

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15th DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR.JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No.2860/2021

BETWEEN:

1 . PRADEEP MOPARTHY
WRONGLY INDICATED AS PRADEEP MOPRATHY
AGED 38 YEARS,
SON OF MR M PRASAD BABU
PRESENTLY RESIDING AT
HOUSE NO.6, 13TH CROSS
ANNAPOORNESHWARI LAYOUT
(OPPOSITE ASHA KIRAN SCHOOL)
HORAMAVU ROAD,
RAMAMURTHY NAGAR
BENGALURU-560 043

2 . PRASANTHI
AGED 40 YEARS
D/O MR M PRASAD BABU AND
WIFE OF SANJEEV KUMAR VARA
PRESENTLY RESIDING AT HOUSE NO.10,
13TH CROSS
ANNAPCOORNESHWARI LAYOUT
(OPPOSITE ASHA KIRAN SCHOOL)
HORAMAVU ROAD,
RAMAMURTHY NAGAR
BENGALURU-560 043

3 . SANJEEV KUMAR VARA
AGED 46 YEARS,
SON OF MR V JEEVARATNAM
PRESENTLY RESIDING AT
HOUSE NO.10, 13TH CROSS
ANNAPOORNESHWARI LAYOUT

(OPPOSITE ASHA KIRAN SCHOOL)
HORAMAVU ROAD,
RAMAMURTHY NAGAR
BENGALURU-560 043

... PETITIONERS

(BY SRI.ARJUN REGO, ADV.)

AND:

1. STATE OF KARNATAKA
BY RAMAMURTHY NAGAR POLICE STATION
BENGALURU-560 016
REPRESENTED BY ITS CIRCLE INSPECTOR OF POLICE

2. K. ANUPA
AGED 31 YEARS,
WIFE OF PRADEEP MOPARTHY
NO.6, 13TH CROSS
ANNAPOORNESHWARI LAYOUT
OPPOSITE TO ASHA KIRAN SCHOOL
HORAMAVU ROAD, RAMAMURTHY NAGAR
BANGALORE-560 016

AND NOW AT
NO.145, SRT, SANATHNAGAR
HYDERABAD -500018

...RESPONDENTS

(BY SRI. ROHITH B.J., HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED U/S.482 CR.P.C
PRAYING TO QUASH THE CHARGE SHEET DATED 15.12.2019 IN
C.C.NO.53398/2020 ON THE FILE OF THE 10th ACMM,
BANGALORE FOR THE OFFENCES P/U/S 498-A, 323, 504, 506
OF IPC AND SECTIONS 3 AND 4 OF D.P. ACT GRANTING
SIMULTANEOUSLY TO THE PETITIONERS THEIR COSTS.

This petition coming on for *Admission*, this day,
the court made the following:

ORDER

Heard Sri. Arjun Rego, learned counsel for the petitioners.

2. This petition is filed under Section 482 of Cr.P.C. for quashing the charge sheet in C.C.No.53398/2020 on the file of the 10th ACMM, Bengaluru.

3. The petitioners have been prosecuted in relation to offences punishable under sections 323, 504, 506 and 498-A of IPC and sections 3 and 4 of the Dowry Prohibition Act r/w section 34 of IPC.

4. The 1st petitioner is the husband of 2nd respondent. Their marriage was performed on 05.09.2015 in Hyderabad. On certain allegations that the petitioners subjected the 2nd respondent to harassment in connection with demand for dowry, FIR was registered. Investigation was taken up and now charge sheet has been filed.

5. Learned counsel for the petitioners submits that if the entire charge sheet which is based on statements of witnesses is considered, it can be said that no offence against the petitioners is made out.

6. Though under Section 482 of Cr.P.C. charge sheet can be quashed, the said jurisdiction cannot be invoked for quashing the charge sheet by appreciating the evidence. It is a settled principle that while deciding the petition under Section 482 of Cr.P.C., evidence cannot be appreciated as it lies within the domain of the Trial Court.

In this view, I do not find any ground to entertain this petition. Accordingly, the petition is dismissed. Consequently, I.A.1/2021 also stands disposed of.

Sd/-
JUDGE

Dvr: