



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 5622 OF 2026

BETWEEN:

MR. NIXON,
S/O NANDA,
AGED ABOUT 29 YEARS,
R/AT# 45/1, JAYANTHIS HOUSE,
2ND FLOOR, 5TH CROSS,
PATEL NANJUNDAPPA ROAD,
RS PALYA, BANGALORE CITY,
BANGALORE – 560 033.

...PETITIONER

(BY SRI. RANGANATH REDDY R, ADVOCATE)

AND:

1. STATE BY
BANASWADI POLICE STATION,
BANGALORE DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
PIN CODE – 560 001.
2. SMT. PRIYA,
W/O. NIXON,
AGED ABOUT 28 YEARS,
R/AT 45/1, JAYANTHIS HOUSE,
2ND FLOOR, 5TH CROSS,
PATEL NANJUNDAPPA ROAD,





RS PALYA, BANGALORE CITY,
BANGALORE – 560 033.

...RESPONDENTS
(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1;
SRI. DEVARAJA B, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRIME
NO.687/2025 REGISTERED BY BANASWADI P.S., FOR THE
OFFENCES PUNISHABLE U/S 108, 62, 85, 352 OF BNS, 2023,
PENDING BEFORE THE COURT OF THE XI ACMM, BENGALURU
AND ETC.,

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner, the sole accused, husband of the 2nd
respondent is before the Court calling in question proceedings
in C.C.No.52473 of 2026 registered for the offences punishable
under Sections 108, 62, 85 and 352 of the BNS pending before
the XI Additional Chief Metropolitan Magistrate, Bengaluru.

2. Heard Sri. Ranganath Reddy R, learned counsel
appearing for the petitioner, Sri. B. N. Jagadeesha, learned



Additional State Public Prosecutor appearing for respondent No.1 and Sri.Devaraja B, learned counsel appearing for respondent No.2.

3. Facts, in brief, germane are as follows:

The petition before this Court is one that unveils, in stark relief, a disquieting narrative of mechanical prosecution and reckless invocation of penal provision, resulting in the incarceration of the petitioner for an offence, that on the admitted facts, could never have been alleged in the first place.

Brief facts unfolded:

3.1. The petitioner and the 2nd respondent are married for 7 years. The relationship between the two appears to have floundered. A squabble is said to have arisen between the two on 20-10-2025, and at about 9.00 p.m. when the petitioner comes home in an inebriated state and tries to assault the complainant. The complainant attempts to commit suicide by jumping from the second floor of the house. This did not result



in her death, but certain injuries to her body, to which she takes treatment. She then approaches the jurisdictional police seeking to register a complaint. In the complaint, the narration is clear that she attempted to commit suicide. A crime comes to be registered based upon the said complaint in Crime No.687 of 2025 for offences punishable under Sections 108, 85, 62 and 352 of the BNS. The police conduct investigation and file a charge sheet for the afore-said offences. On the registration of the crime for abetment to commission of suicide the petitioner was taken into custody. He remains in custody even today. It is then the husband and the wife have reconciled, buried their differences and are wanting a reunion and therefore have approached this Court in the subject petition for the said purpose of closure of the case on settlement.

4. The learned counsel appearing for the petitioner Sri Ranganath Reddy would vehemently contend that there is no suicide in the case at hand at all, for the petitioner to be alleged of abetment of commission of suicide. It was only an attempt by the complainant to commit suicide, which never happened. He would submit that now the parties are wanting



to settle the dispute and live together. Since the petitioner is in prison, the settlement is placed before the Court with a direction for his release.

5. The learned counsel appearing for the 2nd respondent would admit the fact of the settlement arrived at between the parties.

6. In the obtaining peculiar facts, the case cannot be closed without a deeper scrutiny, not of the allegations, but of the act of the officer-in-charge of the police station, for which, it is necessary to notice the complaint. It reads as follows:

“ಈ ದೂರಿನ ಸಾರಾಂಶವೇನೆಂದರೆ ಪಿಯಾದುದಾರರು ಸಂಸಾರ ಸಮೇತ ನಂ 45/1, ಜಯಂತಿ ರವರ ಮನೆ, 2ನೇ ಮಹಡಿ, 5ನೇ ಕ್ರಾಸ್, ರಾಮಸ್ವಾಮಿ ಪಾಳ್ಯ, ಬೆಂಗಳೂರು ನಗರ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ. ಪಿಯಾದುದಾರರು ನಿಸ್ಕಾನ್ ಎಂಬುವವರನ್ನು ಸುಮಾರು 03 ವರ್ಷ ಪ್ರೀತಿಸಿ 2018 ರಲ್ಲಿ, ಮದುವೆಯಾಗಿರುತ್ತಾರೆ. ಪಿಯಾದುದಾರರಿಗೆ 07 ವರ್ಷಗಳವರೆಗೆ ಮಕ್ಕಳಾಗಿರುವುದಿಲ್ಲ. ಪರಸ್ಪರ ಪ್ರೀತಿಸಿ ಮದುವೆಯಾದ ಹೊಸದರಲ್ಲಿ ಪಿಯಾದಿದಿಯ ಗಂಡ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದರು. ನಂತರದ ದಿನಗಳಲ್ಲಿ ಪಿಯಾದಿದಿಯ ಪತಿ ನಿಸ್ಕಾನ್ ನು ದಿನನಿತ್ಯ ಮದ್ಯಪಾನ ಮಾಡಿಕೊಂಡು ಬಂದು ಪಿಯಾದುದಾರರಿಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸುವುದು ಹಾಗೂ ಹೊಡೆಯುವುದು ಮಾಡುತ್ತಿರುತ್ತಾನೆ. ಇನ್ನೂ ಮಕ್ಕಳಾಗಿಲ್ಲ ಎಲ್ಲಿಯಾದರೂ ಹೋಗಿ ಸಾಯಿ ಎಂದು ದೈಹಿಕವಾಗಿ ಮತ್ತು ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ಕೊಡುತ್ತಿರುತ್ತಾನೆ. ಪರಸ್ಪರ ಪ್ರೀತಿಸಿ ಮದುವೆಯಾದ ಹೊಸದರಲ್ಲಿ, ಪಿಯಾದಿದಿಯ ಗಂಡ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದರು, ಪಿಯಾದುದಾರರು ಅತ್ತೆ ಮತ್ತು ಅವರ ಸಂಬಂಧಿಕರಿಗೂ ಹೇಳಿದಾಗ ಅವರು ಸಹ ಪಿಯಾದಿದಿಯ ಗಂಡನಿಗೆ ಬುದ್ಧಿವಾದ ಹೇಳಿ ನನಗೂ ಸಂಸಾರ ಸರಿ ಹೋಗುತ್ತದೆಂದು ಸಮಾಧಾನ ಮಾಡಿರುತ್ತಾರೆ. ಇದಾದ ನಂತರ ಪಿಯಾದುದಾರರ ಗಂಡನ ಕಿರುಕುಳ ಇನ್ನೂ ಹೆಚ್ಚಾಗಿರುತ್ತದೆ. ಇತ್ತೀಚೆಗೆ ಪಿಯಾದುದಾರರಿಗೆ ಒಂದು ಹೆಣ್ಣು ಮಗುವಾಗಿರುತ್ತದೆ.



ಪಿರ್ಯಾದುದಾರರು ಇನ್ನಾದರೂ ಸಂಸಾರ ಚೆನ್ನಾಗಿರುತ್ತೆ ಎಂದು ಕೊಂಡಿದ್ದು, ಪಿರ್ಯಾದಿಯ ಪತಿ ಪುನಃ ಗಲಾಟೆ ಮಾಡುವುದು, ಹೊಡೆಯುವುದು, ಬೈಯುವುದು ಮಾಡುತ್ತಿರುತ್ತಾರೆ. ಪಿರ್ಯಾದುದಾರರು ನಮಗೆ ಈಗ ಒಂದು ಮಗುವಾಗಿದೆ, ಈಗಲಾದರೂ ಚೆನ್ನಾಗಿ ಸಂಸಾರ ಮಾಡಿಕೊಂಡು ಹೋಗೋಣವೆಂದು ಬುದ್ಧಿವಾದ ಹೇಳಿದರೂ ನೀನು ನನಗೆ ಬೇಡ, ಮಗು ಮಾತ್ರ ಬೇಕು ನೀನು ಎಲ್ಲಾದರೂ ಹೋಗಿ ಸಾಯಿ ಎಂದು ತೊಂದರೆ ಕೊಡುತ್ತಿರುತ್ತಾನೆ. ದಿನಾಂಕ: 20-10-2025 ರಂದು ಸಂಜೆ 09:00 ಗಂಟೆಯ ಸಮಯದಲ್ಲಿ ಪಿರ್ಯಾದಿಯ ಪತಿ ಪುನಃ ಮದ್ಯಪಾನ ಮಾಡಿಕೊಂಡು ಬಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ, ಗಲಾಟೆ ಮಾಡಿ ಕಪಾಳಕ್ಕೆ ಹೊಡೆದು ಎಲ್ಲಿಯಾದರು ಹೋಗಿ ಸಾಯಿ ಎಂದು ಪ್ರಚೋದಿಸಿರುತ್ತಾನೆ. ಪಿರ್ಯಾದುದಾರರು ತನ್ನ ಪತಿಯ ಮಾತಿಗೆ ಮನನೊಂದು ತಾವು ವಾಸವಿರುವ ಮನೆಯ 2ನೇ ಮಹಡಿಯಿಂದ ಬಿದ್ದು ಸಾಯುತ್ತೇನೆಂದು ಹೇಳಿದ್ದು, ಪಿರ್ಯಾದಿಯ ಗಂಡ ನೀನು ಸತ್ತರೆ ಚೆನ್ನಾಗಿರುತ್ತದೆ ಸತ್ತು ಹೋಗು ಎಂದು ಸಾಯಲು ಪ್ರಚೋದನೆ ಮಾಡಿರುತ್ತಾನೆ. ಪಿರ್ಯಾದುದಾರರು ಜೀವನದಲ್ಲಿ ಜಿಗುಪ್ಸೆಗೊಂಡು ತಮ್ಮ ಮನೆಯ 2ನೇ ಮಹಡಿಯಿಂದ ಕೆಳಗೆ ಹಾರಿರುತ್ತಾರೆ. ಪಿರ್ಯಾದುದಾರರ ಬೆನ್ನು ಮೂಳೆ ಹಾಗೂ ಎರಡು ಕಾಲುಗಳ ಮುರಿದು ಹೋಗಿರುತ್ತದೆ. ಕೆಳ ಮನೆಯ ಸತೀಶ್ ರವರು ಬಂದು ಆರ್ ಕೆ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸಿ, ಪಿರ್ಯಾದಿಯ ಅಕ್ಕ, ಭಾವನಿಗೂ ತಿಳಿಸಿರುತ್ತಾರೆ. ನಂತರ ಹೆಚ್ಚಿನ ಚಿಕಿತ್ಸೆಗೆ ಡಾ ಬಿ ಆರ್ ಅಂಬೇಡ್ಕರ್ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಪಿರ್ಯಾದುದಾರರಿಗೆ ದೈಹಿಕವಾಗಿ ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ತೊಂದರೆ ಕೊಟ್ಟು, ಸಾಯಲು ಪ್ರಚೋದನೆ ಮಾಡಿದ ಪಿರ್ಯಾದುದಾರರ ಪತಿಯಾದ ನಿಕ್ಸಾನ್ ರವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಕೊಟ್ಟ ದೂರು."

(Emphasis added)

The FIR is registered for the following offences, viz., 108, 62, 85 and 352 of the BNS, the primary being the offence punishable under Section 108 of the BNS, abetment to suicide. The police do not stop at the registration of the crime for the aforesaid offence, but claims to have conducted investigation and filed a charge sheet even. Charge sheet for what, the offence under Section 108 of the BNS, *inter alia*. The summary of the charge sheet reads as follows:



“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಸಾಕ್ಷಿ-1 ಮತ್ತು ಆರೋಪಿ ನಿಕ್ಸನ್ ಇಬ್ಬರೂ ಪರಸ್ಪರ ಪ್ರೀತಿಸಿ 2018ನೇ ಇಸವಿಯಲ್ಲಿ ವಿವಾಹವಾಗಿದ್ದು, ಬಾಣಸವಾಡಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿಗೆ ಸೇರಿದ ಆರ್.ಎಸ್ ಪಾಳ್ಯದ ಪಟೇಲ್ ನಂಬುಂಡಪ್ಪ ರಸ್ತೆಯ 5ನೇ ಕ್ರಾಸ್ ನ ಮನೆ ನಂ: 45/1 ರಲ್ಲಿನ 2ನೇ ಮಹಡಿಯಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿ-1 & ಆರೋಪಿ ನಿಕ್ಸನ್ ರವರು ಮದುವೆಯಾದ 07 ವರ್ಷಕಾಲ ಮಕ್ಕಳು ಆಗಿರುವುದಿಲ್ಲ, ಈ ವಿಚಾರವಾಗಿ ಆರೋಪಿ ನಿಕ್ಸನ್ ನು ಪ್ರತಿ ದಿನ ಕುಡಿದು ಸಾಕ್ಷಿ-1ರವರಿಗೆ ನಿನಗೆ ಇನ್ನು ಮಕ್ಕಳಾಗಿಲ್ಲ, ನೀನು ನಮ್ಮ ಮನೆಯಲ್ಲಿ ಇರಬೇಡ, ಎಲ್ಲಾದರು ಹೋಗಿ ಸಾಯಿ ಎಂದು ಜಗಳ ಮಾಡುವುದು, ಬೈಯ್ಯುವುದು, ಹೊಡೆಯುವುದು ಮಾಡುತ್ತಿದ್ದನು. ಈ ವಿಚಾರವಾಗಿ ಸಾಕ್ಷಿ-1ರವರ ಸಂಬಂಧಿಕರಾದ ಸಾಕ್ಷಿ-5, 6, 7 ರವರುಗಳ ಬಳಿ ಹೇಳಿಕೊಳ್ಳುತ್ತಿದ್ದರು, ನಂತರ ಸಾಕ್ಷಿ-5, 6, 7 ರವರುಗಳ ಆರೋಪಿತನಿಗೆ ಹಲವಾರು ಬಾರಿ ಬುದ್ಧಿವಾದ ಹೇಳಿದ್ದರು ಸಹ ಆರೋಪಿಯು ಸುದಾರಿಸಿರುವುದಿಲ್ಲ. 2025ನೇ ಇಸವಿ ಏಪ್ರಿಲ್ ತಿಂಗಳಿನಲ್ಲಿ ಸಾಕ್ಷಿ-1 & ಆರೋಪಿತನಿಗೆ ಹೆಣ್ಣು ಮಗು ಜನಿಸಿದ್ದು, ಅನಂತರವು ಸಹ ಆರೋಪಿ ನಿಕ್ಸನ್ ನು ಮದ್ಯಪಾನ ಮಾಡಿ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಜಗಳ ಮಾಡುವುದು, ಹೊಡೆಯುವುದು ಮಾಡುತ್ತಿದ್ದು ತನಗೆ ಹೆಂಡತಿ ಬೇಡ ಮಗು ಮಾತ್ರ ಬೇಕು ಪ್ರಿಯಾ ಎಲ್ಲಿಯಾದರು ಹೋಗಿ ಸಾಯಲಿ ಎಂದು ಬೈಯುತ್ತಿರುತ್ತಾನೆ.

