

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO.3207 OF 2018

BETWEEN:

1. MR. NISHTALA RAM MOHAN
S/O. LATE N R SHARMA,
AGED ABOUT 77 YEARS.
2. MRS. VIJAYA LAKSHMI
W/O. NISHTALA RAM MOHAN,
AGED ABOUT 60 YEARS.

PETITIONERS 1 AND 2 ARE
RESIDING AT NO.18-202,
SHIVANANDA STREET,
BHARATH NAGAR,
PRAHALADPURAM,
VISAKHAPATNAM,
ANDHRA PRADESH - 530 027.

... PETITIONERS

(BY SMT. PRAMILA NESARGI, SENIOR ADVOCATE FOR
SRI. MUNISWAMY GOWDA S.G.)

AND:

1. STATE OF KARNATAKA,
BY JEEVAN BHIMANAGAR POLICE STATION
BENGALURU CITY,
BENGALURU,
REPRESENTED BY
ADDITIONAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,

HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

2. DR. TARA.D
AGED ABOUT 37 YEARS,
D/O DR. G.N. DHANANJAY REDDY,
W/O. VIKRAMADITYA N.S.
RESIDING AT NO.67, 5TH MAIN,
1ST CROSS, KUVEMPU LAYOUT,
GUBBI CROSS, KOTTHANOR POST,
BENGALURU-560 077.

... RESPONDENTS

(BY SRI. RENUKARADHYA R.D., HCGP FOR R1;
SRI. PALLAVA. R, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE BY THE ADVOCATE FOR THE PETITIONERS PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO QUASH THE PROCEEDING IN C.C.NO.52646 OF 2017 ON THE FILE OF X ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN CRIME NO.274 OF 2015 OF JEEVAN BHIMA NAGAR POLICE STATION, BENGALURU.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The second respondent lodged complaint against the petitioners who are her in-laws and also against her husband, son of the petitioners, alleging that she was subjected to cruelty and was harassed to bring dowry from her father. Police registered case against the petitioners and the first accused. After investigation, they have filed charge-

sheet against the petitioners and their son for the offences punishable under Section 498-A of Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961. Being aggrieved by the filing of charge-sheet, petitioners are before this Court.

2. Smt. Pramila Nesargi, learned Senior Counsel appearing for petitioners would submit that the allegations made in the charge-sheet filed against the petitioners is that the petitioners who are residing in Hyderabad came to Bengaluru and during their stay with the informant and her husband, petitioners abused her with filthy language and demanded a car and a house as dowry, except the said allegation there is no allegation against the petitioners and in the absence of the said allegation in the First Information Report, this charge-sheet filed against the petitioners is not sustainable under the law.

3. On the other hand, learned counsel for respondent No.2 would submit that having regard to the material available, the police have rightly filed charge-sheet against the petitioners, hence he submits that the charge-sheet filed

against the petitioners is legal and warrants no interference. Learned High Court Government Pleader for respondent-state would justify the charge-sheet filed against the petitioners.

4. I have considered the submissions made by learned counsel for the parties.

5. Column No.7 of the charge-sheet indicates that the only allegation against the petitioners is that, when they came from Hyderabad to Bengaluru to reside with the informant and their son, she was subjected to cruelty and they demanded a car and house from her father as dowry. This allegation is not forthcoming in the First Information Report, which is the foundation for filing of charge-sheet. In the absence of such an allegation in the First Information Report and also that the informant was not residing with the petitioners, the charge-sheet filed against petitioners is not sustainable under law. Hence, I pass the following:

ORDER

(i) Criminal Petition is allowed;

- (ii) The impugned proceedings in C.C.No.52646 of 2017 on the file of the X Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru in Crime No.274 of 2015 of Jeevan Bhimanagar Police Station, Bengaluru for the offences punishable under Section 498-A & 506 of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961 is hereby quashed insofar as it relates to the petitioners-accused 2 and 3.

**Sd/-
JUDGE**

ARK