_ [ , < ¶f'  
¢ / , > \$ , §m^)\* X X [ / \* „ f § 7 §mA 9  
QV `` ' 9 \*□; < X [ , 1 < N Q 7 / \* „ f 7 QV ``  
§mA 9 \* QV ' 7 ...† " \* N B ' N , J G f G ! G  
A B H ) \* XL QV ' » A B □ 7 9 § " 1 " R □[  
J §m9 \* R QV '- ‡ < N Q J = 1 < N Q □ QV ' L  
[ ; < ) \* A < B W > o□7C X [ , QV ' f § 7 □ -« 3r  
" \* L §mA 9 \* R J L ) \* X [ , < „ f § 7 1 < N Q  
) \* [ 9 < ; 9 \* R 50000/- ¢ 7 , 9 2 < N Q □  
, = 9 \*N .

`R :25-04-2017 . 6-00 f " □ [ , QV ' 1 < N Q □ , ;  
^ `o>\_ , J, i. |, B \* , ; O'! = J G „ f § 7 < ; 9 1 < N Q , =  
1 < N Q □ ¢ 3 B q ; < `X V 1 , = QV ' , , , 9  
, = X, F 1 < N Q □ □ □ QV ' L , fW □c `X QV ``□, f□ 7 A<  
) f §, FJ \$ \* □ < C ) \* □ 7 A < B W 9 \* R J = , ;  
> o□7C 7 7 " ! ; < , § ^ ? ; < 9 \*R , « 9 3`.

Ô 3 \$ q\$ ¥\$ -12.99259338 N • - 77.57841386 < G \* ."

CRIME NO.5 10.4. A complaint, fifth in line is registered by the complainant on 26.06.2019 against one Manoj Balasaheb Dhanavade, in BKC Police Station, Mumbai, a resident of

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NC: 2024:KHC:36345 Thane, in FIR No.246/2019 for the offence under Section 376 of the IPC, on promise of marriage. The complaint reads as follows:

"Smt. Deepika Yoganand Age 30 years Occ- Service, Residing at:- No/327/7, Chandrashekar Azad Road, Gavipursam, Hanumant Nagar, Bangalore, North, Karnataka, Mob No- 96632-97980.

I am residing at above mention address with my Mother since 03 years, My Mother namely Gayatri Yoganand, Age 70 Years, She is the retired Teacher. I am working with the State Bank Of India in the Home Loan Department, Since May 2019 & from the Salary .I am Survive my Family.

I am booked for tour for Malesia & Singapur on May 2019 in the Kesari Tours & Travels on Dated 16/06/2019 Mumbai to Malesia had Travel date on dated 14/06/2019 & also Informed to me by the Kesari Tours & Travels on my whatsapp message on my mobile no. 8097166520 & also Inform me above my Tour & the said Information informed by Mr.Manoj Dhanavade & also informed to me. He is the

Team Leader of our Tour. This Information also given by him.

After the Massage of Manoj Dhanavade. I am & contact him & talking information about the tour.

As per the Counseling with Manoj Dhanawade. I am on dated 16/6/2019 by the Flat I came to Domestic Airport Mumbai at about 20:00. I am Came to Chatrapati Shivaji Maharaj International Airport Mumbai at that time my Identification & Contact on Mobile & asking about the Malesia & Singapoor Tour that Person Tour Team Leader Manoj Dhamavade. After that we on 16/6/2019, 23:35. Flat No.MH.195 gon to Malesia. We on Dated 17/06/2019 □□19/06/2019 in this period we Travel, in Malesia & Thereafter on Dated 19/6/2019. We gon to Singapur. In the Tour which I am Travel with 40 persons are there, I am alone in the Team because of that in Malesia at the time of Tour period made best friendship with Manoj Dhanavade.

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NC: 2024:KHC:36345 We all on dated 19/06/2019 gon to Singapur on dated 19/06/2019 To 22/06/2019 in this period we Travel entire Singapur in this time We all residing in the Chancellor orchid Hotel on dated 20/6/2019 after Travel we made Shopping .We all came to Chancellor Orchid Hotel. Thereafter our Tour Team Leader Mr.Manoj Dhamwade Propose to me for Marriage & asked to me I like you so much", like that, for that porpose .I am taken time for reply him. after that Manoj Dhanawde taken away to me to his living room for said I show you my shopping. I set there in the room & I am looking his shopping at that time he came from back side& he hold my Chest & beated. I pushed him beside but he hold me & laid on bed & Raped to me without my consent and after that he asked to me I Love you I will Marry you like that & came from cool down.

On dated 21/06/2019 after tour complted and after coming to Chensllor Orchid Hotel. Manoj Dhanavade came to my residential room at night that time I am requested & asked about our future & also marriage regarding at that time he told me yes I done marriage with you, you don't worry & changed the subject & he again done rape without my consent after doing of Sex he started abusing me on the subject our marriage.

On Dated 22/06/2019 we all came to Singapur to Malesia after that on dated 22/06/2019 at about 19:50 Flait No.MH.194 we came back to Mumbal after that I am asked about our Marriage to Manoj Dhanawade. He clearly said to me that not to marriage with me. He told to me we are the best friend's you go to Bunglore Back said to me but I did not listen him & I am stopped at Mumbai Airport.

On dated 23/06/2019 Manoj Dhanawade sister Gitanjali & her Husband Came to Chattrapati Shivaji International Airport and they created dispute after that I told

about my marriage with Manoj Dhanawade. If not don I will lodge complaint against you in the police after that Manoj Dhanawade has ready to Marry with me & Taken to me to sister house at home Room No.B-3, 404, 04th Floor, Raj Laxmi Park, Koregow, thane.