ಹೀಗಿರುವಾಗ ದಿನಾಂಕ: 20-10-2025 ರಂದು ರಾತ್ರಿ 21-00 ಗಂಟೆಗೆ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1ರವರ ಮೇಲೆ ಜಗಳ ತೆಗೆದು ಕೆಟ್ಟ ಕೆಟ್ಟ ಮಾತುಗಳಿಂದ ಬೈದು ಕೈಯಿಂದ ಸಾಕ್ಷಿ-1ರವರ ಕಪಾಳಕ್ಕೆ ಹೊಡೆದು ನೀನು ಎಲ್ಲಾದರು ಹೋಗಿ ಸಾಯಿ ಎಂದು ಪ್ರಚೋದನೆ ಮಾಡಿರುತ್ತಾನೆ. ಸದರಿ ಆರೋಪಿಯು ಪ್ರತಿ ಬಾರಿ ಸಾಕ್ಷಿ-1ರವರಿಗೆ ನೀನು ಸಾಯಿ, ನೀನು ಇರಬೇಡ ಎಂದು ಬೈದು ಪ್ರಚೋದನೆ ನೀಡುತ್ತಿದ್ದರಿಂದ ಮನನೊಂದ ಸಾಕ್ಷಿ-1ರವರು ತಾವು ವಾಸವಾಗಿದ್ದ ಮನೆಯ 2ನೇ ಮಹಡಿಯಿಂದ ಬೀದ್ಡು ಸಾಯುತ್ತೇನೆಂದು ಆರೋಪಿಗೆ ತಿಳಿಸಿದಾಗ ಆರೋಪಿಯು ಆಕೆಯನ್ನು ತಡೆಯದೇ ನೀನು ಸತ್ತರೆ ಚೆನ್ನಾಗಿರುತ್ತೆ ಸತ್ತುಹೋಗು ಎಂದು ಪ್ರಚೋದನೆ ನೀಡಿರುತ್ತಾನೆ. ಇದರಿಂದ ಸಾಕ್ಷಿ-1 ರವರು ರಾತ್ರಿ 21:20 ಗಂಟೆಗೆ 2ನೇ ಮಹಡಿಯಿಂದ ಹಾರಿ ಕೆಳಗೆ ಬಿದ್ದಿದ್ದು ಇದರ ಪರಿಣಾಮ ಸಾಕ್ಷಿ-1ರವರ ಬೆನ್ನು ಮೂಳೆ ಮತ್ತು 2 ಕಾಲುಗಳು ಮುರಿದಿದ್ದು, ನಡೆದಾಡಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ. ಈ ಸಮಯದಲ್ಲಿ ಕೆಳಗೆ ಬಂದಂತಹ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1ರವರಿಗೆ ನೀನು ನಾಟಕ ಮಾಡಬೇಡ ಎದ್ದೇಳು ಎಂದು ಹೇಳಿ ಕೈಗಳಿಂದ ಹೊಡೆದು ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾನೆ. ನಂತರ ಸಾಕ್ಷಿ-1ರವರು ಸಾಕ್ಷಿ-7 ರವರ ಸಹಾಯದಿಂದ ತನ್ನ ಸಂಬಂಧಿಕರಾದ ಸಾಕ್ಷಿ-5, 6, 7 ರವರನ್ನು ಸ್ಥಳಕ್ಕೆ ಕರೆಯಿಸಿಕೊಂಡಿದ್ದು, ಸಾಕ್ಷಿ-5, 6, 7ರವರು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲು ಮಾಡಿರುತ್ತಾರೆ.

