IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7576 OF 2024

BETWEEN:

MRS SHWETHA N.K
W/O SRI SURESH G.S
AGED ABOUT 31 YEARS,
RESIDING AT NO.704,
TOWER 4,
RAINTREE BOULEVARD APARTMENT,
BYATARAYANAPURA,
BENGALURU CITY,
KARNATAKA-560 092

...PETITIONER

(BY SRI. DINESH KUMAR K RAO, ADVOCATE)

AND:

1. THE STATE
BY KODIGEHALLI POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001

2. MR SURESH G.N
S/O SRI NEELAKANTAIAH,
AGED ABOUT 45 YEARS,
RESIDING AT NO.704,
TOWER 4, L & T APARTMENT,
BYATARAYANAPURA,
BENGALURU CITY,
KARNATAKA-560 092

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.B.K SWAMY, ADVOCATE FOR R2)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

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THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN CC.NO.3141/2024, FOR THE OFFENSES P/U/S 323,324,504 R/W 34 OF IPC, PENDING ON THE FILE OF VII ACMM, BENGALURU.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 17.11.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioner/accused No.2 in C.C.No.3141/2024, arising out of Crime No.250/2023 registered by Kodigehalli Police Station for the offences punishable under Sections 323, 324, 504 r/w section 34 of IPC, pending on the file of the VII ACMM, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2-complainant lodged a complaint before respondent No.1-Police alleging that he had married Smt.Shwetha N.K i.e. the petitioner about 12 years prior to the incident and that, for the past six months, he had been suspecting her conduct. According to respondent No.2, his wife was frequently travelling

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on a scooter bearing registration No. KA-05-KE-2107 along with one Muniraju @ Raj, a resident of Bhuvaneshwari Nagar.

3. It is further alleged that on 11.09.2023, while following his wife, respondent No.2 noticed her entering the house of Muniraju @ Raj. After waiting for about 10 minutes, respondent No.2, along with his uncle i.e. the father of his wife, knocked the door. Muniraju @ Raj opened the door and, on seeing respondent No.2, attempted to close it. Respondent No.2 allegedly noticed his wife sitting in a bedroom on the first floor of the house. When questioned by respondent No.2 and his uncle, they initially remained silent. Thereafter, Muniraju @ Raj allegedly picked up a quarrel with respondent No.2, pushed and assaulted him with his hands, abused him in filthy language and attacked him with a wooden stick lying in the house. Due to the alleged assault, respondent No.2 claims to have sustained injury in his hand, chest and stomach. Hence, respondent No.2 lodged the complaint against the petitioner and said Muniraju @ Raj.

4. On the strength of the said complaint, FIR came to be registered in Crime No. 250/2023 dated 12.09.2023 against the petitioner and the said Maniraju @ Raj for the offences

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punishable under Sections 324, 504 r/w section 34 of IPC. Upon completion of investigation the respondent No.1-police laid charge sheet against the petitioner and Muniraju @ Raj for the offences punishable under section 323, 324, 504 r/w section 34 of IPC, by arraying her as accused No.2. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioner preferred this petition.

5. Heard the learned counsel for the petitioner, the learned HCGP for respondent No.1 - State and the learned counsel for respondent No.2.

6. Apart from urging several other contentions, learned counsel for the petitioner contended that respondent No.2, being the husband of the petitioner, has lodged a false complaint against her out of vengeance. According to learned counsel, the averments made in the complaint do not *prima facie* constitute the offences punishable under Sections 323, 324 and 504 of the IPC, as there is no allegation attributing any act of assault or intentional insult on the part of the petitioner with an intent to provoke breach of peace. The only allegation against the petitioner is that she was found in the bedroom of

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one Muniraju @ Raj and, when questioned by respondent No.2 and her father, she remained silent. It is further alleged that thereafter, the said Muniraju @ Raj-accused No.1 assaulted respondent No.2 and her father with his hands and a wooden piece.

7. Learned counsel further contended that respondent No.2 had lodged a similar complaint on 21.04.2024 against the petitioner and the said Muniraju @ Raj for the offence punishable under Section 506 of the IPC, out of vengeance and with an intention to defame the petitioner and prevent her from claiming maintenance against respondent No.2, who had allegedly subjected her to physical and mental harassment after their marriage. It is further contended that the petitioner had lodged a complaint against respondent No.2 on 12.09.2023 alleging that, at his instigation, an unknown person had been stalking her for about 15 days, thereby causing mental harassment to her. Though the said complaint was registered against respondent No.2 in Crime No.249/2023 dated 12.09.2023, it was registered for the offences punishable under Section 498A read with Section 34 of the IPC, instead of Section 354-D of the IPC, which deals with stalking. Subsequently, the Police filed a 'B' Report in the said case at

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the instance of respondent No.2. On these grounds, learned counsel for the petitioner sought to allow the petition.

