



CNR: KAHC010364622024

NC: 2026:KHC:51297
WP No. 17495 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO.17495 OF 2024 (GM-RES)

BETWEEN:

1. SRI KARTHIK R
S/O LATE RANGAPPA,
AGED 27 YEARS,
R/A OLD BOMMANAKATTE,
MAIN ROAD,
SHIVAMOGGA-577201.
2. SMT SAKAMMA
W/O LATE RANGAPPA,
AGED 48 YEARS,
R/A OLD BOMMANAKATTE MAIN ROAD,
SHIVAMOGGA-577201.
3. SRI SACHIN R
S/O LATE RANGAPPA,
AGED 27 YEARS,
R/A OLD BOMMANAKATTE MAIN ROAD,
SHIVAMOGGA-577201.

Digitally
signed by R
MANJUNATHA

Location:
HIGH COURT
OF
KARNATAKA

(BY SRI. VINOD KUMAR M, ADVOCATE)

...PETITIONERS

AND:

1. STATE OF KARNATAKA
REP. BY VINOBANAGAR POLICE STATION,
SHIMOGGA
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
VIDHANASOUDHA,



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BANGALORE-560 001

2. SMT. GEETHA
D/O MARIYAPPA,
AGED 27 YEARS,
R/A NO.366, F BLOCK,
BOMMAKATTE,
SHIVAMOGGA-577201.

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ, ADDITIONAL PUBLIC
PROSECUTOR FOR R1;
R2 -SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482 CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SC NO.200/2022, (FIR IN CRIME NO.149/2022 OF VINOBANAGAR POLICE STATION) FOR THE OFFENCES PUNISHABLE UNDER SECTION 376, 504, 506, 417, 114 R/W SECTION 34 OF THE INDIAN PENAL CODE PENDING IN THE FILE OF THE ADDL. DISTRICT AND SESSIONS JUDGE FTSC-II (POCSO), SHIMOGGA, PRODUCED AT ANNEXURE-D AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Vinod Kumar M., learned counsel for the petitioner and Sri Surya Mukundaraj, learned counsel for respondent No.1.



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2. Petition is filed under Article 226 and 227 of Constitution of India read with Section 482 of Code of Criminal Procedure with the following prayer:

*"Issue a writ of certiorari or any other writ quashing the Entire proceedings in S.C.No.200/2022, (FIR in Crime No-149/2022 of Vinobanagara Police Station), for the offences punishable under Section 376, 504, 506, 417, 114 read with Section 34 of the IPC, pending in the file of the Additional District and Sessions Judge FTSC-II (POSCO) Shimogga, produced at **Annexure D**, holding that it is an abuse of process of law."*

3. Upon the complaint of the respondent No.2 Vinobanagar Police Station, Shivamogga registered a case which is now pending in S.C.No.200 of 2022 alleging the offences punishable under Section 376, 504, 506, 417, 114 read with Section 34 of Indian Penal Code.

4. Gist of the complaint averments would reveal that the petitioner herein was working as a salesman in Shivaraj fuel station at Vinobanagar, promised to marry the respondent No.2, with that promise, petitioner had the physical relationship and later on when the promise to marry respondent No.2 did



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not materialise, complaint came to be filed for the aforesaid offences.

5. In the further statement recorded by the police, it has been stated by the complainant herself that she was married ten years earlier to the incident.

6. If it is so, there could not be any promise to marry at all as the second respondent was already married.

7. It is now settled principles of law and requires no emphasis that a major lady entering into physical relationship by consent and if a promise to marriage fails, it would not attract the offence under Section 376 of Indian Penal Code.

8. Remaining offences are consequential to the offence under Section 376 of Indian Penal Code and therefore a case is made out to quash the pending criminal case.

9. Hence, following:

ORDER

- (i) Petition is allowed.
- (ii) Pending proceedings in S.C.No.200/2022, on the file of Additional District and Sessions Judge, FTSC-II (POCSO),



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Shivamogga (FIR in Cr.No.149/2022 of
Vinobanagar Police Station) is hereby
quashed.

Sd/-
(V SRISHANANDA)
JUDGE

MR
List No.: 1 Sl No.: 65

Shoneekapoor.com