ಸದರಿ ಆರೋಪಿ ನಿಕ್ಸನ್ ಈತನು ಸಾಕ್ಷಿ-1ರವರಿಗೆ ಪ್ರತಿ ನಿತ್ಯ ದೈಹಿಕವಾಗಿ ಮತ್ತು ಮಾನಸಿಕವಾಗಿ ನೀನು ಸತ್ತೋ ಹೋಗು ಎಂದು ಬೈದು ಜಗಳ ಮಾಡಿ ಹಲ್ಲೆ ಮಾಡುತ್ತಿದ್ದರಿಂದ ಈತನ ಪ್ರಚೋದನೆಯಿಂದಾಗಿ ಸಾಕ್ಷಿ-1ರವರು 2ನೇ ಮಹಡಿಯಿಂದ ಹಾರಿ ಆತ್ಮಹತ್ಯೆ ಮಾಡಿಕೊಳ್ಳಲು ಪ್ರಯತ್ನಿಸಿದ ಪರಿಣಾಮ ಸಾಕ್ಷಿ-1ರವರ ಬೆನ್ನು ಮೂಳೆ ಮತ್ತು ಎರಡು ಕಾಲುಗಳು



ಮುರಿದು ತೀವ್ರ ಸ್ವರೂಪದ ಗಾಯವಾಗಿರುವುದು ತನಿಖೆಯಿಂದ ಮತ್ತು ಸಂಗ್ರಹಿಸಿದ ಸಾಕ್ಷ್ಯಧಾರಗಳಿಂದ ಮತ್ತು ಸಾಕ್ಷಿದಾರರುಗಳ ಹೇಳಿಕೆಗಳಿಂದ ಸಾಬೀತಾದ ಮೇರೆಗೆ ಆರೋಪಿತ ನಿಕ್ಸನ್ ನ ವಿರುದ್ಧ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಸಲ್ಲಿಸಿರುತ್ತದೆ.”

(Emphasis added)

The aforesaid complaint and the charge sheet clearly depict an act of recklessness on the part of the officer in-charge of the police station/Investigating Officer. What is alleged against the petitioner is, abetment to suicide. There is no suicide in the case at hand. The wife who has survived an injury, is now hale and healthy and is standing before this Court next to the counsel.

7. The case at hand, therefore, unveils a disquieting narrative of mechanical prosecution and reckless invocation of a penal provision, which could not have been alleged in the first place on the admitted facts.

Though the wife/the complainant did attempt to commit suicide, there is no death in the case at hand. Section 108 of the BNS punishes whoever abets the commission of suicide.

Section 108 reads as follows:

"108. Abetment of suicide.—If any person commits suicide, **whoever abets the commission of**



such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

(Emphasis supplied)

Section 108 is neither ambiguous nor elastic. It stands anchored upon the un-denial prerequisite that, "if any person commits suicide" only then culpability for abetment would arise. Yet, in an astonishing display of recklessness or prosecutorial haste, the crime is registered for abetment to suicide and a charge sheet is also filed against the petitioner for the offence of abetment of suicide, an offence whose very foundation is actual commission of suicide. Therefore, the complaint and the charge sheet clearly depict an act of foolhardiness on the part of the officer in-charge of the police station/Investigating Officer *qua* laying down the offence under Section 108 of the BNS.

8. What shocks the judicial conscience is not merely the erroneous invocation of the provision, but the grave consequence that followed in its wake. The petitioner-husband is languished behind the prison walls for six



long months, deprived of his liberty under the shadow of a charge sheet that could not even remotely sustain legal scrutiny. The wife alleged to be the victim of abetment to suicide stands alive before this Court, is identified by her counsel, thereby rendering the very substratum of accusation wholly illusory. **The incarceration of the petitioner, in such circumstances, paints a deeply troubling portrait of investigative imprudence and indifference to personal liberty.**

9. In the wake of incarceration of the husband for the last six months, the parties to the *lis* have come forward to get the proceedings quashed on account of a settlement between them. The terms of settlement is as follows:

"The Respondent No 2 most respectfully submit as follows:

1. The above Criminal Petition is filed seeking quashing of proceedings in Crime No.687/2025 registered by Banaswadi Police Station for the offences punishable under Sections 108, 62, 85 and 352 of the Bharatiya Nyaya Sanhita, 2023.
2. The Petitioner No.1 is the accused and Respondent No.2 is the de facto complainant. Both are husband and wife. Married on 14/04/2018 and having a one year child.