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NC: 2024:KHC:36345 On dated 24/06/2019 we register for Marriage at Thane Register office Knowingly register the marriage & Told me that after one month the Marriage will be register on dated 25/05/2021 Manoj Dhanawade gon to his office He did not came back to house and he did not receive my call for registering purpose one month period is so long. Hence I am gon to Thane for doing Vaidik Systam Marriage Purpose with his sister Gitanjali as per the saying of Manoj Dhanawade his sister came back to hime and bring me back to her Flat (after that Manoj Dhanawade sister also told to me not to massage with her brother) and also his family members asked to me where gon Manoj we don't know, you go to Banglore (Manoj not ready to marriage with you after that I Tried to Meet, call to Manoj Dhanawade but not completed any communication with Manoj Dhanawade & also he did not receive my call after that I came to Police Station for lodging complaint against Manoj Dhanawade.

On Dated 20/1/2019 & 21/06/2019 Manoj Dhanawade residing at Singapure & Manoj Dhanawade rape Sex with me. without my consent & also given assurance to Marriage with me after enquire absent our marriage he not ready to marriage. Hence I lodge complaint against Mr.manoj Dhanawade.

My Answer (statement) is typed on a computer in Marathi and he read it to me in Marathi and explained it in Hindi to me. It is correct as I said."

CRIME NO.6 10.5. The sixth crime is registered against one Mohamad Naajim and another, residents of Chikkaballapura, in Crime No.17/2020 for the offences punishable under Sections 376 and 420 of the IPC, on 05.02.2020, on the allegations of rape and breach of promise of marriage.

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NC: 2024:KHC:36345 The gist of the complaint as obtaining in Column No.10 reads as follows:

""10. ४ÀæxÀªÄÄªÀvÀðªÀiÁ£ÀªÀgÀçAiÄÄ«ªÀgÀUÀ¼ÄÄ:

» ` `R : 05.02.2020 / = I 11.00 f QV `` N . ` Q, Z  
, 30 £', / o 1¢ : 86,: "N ° f ,/ §h H < • L  
B N ! R N , 2019 □Qo ) § [, ? 1Ž R K u ¤ , O & D • ,  
> H □[ µÁå > , O ; J > L □ □ G X, [, ? 1Ž R K u  
7 7 Qo ) ) \* \_ G ?/ f ! < • N " cB ' " )=C X, .

oN . [, ) FLC X [ R ¥ 7 Qo )C 9 \* R , < N `R  
`R R K u f G Do' >o: R □ 7; <, 7 7a >V )=C X,  
R “ ! “ : [ L [,! J §m)\* . < N `R : 12.01.2020  
? 1ŽR K u 7 7 ) H X¢ = )=C X, ¥ 9 R )  
H X¢, FJ 7 =! 3 , F « , < X 90,000/- ¢ 7  
7 ¥¢kH ! f-3D □fD9 ,, < / , J = H7 ¢ 7 >\$ , ,  
7 7 ¥ ` X`# □ o! [ =C, ) ` N ,  
J R ¤ [ J ))\* \_ ¤ J = ` / « , FJ ¢!  
J = X L□ [ J ! ? 1ŽR K u R 7 ` ¥ · 3! G \$ , < X  
R ¥ H » [ \$ , N <□ 7 = J \_ GJ = XL B 1L  
, = “ J 9 \* “ ! < 4: ! G R 7 ` ; R < . ` / «  
" > [ ` N f # H X¢ ` [ H GL9 Q = H°' >o  
§ . ; 5.00 f N , J G f G Do' L 9  
>o: R ; < X, R HN LC 7 / W□ 7 > V GA< , ,  
`CN 9 N V G, )\* 9 < G, · LW · □ < X 7 7 7 : "  
4 •! G ¥9 3: ; < 9 \*R . [ ¥ R 7 ` 4 £' 4 • «  
XN ¥^ “ ! V \_ GJ = X, R ¥ , F' >T f 3 L B \*□ [   
“C ` J GR K u c H < X, “C `□“ ¶3 q ¥ 7 N C  
cÃ; LJ D 9 \*N . “C ` J G4: ; < XL H ! G \* ,  
< XL “ ! V 9 \* R J =, H7 ¢ 7 >\$ , , 7! 3  
,, ! G ¢

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NC: 2024:KHC:36345 >f W □ QC 7 7 ¥9 3: ; < ? 1ŽR K u  
“ \* ¥ H “1 FH < ¥ ? 1Ž¶ ` [ (HV “•) 4 • ,  
o“ ° G , LH < L c N » >o. . `."

CRIME NO.7 10.6. The complaint, 7th in line is registered on 29.02.2020 against one Tejas and others, residents of Bangalore, in Crime No.20/2020 for the offences under Sections 506, 504 and 354 of the IPC, before the jurisdictional Police at Basavanagudi.

The gist of the complaint as obtaining in Column No.10, reads as follows:

"10. >o“ “ ' ; `□4 §m » , C B N ! R N , `R :13/02/2020  
QV ' “ \* ¤1 < N Q□ <□ [ o. O L ' >\$ □ , L [   
= , □ ' ; ! } < R QV ' >□ 7 > □ G □ ZC, # 7  
')\*, f □ 7 ¤g , 7 , F □ ZCJ f □ 7 A D, ¤g < \* , F, f  
□□7C Ý! « ¢O □ ¤ “Ô 9 f G D § H < X, QV '  
< 7 =^ § £ > « =^, Z« Z 9 D : < / f ¤1 < N Q□ 7 7  
£ > 9 \* R / Qo ) 9 \* R 7J ), « §m, 9 LC Xg  
, 4 • L £ [ ' 9 \*WC X, , F QV ' ' QT \_ ` [ . [   
QV ' ¤1 < N Q□J )V ¤2 < N Q J = X, Ft" R `X  
J §m9 \* R ¤ J = 9 \*N . `R : 24/02/2020 ¤2 < N Q□ >

QV ' L ; < g " x Y! □ X = / f 7 \*  
 J = " 9 \*R , , □ 9 \*R , Y \_ J , H Y  
 J = 9 , §/ x J = X [ , V N Nß< , f Y  
 QV ' L H 7"1, g " \$ , H 7"R GI,, □ 9 \* R ,

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NC: 2024:KHC:36345 " 9 ; 9 \* R x Ye[ ! G ; R < QV '  
 7J Y 9 W□ 7B W \_ GK / L, J D 9 \*N . [   
 x2 x3 < N Q□ » R " \* Nß< H"1" R 9 \* ! □ D \*, §m^)\*  
 D \*, x Ye[ ! G ; R < / L, J D 9 \*N . < XL < N Q §  
 4 •, L )□ o" ° G 9 , « 9 3`."

CRIME NO.8 10.7. The 8th complaint is registered on 08.11.2020, in Crime No.82/2020, against one Vishwanath Biradar, for the offences under Sections 323 and 376 of the IPC, on the allegation of causing hurt and rape. The copy of the complaint is not placed before this Court.

CRIME NO.9 10.8. This is the ninth complaint registered on 16.09.2021 against one Abhishek Adiga, resident of Bangalore, in Crime No.157/2021 for the offences under Sections 354A, 417, 504 and 506 of the IPC, on the relationship turning sore.

The gist of the complaint as obtaining in Column No.10, reads as follows:

4 §m::

"10. > o' " ' ; `□4 §m`R :16-09-2021 "{ 3 7 12-30 f  
 QV ' J °N GH < L B N ! R N ,R { "  
 [ B / 3 O < • < V / 3 O [ o2 £' = JßC • ,ßH < G ,  
 ; < , < 9 \* R . "1/ 3 O [ YCB ; 3R ° < G ,

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NC: 2024:KHC:36345 ; Yš^ O Y< x R / 3 O [ , ;  
 ! g □[ 7 7H \_ § : R 7G`X N , R H"1 7 / £ > )\* X ,  
 H"1 7 Qo ) ; )\* 9 \* R H \_ 7 7 Qo ) ; / x > >  
 ' 9 \*□ ; )\* X , Y Qo )W ; R < \_ , § Z, W  
 H 7 7" ! V 9 \* R J §m \_ , / , N 7"R N ,  
 J G 7 9 W□ . 9 ; R < \_ GJ = XL R < Qo )□ 7  
 ' QT, < X . < 7. 9 § 9 \* X, < £ ¶ § 7  
 7. 9 f, §m^)\* X . , \_/ L 7 7f F" §h \$ • \$ >æ J  
 φ! , J \$ a«, FJ φ! ; / L N ` XR ; o x  
 [□ J G [ . »G [ `R : 25- 08-2021 . ; 07.30 f  
 Yš^ O < < 7 7 / 3 O ž u N , J G, / G " fY,  
 R 7G 7 7 ! G Z, < X, 7 > < >□ 7J D > V G

□ ZC X, O < G < 7 = ^ , > \_ æ < 7 7 ✕ , f =  
 ✕ g Z, < 7 7 , F Te'CY · 3! G \$ , \$ “9 \*  
 R < 7 = ^ , . < 7 7 ! G ✕ g , f c  
 < \* 7 7 \* , F > > ')\* 9 \*R “ \* 7 7 ✕ g <  
 ¥ § 7 “ > , < , f H 7 \* § 7 “ > , 7 \* = D  
 ; < 9 \*R . < R . N G D : < X < 7 7 Z« / 3 O H < :  
 . < R < R ` ° § ; < ¥ \* , . R “ R  
 J > X, ¥š^ O ¥ < ; < R H 7 7 H “ 1 “ R \$ o ¢  
 ; 9 \* R J = ¥ , F R / ✕ Zf . `R :  
 26-08-2021 > \_ æ < 7 7 / > V )=C < N R V \_  
 , ¢ F H 7 7 a > ; \_ ` [ ✕ ` X . < ; / L ; < R  
 H 7 7 Qo ) ) \* ! R J = ; { ; > o □ 7 C X . R <  
 I 4: ; G ¥ H » “ ! V G “ 4 4: )=W , < R ¥ H  
 \$ 4: I H \_ G J = XL ¥ ¥! □ 3 X = / f  
 / L, J D 9 \*R . < XL 7 7 Qo ) C “ ! V \_ G ZC 7 . 9  
 ¥ · 3! G \$ , , f G D § “ \* ß ° ' 3! G, ¥! □ 3 X = / f  
 / L, J D ¥š^ O ¥ < 4 • , L 3 o “ ° G / , , L  
 → « / 3 O ¥ } , L = H < » ` ! G J ° N G H <  
 L c N ."

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NC: 2024:KHC:36345 THE IMPUGNED CRIME No.10 10.9. This is the tenth complaint registered by respondent No.2 - the complainant on 22.09.2022 against these petitioners in Crime No.48/2022 for the offences under Sections 323, 498A, 504, 506 and 149 of the IPC.