8. *Per contra,* learned counsel for respondent No.2 contended that, now that the charge-sheet has been filed, the statements of respondent No.2 and other material witnesses disclose the involvement of the petitioner in the alleged crime along with her paramour, Muniraju @ Raj. He further contended that the statements of the petitioner's father and aunt, i.e., CWs.4 and 5, clearly reveal that on the date of the incident, the petitioner went to the house of her paramour, Muniraju @ Raj, and that respondent No.2 and CW.4 followed her and found her in the bedroom of the said Muniraju @ Raj. It is further alleged that thereafter, Muniraju @ Raj assaulted respondent No.2 with his hands and a wooden piece and, at that time, the petitioner fled from the spot.

9. Learned counsel further contended that the statements of the petitioner's father and aunt support the case of the prosecution and, due to the incident, respondent No.2 sustained injuries and obtained treatment at the Government Hospital at Yelahanka, Bengaluru. Therefore, a *prima facie* case is made out against the petitioner and, at this stage, the

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proceedings cannot be quashed against her. Accordingly, learned counsel sought dismissal of the petition.

10. Learned High Court Government Pleader appearing for respondent No.1-State also opposed the prayer in the petition and prays to dismiss the petition.

11. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire charge sheet materials.

12. As could be gathered from records, the relationship between the petitioner and respondent No.2 is not in dispute. They got married about 12 to 13 years prior to the date of the incident and have a male child, who is now aged about 13 years. It appears that, after a few years of their marriage, their marital relationship got strained.

13. On 12.09.2023, the petitioner lodged a complaint against respondent No.2, which came to be registered on 12.09.2023 at about 8.45 p.m. in Crime No.249/2023 for the offences punishable under Section 498A read with Section 34 of the IPC, alleging stalking and harassment by respondent No.2. Thereafter, at about 9.00 p.m. on the same day, respondent

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No.2 lodged the present complaint against the petitioner, which came to be registered in Crime No.250/2023 for the offences punishable under Sections 324 and 504 read with Section 34 of the IPC.

14. It is further forthcoming from the records that the petitioner lodged another complaint against respondent No.2 on 17.04.2024, pursuant to which FIR came to be registered by the North East Women Police, Bengaluru in Crime No.8/2024 for the offences punishable under Sections 498A, 323, 504 and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. It is also not in dispute that respondent No.2 has initiated divorce proceedings against the petitioner, while the petitioner has initiated proceedings against respondent No.2 under the provisions of the Domestic Violence Act, 2005.

15. In the backdrop of the aforesaid facts, if the averments made in the complaint are taken into consideration, at the outset, there is no allegation whatsoever that the petitioner either assaulted or insulted respondent No.2. On a plain reading of the complaint, the only allegation against the petitioner is that she was found in the bedroom of accused No.1-Muniraju @ Raj and, when questioned by respondent No.2

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and her father, she remained silent and thereafter fled from the spot. It is further alleged that, subsequently, accused No.1-Muniraju @ Raj picked up a quarrel with respondent No.2 and assaulted him.

16. No doubt, the statements of the father and aunt of the petitioner are forthcoming in the charge-sheet. However, even on perusal of the said statements, it is evident that, except for the allegation that the petitioner was found in the bedroom of accused No.1-Muniraju @ Raj, no other allegation is forthcoming against the petitioner. Admittedly, the petitioner had lodged a complaint at the earliest point of time, i.e., prior to the complaint lodged by respondent No.2 against her, alleging the offence of stalking and harassment by respondent No.2. However, the Police registered the said case for the offence punishable under Section 498A r/w section 34 of the IPC and subsequently filed a 'B' Report, placing reliance on the statement of the father of the petitioner. Thus, it is evident that no effective investigation was conducted with regard to the specific allegation of stalking made by the petitioner.

