



CNR: KAHC010002512026

NC: 2026:KHC:50628
CRL.P No. 39 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 39 OF 2026

BETWEEN:

1. SANTHOSH KUMAR H.L
S/O SRI. LOKESH H.N,
AGED ABOUT 30 YEARS
(M) 9483074076
2. SRI. LOKESH H.N,
S/O LATE NINGARAJU
AGED ABOUT 56 YEARS
(M) 9972969636
3. SMT. JAWARAMMA H.M,
W/O SRI. LOKESH H.N,
AGED ABOUT 56 YEARS

PETITIONER NOS.1 TO 3 ARE
RESIDING AT DODDA AREA
HEBBALE POST HEBBALE
KODAGU - 571 232.

4. SMT. SARITHA H.L,
W/O HAMSARAJ B.T,
AGED ABOUT 29 YEARS,
R/AT NO. 146,
BHUVANAHALLI GRAMA,
BETTADAPURA HOBLI,
PIRIYAPATTANA TALUK,





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BHUVANAHALLI, MYSORE - 571 102
(M) 8152844936

...PETITIONERS

(BY SRI. DHANARAJ H.S, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
KUSHAL NAGAR RURAL POLICE
KUSHAL NAGAR,
REPTD. BY STATE SPP,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SMT. KAVYA C.S,
W/O SANTHOSH KUMAR B.L,
AGED ABOUT 26 YEARS
HEBBALE VILLAGE
KUSHALANAGARA TALUK - 571 232,
KODAGU DISTRICT.

PERMANENTLY AT
CHAMARAYANAKOTE VILLAGE
KODAGU, KARNATAKA
(M) 8867716302.

...RESPONDENTS

(BY SRI. NAGHARISH, HCGP FOR R1;
SMT. PRANATHI PATEL G.B, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE CHARGE SHEET FILED IN
CC.NO.39/2024 ARISING OUT OF CR.NO.106/2023, PENDING
ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS JUDGE,



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AT MADIKERI, FOR THE OFFENCES P/U/S 498(A), 307, 324, 323, 504, 34 OF IPC, U/S 3 AND 4 OF D.P ACT, 1961.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed to quash the proceedings in S.C. No.39/2024 pending before the Sessions Judge, Madikeri, arising out of Crime No.106/2023 registered before the Kushalnagar Rural Police Station, for the offences punishable under Sections 498A, 307, 324, 323, 504 and 34 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, 'DP Act').

2. Learned counsel appearing for the petitioners would submit that the petitioners had filed an application for discharge before the Trial Court and the said application has been withdrawn.



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3. It is the further submission that though the petitioners with charged with the offence under Section 307 of the IPC, there are no materials in the charge sheet to try the petitioners for the said offence. It is the contention of the petitioners that, there is no bleeding injury on the complainant/victim and no weapon has been used. The medical records would indicate that it is a simple injury and, as such, Section 307 of the IPC could not have been invoked at all.

4. Learned counsel for respondent No.1 as well as respondent No.2 jointly opposed the petition on the ground that the charge sheet materials indicate an attempt to murder. The victim was admittedly pregnant when the assault took place and the victim was allegedly hit on the abdomen. That being the position, the contention that Section 307 of the IPC could not have been invoked cannot be accepted.



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5. Learned counsel for the petitioners, by way of reply, would submit that the victim has delivered a baby. Both the mother and the baby are healthy and normal, as such, the prosecution for the offence under Section 307 of the IPC is impermissible.

6. It is also the further submission of learned counsel for the petitioners that there are no other materials to prosecute the petitioners. Vague and bald allegations are made in the complaint.

7. The Court has considered the contentions raised at the Bar and perused the records.

8. It is not in dispute that, about one month after the alleged incident, the victim delivered a baby. Though learned counsel for the petitioners would submit that, the victim has delivered a baby and both the mother and the baby are healthy and urges that Section 307 cannot be attracted, the Court is of the view that by itself does not lead to the conclusion that the alleged incident of



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assaulting on the abdomen of a pregnant woman has not taken place.

9. The complainant/respondent No.2 is not accepting the stand of the petitioners that no such incident has taken place. Thus, the question as to whether the incident has taken place is a disputed question of fact, which has to be ascertained after the trial.

10. Since, it is not in dispute that, at the time of the alleged incident, the victim was in an advanced stage of pregnancy. Thus, the alleged assault on the abdomen by the petitioners cannot be said to be an act which is outside the purview of Section 307 of the IPC. Merely because there is no injury forthcoming in the medical certificate that, by itself, cannot be a reason to say that the case is out of the ambit of Section 307 of the IPC.

11. The observations made in this order are confined only to the merits of the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short



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'BNSS'), 2023 and not to the merits of the defence to be raised by the petitioners during the course of the trial.

12. Under these circumstances, the petition is ***dismissed.***

13. All contentions are kept open.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**

SMC
List No.: 1 Sl No.: 2