The gist of the complaint as obtaining in Column No.10, reads as follows:

"10. > o “ ‘ ; ` □ 4 § m » > o ¢ QV ' 7 `R 19.09.2022 19.30  
 f □ [ C# LC, » L c N V L ) □ o “ , f § ^ / , ¥ Z  
 o □ H I ; 3 , ¥ } , L § m (DL □ ¥š o □ > \$ □ `R  
 19.09.2022 > o [C X L □ ¥ ¥š o □ 7 À [ `R 31.08.2022  
 < N Q □ QV `` □ 7 cf L [ 4! ! G X, < 4! “ \*  
 QV `` □ L ¥! 3 □ 3 X = / f , , f W É è ; < , ; C “ \* f A A B  
 H < , / L, J D \_ L 323, 498(✕), 504, 506 ¥ Q C L 9 3 o “ , f  
 § m ^ 9 ¥š o □ H < X L ¥š o □ > o 7 J ` , QV `` □ L  
 c N » ` 18.30 f J ` , V LC > o . . `."

#### COMPLAINT ON THE ADVOCATE:

11. The complainant does not stop at that. A complaint is registered before the Karnataka State Bar Council against the Advocate who represented the 1st petitioner in complaint No.KSBC/C-113/2023. The Karnataka State Bar Council in

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NC: 2024:KHC:36345 terms of its order dated 03-01-2024 declined to accept the complaint holding that there was no professional misconduct on the part of the Advocate against whom complaint is made. CRIMES AGAINST THE COMPLAINANT:

#### CRIME NO.1

12. The accused - Vishwanatha Biradar in Crime No.82/2020, a resident of Chamarajanagar, registers a crime in Crime No.81/2020, before the Belthangadi Circle Police Station, Dharmasthala, on 11.11.2020, for the offence under Section 389 of the IPC, which deals with extortion, against the complainant herein.

The gist of the complaint as obtaining in Column No.10 reads as follows:

4 §m::

"10. > o' " ' ; ' □ 4 §m » > o ¢ w> \* B N ! R N QV ' ' : ; N ° f □ [ ' > HLt N G ' 3 [ \_ G < " □ ' Q, ¤ 3¢ f ¢ § ^ ! G X > 9 \* ; < , N H < X □ [ 80/2020 9 > o ¢ ¶ G H • □ [ \* QV ' ' ?/ f 7 < N Q ' Q, §m > \$ , QV ' ' ?/ f 9449157790 R □ , F 9663297980 H > o) ' N ; < ; 9 R ) \* X ¥R 3 ! G ' 3 [ " □ N ; < ' R : 08/11/2020 . 5.00 f N ; < g J G 7 3¢ f ¢ I ; A) CDF < XL H \_ » < □ a Ì Á ã \$ R n H 7 ¤ N §m QV ' ' ¥ o, 80/2020 H • G

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NC: 2024:KHC:36345 J G 9 \* R < " □ » L ) N ; < 7 " □ 7 3 ' ' ; / < ¤ ) §m = , H < " 9 \* , ; < H 7 # T 9 N ¤ J = ) ' H c ¤ J = . 6.00 f a Ì Á ã \$ R n ¤ [ , / > V G 9 \* N = ' Q, §m 7 7 " ! V 9 ' 9 \* WC Heÿ9 ' ! G c ¤ G ) = C 9 \* N 10 H " £ N ; < H \_ / XN H " 1 J L [ \$ • R N B □ 9 \* R ¤ ' Q, §m J = §m N f # H X ¢ , F QV ' ' J G V , H » L ) ; ) \* □ ¤ J = R J = H \_ , § XN " £ ) \* H 9 \* R 7 B 4 H R , ¢ ¤ N ' « < 1 9 3 ; < , §m ^ 9 \* ¤ G / LC 9 \* g ' R : 09-11-2020 . 6.00 f / § h L H N f [ > o V ¢ ; < - " ' q § , F ' 9 \* ! ' R : 10-11-2020 / § I o 8.00 QV ' ' " \* ' Q, a > ; < R J = 10 t W , XN H " 1 c N > \_ , J DC , ' 9 C J D 9 \* R R » L ) 5 ° c , J DC 9 \* R H Z , [ ' XN c " ° R ' [ , = , ¤ R J = < , § ' X , F ¥ 7 . f §m AC 9 \* R H 7 7 K > □ . f [



, g □ < ; 9 \* R x / L, J D X`R : 11/11/2020 QV ``  
L . □ G - " ' q§ ` 9 \* R H7 9 F ! G ¢ 7 ` Q, §m  
> \$ , § ^ / L, J D \_ G x Z9 3 ` ¥Àæ `."

CRIME NO.2 12.1. An accused in Crime No.157/2021, as afore- quoted, registers a crime in Crime No.319/2021, before the Kamakshipalya Police Station, on 04.11.2021, for the offences under Sections 448, 385 and 506 of the IPC, again on the allegation of extortion.

The gist of the complaint registered against the present complainant as obtaining in Column No.10 reads as follows:

4 §m::

