

(2018) 01 KAR CK 0146
In the Karnataka High Court
Case No : 3363 of 2017

DEEPTHI PONUGUPATI & Ors

APPELLANT

Vs

THE STATE OF KARNATAKA & Anr

RESPONDENT

Date of Decision : 08-01-2018

Acts Referred:

[Indian Penal Code, 1860](#), [Section 34](#), [Section 323](#), [Section 506](#), [Section 504](#), [Section 341](#) - Acts done by several persons in furtherance

Citation : (2018) 01 KAR CK 0146

Hon'ble Judges : K.N. Phaneendra

Bench : Single Bench

Advocate : VENKATARAMANA K.S., S.RACHAIAH, JAYARAM K

Final Decision : Allowed

Judgement

1. Heard learned counsel for the petitioners and respondent No.2.

Perused the records.

2. The petitioners have sought for quashing of the entire proceedings in C.C.No.2359/2017 for the offences punishable under Sections 323, 341, 504, 506 read with Section 34 of IPC pending on the file of the V ACMM, Bengaluru.

3. Respondent No.2 herein has filed a complaint which was referred to the jurisdictional police and in turn the jurisdictional police i.e. Hulimavu

Police Station has submitted the charge-sheet against all the petitioners for the aforesaid offences. In order to entertain the present petition, the

petitioners have to make out a case before this Court that even after reading the entire charge-sheet papers, there are no allegations against them to

constitute any offence or the charge-sheet has been filed with mala fide intention to harass them or there is any legal bar to continue the said proceedings.

4. Respondent No.2 has made allegations in the statements before the Police, which led to filing of the charge-sheet after the investigation. It is

categorically stated in the first information report as well as in the further statement of the complainant-respondent No.2 that petitioner No.1 is his

wife and their marriage took place on 28.01.2012 at Hyderabad. After their marriage, they lived happily together for some time. It is alleged that

when they were living together, the wife was not properly cooperating and she was often leaving the house in the night hours. When questioned,

she used to abuse respondent No.2 very badly. In this background, it is alleged that on 25.06.2015, she went out of the house and returned on the

next day at 12 O'clock in the afternoon. When questioned by respondent No.2, she abused him, assaulted him and kicked him. It is alleged that

thereafter on the same day, petitioner Nos.2 to 4 came to the house of respondent No.2 and threatened him with dire consequences. Again on

05.07.2015, it is alleged that petitioner No.1 made an attempt to stab him with a knife. Again, after some days, petitioner Nos.2 to 4 came to the

house of respondent No.2 and threatened him with dire consequences. Respondent No.2 has also filed a complaint on 07.08.2015. He further

reiterated that on 15.05.2016, some unknown persons came to his house on behalf of petitioner No.1 and they all threatened him with dire

consequences with deadly weapons like knife etc., The entire allegations are reiterated in the further statement of the complainant.

On a careful perusal of the same, there are certain allegations made against petitioner No.1. It is alleged in the further statement that when

petitioner Nos.2 to 4 came to his house on the same day and threatened him, what is the nature of threat given is not at all stated as to whether it

attracts Section 504 or 506 IPC. Even in the second page of the statement, it is stated that after some days, petitioner Nos.2 to 4 came to his

house, threatened him with dire consequences. However, it is specifically stated by him that a complaint has already been lodged by him before the

Police on 07.08.2015. What happened to that complaint has not been stated herein for the acts committed by petitioner Nos.2 to 4 earlier i.e. on

the first information report lodged, dated 07.08.2015.

5. Looking to the entirety of allegations made, insofar as petitioner Nos.2 to 4 are concerned there are hardly any allegations. There is no specific

date, time and place on which the said incident happened and even there is no specific allegation as to what is the nature of abusive words

used by the petitioner Nos.2 to 4 to threaten him. In the above said circumstances, even accepting the statement of the complainant as it is, there

are no certain allegations made so as to constitute any offence under Section 504 or 506 or 323 of IPC as invoked by the Police.

6. In the above said circumstances, I find sufficient reasons to quash the proceedings insofar as petitioner Nos.2 to 4 are concerned. However,

there are allegations made against petitioner No.1, as such, petitioner No.1 is not entitled for such remedy. Hence, the following order;

7. The criminal petition is partly allowed. The charge sheet filed in C.C.No.2359/2017 for the offences punishable under Sections 323, 341, 504,

506 read with Section 34 of IPC insofar as it relates to petitioner Nos.2 to 4 is hereby quashed.