



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 12157 OF 2024

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

[REDACTED]

...PETITIONER

(BY SMT. NIKITHA N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY BYAPPANAHALLI,
REP. BY S. P. P.
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.



2. [REDACTED]

...RESPONDENTS

(BY SRI.HARISH GANAPATHY, HCGP FOR R1;
SMT. YUKTHA N., ADVOCATE FOR R2)



THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE CHARGE SHEET IN SC.NO.1799/2022, FOR THE OFFENCES P/U/S 354(A), 376, 493 OF IPC, ARISING OUT OF CR.NO.191/2021 REGISTERED BY THE BYAPPANAHALLI P.S., FOR THE OFFENCES P/U/S 354(A), 376, 493 OF IPC, PENDING BEFORE THE LIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU JUDGE (CCH-54) IN SC.NO.1799/2022, AT BENGALURU.

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

CORAM: HON'BLE MR JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before this Court calling in question proceedings in Spl.Case No.1799/2022 registered for the offence punishable under Sections 354A, 376, 493 of IPC.

2. Heard Smt. Nikitha N., learned counsel appearing for the petitioner, Sri.Harish Ganapathy, learned HCGP for respondent No.1 and Smt. Yuktha N., learned counsel appearing for respondent No.2 and have perused the records.

3. Respondent No.2 is the complainant and the petitioner is the accused. The two are in a relationship.



The relationship appears to have turned sore on the score that the petitioner gets involved in a analogous crime of possession of contraband substance of 76kgs of Ganja. The crime is registered before the jurisdictional Police at Kakinada, Andhra Pradesh in a Crime No.87/2024. This incident happens after the engagement ceremony between the petitioner and respondent No.2-complainant. The petitioner is said to have gone hiding due to the registration of the crime in Crime No.87/2021.

4. Both the learned counsel appearing for the petitioner and complainant would submit that the jurisdictional Police of Kakinada in Crime No.87/2021 have filed B Report. After which, the marriage of the petitioner and the complainant takes place at the time when the complainant was carrying three months. By then the complainant on the score that the petitioner had gone absconding had registered the crime in Crime No.191/2021 i.e., the impugned crime. The petitioner and complainant are said to be living today together and also



have a child born from the wedlock. But the offence continues to hang on the head of the petitioner. The proceedings in S.C.No.1799/2021 is what has driven the petitioner to this Court in the subject petition.

5. Learned counsel appearing for the petitioner submits that the complainant in the fit of thought that the petitioner has ran away after getting engaged, registered the crime for the offence punishable under Section 376 and 417 of IPC. Today, they are living happily and therefore, this Crime should not be permitted to be continued as there are no ingredients of the offence so alleged against the petitioner.

6. Learned counsel appearing for the respondent/complainant would submit that since they are living together and have a child today, the complainant is not interested in pursuing the matter any further.

7. Learned HCGP would however refute the submission to contend that since the petitioner is alleged of the offence punishable under Sections 376 and 417 of



IPC, he should come out clean in a full blown trial and seeks dismissal of the petition.

8. I have given my anxious consideration to the respective submissions made by the learned counsel and have perused the material on record.

9. The afore-narrated facts are not in dispute. The petitioner and the complainant being in a relationship is a matter of record. The relationship leading to the engagement ceremony of the petitioner and the complainant is again a matter of record. Between the engagement and registration of the crime, the petitioner gets embroiled in a crime in Crime No.87/2021 registered before the jurisdictional Police at Kakinada, Andhra Pradesh. The allegation is that he was possession of contraband substance and the offences alleged were under the Narcotic Drugs and Psychotropic Substances Act, 1985.

10. In that light, the petitioner is said to have gone absconding. The going of the petitioner absconding and



drawing of the complainant as accused No.3 in the said case, led the complainant to register a crime for cheating and rape for the offence punishable under Sections 376 and 417 of IPC. After the registration of the crime in Crime No.191/2021, it transpires that the jurisdictional Police at Andhra Pradesh filed a 'B report' in the case that was registered in Crime No.87/2021. The realization dawned on both of them that they have to get married and they got married after filing of the 'B report' as aforesaid. By then, the complainant had registered the crime.

11. Learned counsel for the complainant submits that as on the date of registration of the impugned crime, the complainant was carrying and therefore, they got married and now have a child.

12. In these circumstances, where the offences are not even met to its remotest sense, permitting the husband now to undergo trial would believe in child and complainant in the lurch. In the light of the aforesaid circumstance of marriage between the petitioner and the



complainant, I deem it appropriate to obliterate the crime against the petitioner.

13. For the aforesaid reasons, the following:

ORDER

- i) Petition is allowed.
- ii) The proceedings in S.C.No.1799/2022 on the file of the Principal City Civil and Sessions Judge, Bengaluru, are hereby quashed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**