"10. > O " ' ; ` □4 §m

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NC: 2024:KHC:36345 QV ' N eo Yš ^ O Y< H < L  
B N ! R N R " [ # x.Z.Y/ 3 D [, < CB ; 3R ° < G,  
; <, < X » A { " x.Z.Y/ 3 D [, , ; ) \* X Y [ JBC •  
□ < G, ; ) \* X ` Q, .! f.K x "1/ 3 D [ • 9 L  
; < J □; < ¶ ) § 7 §mAC XR < ¶ ) § 7 > Le C " ¶ 3 s L  
7 §mAC X . » , ; <, " □ [ ` Q, .! f.K  
> L □ □ G X . ! < • , [ , R 7 ` ; R ) \* X J :  
; ) \* X , `R : 25-08-2021 / 3 D [ V [ 7 R < ` Q,  
7 = > \_T L xg □ > o □ 7C XR < , ` B 7 `  
\$ , < X , R 7 §C, 7 c [ [ < R § 7; 9 \*  
; < 5 t ¢, FG/ <, « 7 7 / [ O cf ; ) \* X §m. R , F,  
; X `R : 27-08-2021 / § I / 3 O Y}, L = 74 • 7  
H < " 3 7 ; 01-00 L 03-00 f □ " □ [ ` Q, .! f.K R  
[ " □ [ 7 " R " R § Y o " ! G > o ! ; < 7 > ) 7 G 9 J § ^,  
L 7 I [ [ X 7 J = H 7 5 t ¢, ` XN < 4 •  
, ¶ 9 \* R . 7 I, = ) = , = ^ . 7 7 x J D, N H "  
[ , LV `X 9 \* R x / L, J D 9 \* g . R » / L, dUÀÎ  
o ` Q, .! f,K 74 X C § 3 □ , ¶ C 9 \* g , » A  
R / 3 O 3 J H " \* ; < X N §mJ cB ° † § 7 Qo ^ 9 > £.  
x J L [ 7 " R ; \_ ; 9 \* 7 J 7 > ) 7 □ ! šR 7 š  
o □ > o □ 7 ; < 9 \* g , ` Q, .! f.K x 4 • \* , o " , f  
§ ^ / , H < 9 3 `."

Two of the men who had alleged relationship with the complainant have sought to register complaints against the complainant as afore-quoted. There are three other crimes registered against the complainant. One in Crime No.72/2015 on 18.04.2015, before the Chamarajpet Police Station. The

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NC: 2024:KHC:36345 second crime in Crime No.142/2015. The allegation is extortion and harassment. This is registered against the complainant on 20.04.2015. On 21.01.2020, the third crime comes to be registered in Crime No.22/2020, which is again for extortion and harassment. What has happened to these crimes, the State or the petitioners are unaware of. Nonetheless, the crimes are registered against the complainant.

13. Against the first petitioner in the subject petition, the complainant has also instituted proceedings invoking Section 125 of the Cr.P.C. claiming maintenance and has been continuously absent in the said proceedings also. On 20-04- 2024 an order is passed dismissing the claim of the complainant for any maintenance under Section 125 of the Cr.P.C. A proceeding invoking Section 12 of the Domestic Violence Act is registered in Criminal Miscellaneous No.36 of 2023 by the complainant against the 1st petitioner and all his family members; makes allegation against the presiding officer therein also. Applications are filed seeking residence and maintenance. This comes to be dismissed by the concerned Court on 07-12-2023.

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NC: 2024:KHC:36345 ORDERS OF ACQUITTAL PASSED IN FAVOUR OF THE ACCUSED, AGAINST WHOM THE COMPLAINANT HAD COMPLAINED OF.

#### ACQUITTAL NO.1

14. The first crime registered against the husband one Manjunatha. B in C.C.No.2304 of 2013, the accused therein get acquitted of the offences under Section 498A and 34 of the IPC, by the judgment of acquittal dated 27.03.2018 as the complainant did not turn up to tender evidence.

#### "REASONS

9. Point No.1 : As I said supra, though sufficient time has been provided, prosecution did not examine any of the witnesses cited at the charge sheet to prove the guilt of the accused. When prosecution has not examined any of the witnesses cited at charge sheet, it can be said that there is no evidence on record to come to a conclusion that the accused have committed the offences as alleged by the prosecution. It is the story of the prosecution that accused have mentally and physically tortured CW-1 for dowry of Rs.5 lakhs and have treated CW-1 with cruelty. But in order to prove such fact, prosecution neither examined any of the witnesses cited at the charge sheet nor produced any documents. In the absence of cogent, oral and as well as documentary evidence, this court cannot come to the conclusion that accused have committed an offence as alleged by the prosecution. When there is no evidence on record to prove the guilt of the accused, I feel the prosecution has utterly failed to prove the guilt of

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NC: 2024:KHC:36345 the accused beyond all reasonable doubt. In view of this, I answered this point in the Negative.

10. Point No.2: In view of the findings given on the above said point and reasons thereon, I proceed to pass the following:

ORDER Acting under Section-248(1) of Cr.P.C., Accused No.1 and 2 are ACQUITTED for the offences punishable U/sec.498(A) r/w.sec. 34 of IPC and sec.3 and 4 of DP Act.

Their bail bonds stand cancelled."

ACQUITTAL NO.2 14.1. The crime registered against one Hanumesh and others in C.C.No.25315 of 2015 for offences under Sections 341, 323, 504, 506B r/w. 34 of the IPC, also ends in acquittal, in terms of the judgment of acquittal dated 08.11.2022. The relevant observations made in the judgment reads as follows:

#### "REASONS

8. Point No.1 to 4 : Since all these points are interlinked, I have taken them together for common discussion in order to avoid the repetition. According to the prosecution the accused persons have committed the offences u/s. 341, 323, 504, 506B. r/w.34 of IPC, In order to prove the guilt of the accused persons, the prosecution has examined the CW 7 as PW 1, who is a WPC, she has deposed that on 16/7/15, SHO deputed her & CW 8 and 9 for tracing the accused persons in this case, accordingly, they went near the house of accused persons and found the accused no.2 in the house, so they brought the accused no.2 to the Police Station &

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NC: 2024:KHC:36345 produced before the SHO along with report. PW 1 being the WPC has arrested the accused no.2 as directed by the SHO and produced the accused no.2 before the Investigating officer. Except this she has not done anything and the evidence of PW1 is not disclosing any kind of material allegation against the accused persons about the commission of the offences. Hence, still other substantial evidence is required to be figure out to prove the guilt of the accused persons.