17. Be that as it may, when the averments in the complaint and the statements of the charge-sheet witnesses do

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not disclose, *prima facie*, the ingredients of the offences punishable under Sections 324 and 504 of the IPC against the petitioner, the mere alleged presence of the petitioner in the bedroom of accused No.1-Muniraju @ Raj, by itself, cannot be a ground to implicate her in the alleged crime, particularly when multiple proceedings are pending between the petitioner and respondent No.2 arising out of their matrimonial dispute. It is also forthcoming from the records that respondent No.2 lodged another complaint against the petitioner and accused No.1-Muniraju @ Raj on 21.04.2024 alleging commission of the offence punishable under Section 506 of the IPC, which came to be registered in Crime No.150/2024.

18. The Hon'ble Apex Court, in the case of ***B.V. Ram Kumar v. State of Telangana - (2025) 3 SCC 475***, held in paragraph Nos.24 to 27 as under:

> *"**24**. Further, this Court in Mohd. Wajid v. State of U.P. [Mohd. Wajid v. State of U.P., (2023) 20 SCC 219] , while discussing Section 504IPC, propounded the test for considering the circumstances wherein, an abusive language takes the form and shape of an intentional insult and held thus : (SCC paras 29-31)*
>
> > *"29. Section 504IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a*

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breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence

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under Section 504IPC if he merely uses abusive language against the complainant."

***25**. Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.*

***26**. Section 504 IPC consists of two parts. Firstly, the actus reus—being the intentional insult which gives rise to the provocation. Secondly, the mens rea i.e. the intention or knowledge on the part of the accused that such intentional provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504IPC is that the accused should "intentionally insult" the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes "intentional insult" with the aforesaid mens rea. Hence, intention or knowledge on the part of the accused person that his actions of making "intentional insult" have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504IPC.*

***27**. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an "intention to insult" is not punishable under Section 504IPC. Further, "intentional insult" must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence."*

19. In the instant case, even if the statement of respondent No.2 and the CW.4 and CW.5 taken on its face value, except the allegation of rude behaviour of the petitioner, no other act committed by the petitioner. Hence, as per the

finding of the Hon'ble Apex Court in the aforesaid judgment section 504 of IPC does not attract against the petitioner.

20. The Hon'ble Apex Court in the case of ***Anuj Singh @ Ramanuj Singh @ Seth Singh vs. State of Bihar*** in ***Crl.A.No.150/2020*** dated ***22.04.2022*** held to establish an offence under section 324 of IPC, the following ingredients is a must:

> *1. Voluntary hurt caused to another person by the accused, and*
>
> *2. Such hurt was caused:*
>
> > *a. By any instrument used for shooting, cutting or stabbing, or any other instrument likely to cause death, or*
> >
> > *b. By fire or other heated instruments, or*
> >
> > *c. By poison or other corrosive substance, or*
> >
> > *d. By any explosive substance, or*
> >
> > *e. By a substance that is dangerous for the human body to swallow, inhale, or receive through blood, or*
> >
> > *f. By an animal.*

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21. In the instant case, on a careful consideration of the entire charge-sheet material, the aforesaid ingredients are not forthcoming against the petitioner. Further, the charge-sheet does not disclose that the petitioner either abetted or conspired with accused No.1 to assault respondent No.2. In the absence of any such material, the offence punishable under Section 324 of the IPC is also not attracted against the petitioner. In such circumstances, on an overall consideration of the allegations and the material on record, it can be gathered that the complaint has been lodged by respondent No.2 against the petitioner out of vengeance arising from their strained matrimonial relationship.

22. The Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

> "11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-
>
> > "(1) Where the allegations made in the first information report or the complaint, even if

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they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that

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there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because

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once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

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13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

> "5. …Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

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6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

> (i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;
>
> (ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;
>
> (iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising

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> jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death…..” (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

23. On collocating the aforesaid findings of the Hon’ble Apex Court in the judgments referred to *supra* with the facts and circumstances of the present case, I am of the considered

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opinion that the complaint against the petitioner has been filed out of vengeance. In such circumstances, continuation of proceedings against the petitioner-accused No.2 would amount to nothing but an abuse of the process of the Court. Even if the entire allegations made in the charge sheet are taken at their face value, no offence is made out against the petitioner-accused No.2. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioner/accused No.2 in C.C No.3141/2024, arising out of Crime No.250/2023 registered by Kodigehalli Police Station for the offences punishable under Sections 323, 324, 504 r/w section 34 of IPC, pending on the file of the VII ACMM, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K

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