3. It is submitted that the dispute between the parties arose out of personal and matrimonial differences.

4. With the intervention of elders, relatives and well-wishers, the parties have amicably settled their dispute. The Respondent No 2 under mental distress and in consideration of the future prospects of the family.

5. The Respondent No.2 has voluntarily agreed to compound the offences and does not wish to prosecute the case any further.

6. The compromise is genuine, voluntary and without any coercion, undue influence or threat.

7. In view of the settlement, continuation of criminal proceedings would be an abuse of process of law.

8. This Hon'ble Court may be pleased to permit compounding of the offences in the interest of justice.

PRAYER

WHEREFORE, the Respondent No 2 respectfully pray that this Hon'ble Court may be pleased to:

a) Permit the parties to compound the offences in Crime No.687/2025 for offences punishable under sections 108, 62, 85, 352 of BNS OF 2023 pending before the XI Addl, Chief Metropolitan Magistrate at Bangalore

b) Pass such other orders as deemed fit in the interest of justice."

This Court, would have accepted the settlement and closed the issue. **But in the teeth of the aforesaid facts, this Court cannot remain a silent spectator to such cavalier exercise of police power. The investigating officer who without even adverting to the elementary ingredients of**



the offence punishable under Section 108 of the BNS – abetment to suicide, registered the crime and goes on to file the charge sheet even. Such recklessness cannot be permitted to escape scrutiny.

10. The criminal justice system cannot be permitted to be reduced to a frolicsome act of the investigating officer, where accusations are drafted upon whim and fancy. Liberty of a person cannot be sacrificed at the altar of negligence. The present case is not merely an error of judgment; it is a glaring manifestation of non-application of mind that has resulted in the incarceration of a citizen for half a year, for an offence that was legally non-existent. It is therefore, imperative, that accountability must follow such abuse of authority.

11. The Competent Authority is accordingly directed to initiate a departmental enquiry against the officer in-charge of the police station/Investigating Officer, who has displayed such patent irresponsibility in laying a charge sheet for offence under Section 108 of the BNS, despite the admitted absence of



suicide. **The enquiry, now directed, shall not be a ritualistic exercise, but a meaningful examination into the disturbing casualness with which the liberty was imperilled.** A report of such action taken shall be placed before this Court, within three months from the date of receipt of the copy of this order.

12. Since the parties themselves have now appeared before this Court expressing their desire to bury their differences and restore matrimonial harmony and the wife has unequivocally submitted that the dispute stands settled and that re-union has dawned upon a fractured relationship, in the light of such settlement, continuation of the proceedings would serve no purpose other than needless agony and abuse of process. Therefore, this Court deems it appropriate to quash the proceedings in C.C.No.52473 of 2026 pending before XI Additional Chief Metropolitan Magistrate, Bengaluru. The petitioner who continues to be incarcerated shall be released forthwith, without brooking even the slightest delay and the Registry is directed to communicate this order to the Prison Authorities to ensure prompt compliance.



13. For the aforesaid reasons, the following:

ORDER

- [I] The Criminal Petition is ***allowed***.
- [II] Proceedings in C.C.No.52473/2026 pending before the Court of the XI ACMM, Bengaluru, stands quashed/obliterated *qua* the petitioner.
- [III] The petitioner who is now housed in prison shall be released by the prison authorities without brooking any delay.
- [IV] The Registry of this Court shall communicate this order to the prison authorities to enable release of the petitioner from prison.
- [V] A departmental enquiry shall ensue against the officer-in-charge of the Police Station who filed the charge sheet for an offence punishable under Section 108 of BNS-abetment to suicide, when the victim is still alive. There was no suicide in the case at hand. The action taken on a departmental inquiry against the officer-in-charge of the Police Station



shall be reported back to this Court within three months from the date of receipt of the copy of this order.

Ordered accordingly.

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

Bkp/ List No.: 1 Sl No.: 66