9. The prosecution further examined one of the seizure mahazar witness CW 5 as PW 2 and he has deposed that he does not know the accused persons, he has identified the mahazar and he has identified his signature and it is marked at Ex.P 1. But he has deposed that he does not know the contents of the same and the police have not seized anything in his presence. Thus he has turned hostile. The Sr.APP has cross examined him by treating him as hostile witness but nothing has elicited from his mouth about drawing up of seizure mahazar.

10. The prosecution further examined one more seizure mahazar witness CW 4 as PW 4 and he has deposed that he does not know the accused persons, he has identified the mahazar and he has identified his signature and it is marked at Ex.P.1. But he has deposed that he does not know the contents of the same and the police have not seized anything in his presence. Thus he has turned hostile. The Sr.APP has cross examined him by treating him as hostile witness but nothing has elicited from his mouth about drawing up of seizure mahazar.

11. The prosecution further examined the Investigating officers CW 10 as PW.3, he has deposed that on 14/6/15 at about 4.30 pm., he received complaint from complainant, registered the same in Cr.No.44/15, sent FIR to the court and higher officers, on the same day, visited spot, drew spot mahazar as per Ex.P.4, deputed his staff to trace the accused

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NC: 2024:KHC:36345 persons Further he deposed that on 16/7/15, his staff produced the accused no.2 before him and CW 8 gave report as per Ex.P.5. He further deposed that thereafter he arrested the accused no.2 and produced before the court. Thereafter, the accused no.1 and 3 appeared before him by obtaining the court bail, accordingly, he enquired 'them, seized one knife from their possession and subjected the same to the PF. He further deposed that he recorded statements of CW 4 to 9 and after completion of the investigation, filed the chargesheet.

9. The PW 3 being the Investigating officer has deposed about his investigation and PW 1 being WPC has just deposed- about arrest of accused no.2, but absolutely there is no any material allegation against the accused persons to believe the guilt of the accused persons and prosecution is required to place material evidence of victims and eye witnesses of the incident.

10. It is significant to note here that in order to secure the presence of complainant as well as order material witnesses namely CW 1 to 3 and 6. this court issued summons, but their presence could not be secured. This court has also issued the NBW including the proclamation against the material witness such as CW 1 to 3 and, 6, but Investigating officer has failed to execute the same and keep present them before the court. Hence, with no option CW 1 to 3 and 6 have dropped with a liberty to the prosecution to produce the witnesses at any time without filing any recall application. In spite of that the prosecution has not make use of the opportunity and examined the other material witnesses. Thus, the evidence of PW 1 and 3 is only remains as a evidence on behalf of the prosecution. But as discussed above, their evidence is not sufficient to, warrants the conviction against the accused persons. Hence, in the absence of material evidence, the strong doubt accrued in the mind of the court about the case of the prosecution as the

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NC: 2024:KHC:36345 prosecution has utterly failed to prove the guilt of the accused persons by examining the other material witnesses. In a criminal justice system, if a tiny doubt arises in the mind of the court, benefit of doubt shall be extended to the accused persons. In this case, not only tiny doubt but the strong doubt arise in the mind of the court. Hence, the prosecution has utterly failed to prove the guilt of the accused persons beyond all reasonable doubt. Hence, in my opinion it is a fit case to extend benefit of doubt to the accused persons Accordingly point under reference answered in the Negative.

11. POINT NO.2 :

For the aforesaid reason and discussion. I proceed to pass the following:

ORDER Acting under section 248(1) of Cr.P.C. Accused No.1 to 3 are hereby acquitted for the offences punishable U/s.341, 323, 504, 506B r/w.34 of IPC.

is stands cancelled. However, Accused No.1 to 3 shall execute personal bond of Rs.50,000/- each by undertaking to appear before the appellate Court, if any appeal is filed.

It is not a fit case to award victim compensation as provided U/s.357(1) of Cr.P.C.

Property seized in PF.No.28/15 is worthless ordered to be destroyed after the appeal period is over."

(Emphasis added)

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NC: 2024:KHC:36345 ACQUITTAL NO.3 14.2. The crime registered against Kumar Gowrav for offences punishable under Section 376 of the IPC also ends in acquittal, by the judgment dated 05.09.2023, in Sessions Case No.972/2017. The acquittal is on the ground as found in paragraph 18 therein reading:

"18. In the present case, CW-1 the victim is the main and material to the case of prosecution. In spite of repeated issuance of all kinds of process, CW-1 has not turned up to give evidence before the Court, hence on 17.06.2023, the CW-1 is dropped. Further the prayer of the learned Public Prosecutor to issue summons to the other witnesses was rejected by taking note that CW-1 who is the main and material witness to the incident in question was dropped. Further the evidence of PW-1 and 2 who are the Investigating Officers of this case, is formal in nature. Apart from that, the examination of PW-1 and 2 is also not fruitful to the case of prosecution and the

evidence of PW-1 and 2 is not helpful to prove the charges leveled against the accused Nos. 1 and 2. So it can be said that the prosecution has totally failed to prove the charges leveled against the accused Nos. 1 and 2. Hence, I answer Point Nos. 1 to 4 in the negative."

(Emphasis added) Repeated notices and all kinds of process, have been issued against the very complainant who was the complainant therein but she does not appear before the Court to tender evidence. Therefore, the accused therein gets acquitted.

