

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JUNE, 2022

BEFORE

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO.2743 OF 2017

BETWEEN:

...PETITIONER

(BY SRI NAGARAJ G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY VIJAYANAGARA P.S.
BENGALURU
REP. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING PREMISES
BENGALURU - 560 001

2.

...RESPONDENTS

(BY SRI S. VISHWAMURTHY, HCGP FOR R1;
SRI BABU REDDY, ADV. FOR R2))

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C PRAYING TO QUASH THE FIR IN CRI.NO.547/2016 OF RESPONDENT VIJAYANAGARA POLICE STATION AT BENGALURU FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A), 504, 506 READ WITH SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF D.P., ACT, WHICH IS PENDING ON THE FILE OF THE XXIV ADDL. CMM., AT BENGALURU.

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

ORDER

The First Information Report is lodged by the 2nd respondent alleging that she is the legally wedded wife of accused No.1 and she was subjected to cruelty by accused No.1 to 4 and the accused No.5 – petitioner is having illicit relationship with her husband.

2. The police registered FIR for the offence punishable under Section 498-A, 506, 504 and 34 of IPC and Section 3 and 4 of Dowry Prohibition Act. Taking

exception to the same, the petitioner – accused No.5 has filed this petition.

3. Learned counsel for the petitioner submits THE that only allegation against the petitioner – accused No.5 is that, she is having illicit relationship with accused No.1 who is her legally wedded husband. Hence, the allegation made against the petitioner – accused No.5 does not constitute the commission of the offences alleged against the petitioner. Hence, the registration of the FIR for the aforesaid offences is impermissible.

4. On the other hand, learned HCGP appearing for the State submits that the allegations made in the FIR discloses that the commission of the offences alleged against the petitioner – accused No.5.

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

6. The only allegation as against the petitioner – accused No.5 is that she is having illicit relationship with

the accused No.1 who is the husband of the respondent No.2 – informant. This allegation does not constitute the commission of the offences alleged against the petitioner – accused No.5 and in the absence of any essential ingredients so as to constitute the commission of the said offences, registration of the FIR against accused No.5 is without any substance.

Accordingly, I proceed to pass the following:

ORDER

The Criminal petition is allowed.

The impugned FIR in Cr.No.547/2016 registered by the Vijayanagara Police Station, Bengaluru insofar it relates to petitioner – accused No.5 is hereby quashed.

Sd/-
JUDGE

MR