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NC: 2024:KHC:36345

15. One common stream that runs through all the orders of acquittal are non-appearance of the complainant despite repeated notices. Therefore, the complainant has registered crimes without any rhyme or reason against several men and their family members, which drew them as accused into the web of proceedings, even for the offence under Section 376 of the IPC, which lead those accused to be taken into custody and bail being secured after a long period in custody. Those accused were also made to undergo the rigmarole of trial only to be acquitted for want of cooperation from the hands of the complainant. The intention is clear. It was only to harass those persons who had nothing to do with the complainant, more than 10 men have fallen prey to the antics and tactics of the complainant, bordering on a honey trap character of the complainant, by way of the aforesaid modus operandi.

16. It is therefore, I consider the act of the second respondent - complainant to be "a decade old saga of deceit" not against one, but against many.

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17. Swinging back to the facts of the case, the incidents happen between 28.08.2022 and 22-09-2022 for 25 days are projected to be a crime for offences punishable under Section 498A of the IPC, inter alia against all the members of the family including an age old lady of 75 years who has not even seen the complainant. Even other members of the family are vaguely brought into the web of crime. Therefore, if this proceeding cannot become mala fide, I fail to understand which proceeding can be termed to be a mala fide action on the part of the 2nd respondent/complainant. Permitting further proceedings to continue in the case at hand, or any further investigation or to file a final report will be putting a premium on the continued illegal activities of the complainant all of which are narrated hereinabove. What is narrated herein above are all borne out of the records. They are facts, facts are stubborn and therefore, un-effaceable. Therefore, I deem it appropriate to efface or obliterate the crime against the petitioners.

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18. It becomes apposite to notice the judgment of the Apex Court, in the case of ACHIN GUPTA v. STATE OF HARYANA<sup>1</sup>, wherein it is held as follows:

"26. In Preeti Gupta v. State of Jharkhand, reported in 2010 Criminal Law Journal 4303 (1), this Court observed the following:--

"28. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

29. The courts are receiving a large number of cases emanating from section 498-A of the Penal Code, 1860 which reads as under:

"498-A. Husband or relative of husband of a woman subjecting her to cruelty.-Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.- For the purposes of this section, 'cruelty' means:

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; 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 or is 2024 SCC OnLine SC 759

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NC: 2024:KHC:36345 on account of failure by her or any person related to her to meet such demand."

30. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

31. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated

versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

32. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

33. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration.

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NC: 2024:KHC:36345 while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.

34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.



We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society."

(Emphasis supplied)

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27. xxxxx

28. In the case of Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741, this Court observed as under:--

"19. Coming to the facts of this case, when the contents of the FIR is perused, it is apparent that there are no allegations against Kumari Geeta Mehrotra and Ramji Mehrotra except casual reference of their names who have been included in the FIR but mere casual reference of the names of the family members in a matrimonial dispute without allegation of active involvement in the matter would not justify taking cognizance against them overlooking the fact borne out of experience that there is a tendency to involve the entire family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding.

20. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that:

"there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and

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NC: 2024:KHC:36345 years to conclude and in that process the parties lose their young days in chasing their cases in different courts."

The view taken by the judges in this matter was that the courts would not encourage such disputes.

21. In yet another case reported in (2003) 4 SCC 675 : AIR 2003 SC 1386 in the matter of B.S. Joshi v. State of Haryana it was observed that there is no doubt that the object of introducing Chapter XXA containing Section 498A in the Penal Code, 1860 was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punish the husband and his relatives who harass or torture the wife to coerce her relatives to satisfy unlawful demands of dowry. But if the proceedings are initiated by the wife under Section 498A against the husband and his relatives and subsequently she has settled her disputes with her husband and his relatives and the wife and husband agreed for mutual divorce, refusal to exercise inherent powers by the High Court would not be proper as it would prevent woman from settling earlier. Thus for the purpose of securing the ends of justice quashing of FIR becomes necessary, Section 320 Cr. P.C. would not be a bar to the exercise of power of quashing. It would however be a different matter depending upon the facts and circumstances of each case whether to exercise or not to exercise such a power."

(Emphasis supplied)

29. The learned counsel appearing for the Respondent No. 2 as well as the learned counsel appearing for the State submitted that the High Court was justified in not embarking upon an enquiry as regards the truthfulness or reliability of the allegations in exercise of its inherent power under Section 482 of the Cr. P.C. as once there are allegations disclosing the commission of a cognizable offence then whether they are true or false should be left to the trial court to decide.

30. In the aforesaid context, we should look into the category 7 as indicated by this Court in the case of Bhajan Lal (supra). The category 7 as laid reads thus:--

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NC: 2024:KHC:36345 "(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

... ..

37. Before we close the matter, we would like to invite the attention of the Legislature to the observations made by this Court almost 14 years ago in Preeti Gupta (supra) as referred to in para 26 of this judgment. We once again reproduce paras 34 and 35 respectively as under:

"34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

35. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society."

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38. In the aforesaid context, we looked into Sections 85 and 86 respectively of the Bharatiya Nyaya Sanhita, 2023, which is to come into force with effect from 1st July, 2024 so as to ascertain whether the Legislature has seriously looked into the suggestions of this Court as made in Preeti Gupta (supra). Sections 85 and 86 respectively are reproduced herein below:

"Husband or relative of husband of a woman subjecting her to cruelty.

85. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Cruelty defined.

86. For the purposes of section 85, "cruelty"

means--

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; 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 or is on account of failure by her or any person related to her to meet such demand.""

(Emphasis supplied) The Apex Court holds that complaints are being filed without any rhyme or reason by drawing every member of the family including other members of the family. Though those crimes have been obliterated, the Apex Court has thought it fit to

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NC: 2024:KHC:36345 suggest to the Legislature to seriously look into Sections 85 and 86 of BNS and to suitably bring in certain amendments. It concluded only to demonstrate that cases of this kind have mushroomed to such large extent that the Apex Court thought it fit to tender such suggestion to the Legislature. It becomes apposite to refer to the judgment of the Apex Court in the case of STATE OF HARYANA V. BHAJAN LAL<sup>2</sup>, wherein it is held as follows-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code 1992 Supp (1) SCC 335

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NC: 2024:KHC:36345 except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where 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. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

(Emphasis supplied) Clauses 1, 5 and 7 (supra) become applicable to the case at hand as even if the complaint is construed to be correct, it does not make out an offence under Section 498A of the IPC; the complaint on the face of it is instituted with mala fide intention.

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NC: 2024:KHC:36345 The complaint which is purely a marital discord is blown out of proportion and permitting further investigation in such cases would become an abuse of the process of law.

19. A parting observation or a direction in the case at hand would not be inapt. If the afore-quoted crimes registered by the complainant are noticed for the last one decade, the unmistakable inference would be that the complainant at every point in time is crying wolf, and has gone on, registering crimes without any semblance of substance as a result of which the accused are taken into custody; they have to secure bail after long hiatus in the custody, only to get acquitted ultimately. In all the cases of acquittal that are noticed in the course of the order are on account of the complainant not cooperating with the trial. In every trial she has been continuously absent. Therefore, the Police are engaged in investigating into false claims or crimes registered by the complainant and the Criminal Courts are engaged in conducting trials in which all the accused, at every point in time, in every trial, have been acquitted. Even before this Court, the complainant has appeared once and has not appeared on plethora of occasions. The unmistakable inference that is to be drawn in the

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NC: 2024:KHC:36345 aforementioned facts and circumstances is, a direction to the Director General of Police and Inspector General of Police to digitally circulate the details of present complainant to

all the police stations to be wary of her complaints.

20. In identical circumstance, the High Court of Punjab and Haryana in the case of SEJAL SHARMA v. STATE OF HARYANA - CRM-M-5147-2021 (O & M) decided on 23- 09-2021 recording identical set of facts has issued certain directions to the Director General and Inspector General of Police of the State of Haryana. I deem it appropriate to notice the said directions. It reads as follows:

"However, a direction is issued to the Director General of Police, Haryana to communicate to all the Superintendents of Police in the State of Haryana that in case, in future, any FIR is registered at the instance of petitioner Sejal Sharma, co-accused Meenu Handa, Surender @ Pathan and Rajesh @ Kala, levelling allegations of rap or molestation against any person, no FIR will be registered, unless the matter is thoroughly inquired into by the Police. It is also directed that at all District Headquarters, a record be maintained by SP Office concerned regarding such or similar complainants, who have registered more than one complaint of allegation of rape or where complaints are made by victims of Honey Trap, so as to keep a check and to protect innocent citizens. A compliance report be submitted before 10.01.2022"

(Emphasis supplied)

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NC: 2024:KHC:36345 The High Court of Punjab and Haryana directed the Director General of Police, Haryana to communicate to all the Superintendents of Police in the State that in case a crime is sought to be registered at the instance of the petitioner, Sejal Sharma therein levelling rape or molestation, no FIR be registered until the matter is thoroughly enquired into by the Police. A similar view is taken by the High Court of Madhya Pradesh in the case of JITENDRA KUMAR MISHRA VS. STATE IN MISC. CRL. CASE NO.38157 OF 2023, DISPOSED ON 30.11.2023, wherein it is held as follows:.

"14. Copy of this order be sent to concerned Police Station and information regarding the complainant/prosecutrix 'X' be uploaded in inter operable Criminal Justice System so that Police Stations shall have information in advance regarding the modus operandi of the prosecutrix in laying honey trap and falsely implicating innocent persons in false cases."

(Emphasis supplied) This is again reiterated by the High Court of Delhi in the case of MR. VIKAS PAHWA VS. STATE IN BAIL APPLICATION No.2813/2020 disposed on 23.09.2020, wherein it is held as follows:

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NC: 2024:KHC:36345 "18. In view of above, I hereby direct Commissioner of Police, Delhi to personally look into the matter and see whether the complainant herein and the above mentioned Jasmin are indulged in any other such type of cases, if so, appropriate action may be taken against the culprits. In addition to above, the Commissioner shall call reports from all the police stations of such cases as present one and file a report to this effect within four weeks from today.

19. I further direct that if the Commissioner feels similar type of incident had happened in Delhi in the year 2020, he shall issue standing orders to all the concerned Police Stations that action may be taken as per law, however, without harassing such person/alleged accused therein."

(Emphasis supplied) The afore-quoted orders are passed by three different High Courts in identical set of facts. In that light, as also the glaring facts narrated thereinabove and the repetitive persistence of the complainant in registering frivolous cases at every point in time, I deem it appropriate to direct the Director General of Police and Inspector General of Police to communicate to all the police stations all the details of the complainant to be available on the data base, so that they could be cautious when the complainant would want to register a crime against any other man; the police station before whom this complainant would

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NC: 2024:KHC:36345 seek to register a crime shall not register the same without conducting any appropriate preliminary enquiry. This is to curb, if not stop wanton registration of crimes against several men. Ten have been seen, it is only to stop the eleventh.

21. For the aforesaid reasons, the following:

ORDER

(i) The Criminal petition is allowed.

(ii) The impugned Crime No.48 of 2022 registered by the Kushalnagar Town Police Station and pending before the Civil Judge and JMFC, Kushalnagar, stands quashed.

Sd/-

(M.NAGAPRASANNA) JUDGE nvj CT:SS