



CNR: KAHC020053092023

NC: 2026:KHC-D:16064
CRL.P No. 100885 of 2023

**IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 25TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T
CRIMINAL PETITION NO.100885 OF 2023
(482(Cr.PC)/528(BNSS))**

BETWEEN:

SOMANATH S. HIREMATH
R/A SIDDANAKOLLA-587125,
TQ: HUNAGUND, DIST: BAGALKOT.

(BY SRI. K.L. PATIL, ADVOCATE)

... PETITIONER

AND:

1. THE STATE OF KARNATAKA
THROUGH HANUMSAGAR P.S
REPRESENTED BY STATE PUBLIC
PROSECUTOR/HCGP,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH-580011, DHARWAD.
2. SMT. MANJUAL W/O. SOMANATH HIREMATH
R/A.NO.63 AND 64, 3RD MAIN,
3RD CROSS, DARSHAN FARM, NEAR KEREKODE,
R.R.NAGAR, BENGALURU-- 560098.

... RESPONDENTS

(BY SRI. PRAVEENA Y. DEVAREDDIYAVARA, HCGP FOR R1,
SRI VIDYASHANKAR G. DALAWAI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF
CR.P.C. PLEASED TO QUASH THE CHARGESHEET FILED BY THE
HANUMASAGAR POLICE STATION, HANUMASAGAR AND TRIAL
COURT PROCEEDINGS BY THE 1ST RESPONDENT POLICE IN
CRIME NO.70/2021 FOR ALLEGED OFFENCE UNDER SECTION
323, 324, 354, 504, 506 R/W SECTION 34 OF INDIAN PENAL



CODE, AND CRIMINAL PROCEEDING IS PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC, COURT AT KUSTAGI IN C.C NO.415/2022.

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

CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

This petition is filed by the petitioner/accused No.1 under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') seeking quashing of the entire proceedings in C.C.No.415/2022 in connection with Crime No.70/2021 on the file of learned Additional Civil Judge and JMFC, Kushtagi, registered for the offences punishable under Sections 324 and 354 of the Indian Penal Code, 1860 (for short, 'IPC').

2. The brief facts of the prosecution case in nutshell is as under:

The petitioner/accused No.1 is a practicing Advocate at Bengaluru, came into contact with the defacto complainant. The petitioner was engaged by the defacto complainant in her divorce petition pending before the Family Court, Bengaluru. Thus, developed intimacy with each other and during the



lockdown, the defacto complainant came to the village of the petitioner and opposed that she is wife of accused No.1. Therefore, the petitioner took quarrel with the defacto complainant, abused her in filthy language, intentionally insulted her, to provoke her breach of peace and assaulted her and also made criminal intimidations to eliminate her.

3. Based on the complaint lodged by the defacto complainant, the SHO registered the case and the Investigating Officer conducted the investigation and after completion of the investigation, he submitted charge sheet against accused No.1 by dropping accused No.2 and 3 from the charge sheet. Thus, the jurisdictional magistrate took cognizance of the offences and issued process against the petitioner. Taking exceptions to the same, the petitioner has filed this petition seeking to quash the entire proceedings.

4. Heard Sri K.L.Patil, learned counsel for the petitioner, Sri Praveena Y.Devareddiyavara, learned HCGP and Sri Vidyashankar G.Dalawai, learned counsel for respondent No.2.



5. The learned for the petitioner vehemently contended that, the defacto complainant filed false case against the petitioner. There are serious omissions and contradictions in the testimony of CW1. In the complaint, she has made allegations against the accused, whereas in her further statement, she has completely deviated from the prosecution version. Hence, the order of taking cognizance and the issue of process against the petitioner deserves to be quashed and the ingredients of Sections 324 and 354 of IPC are not made out.

6. *Per contra*, learned HCGP for the respondent-State vehemently contended that the charge sheet material clearly discloses the commission of the aforesaid offences and the veracity of allegation against the petitioner would be considered only after a full-fledged trial and at this stage, the cognizance taken by the learned Magistrate does not warrant any interference. Hence, learned HCGP prayed for dismissed of the petition.



7. A perusal of the material on record it goes to show that, the alleged incident took place on 29.06.2021 and the complaint was lodged on 30.06.2021.

8. In the complaint and statement of victim recorded by the Investigating Officer, she has stated that the accused assaulted with his hands and outraged her modesty. Hence, it is just and necessary to analyze Sections 324 and 354 of IPC which reads as under:

324. Voluntarily causing hurt by dangerous weapons or means.—

Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

354. Assault or criminal force to woman with intent to outrage her modesty.—



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Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

9. The perusal of Section 324 of IPC contemplates that if anybody causes hurt by dangerous weapons or means, then it amounts to Section 324 whereas in the instant case, there is no allegation that the accused assaulted with dangerous weapons or means. Further, the perusal of the wound certificate, it also appears that there are no injuries on the person of the victim. Hence, there is no medical evidence available in support of the case of the petitioner.

10. Insofar as Section 354 of IPC is concerned, what constitutes an outrage to a woman's modesty is no longer defined. The essence of a woman's modesty is her sex, and the culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, though the absence of such reaction is not by itself, conclusive. Modesty in this section is an attribute associated with female human being by



virtue of her sex. An act of pulling a woman, removing her saree making a request for sexual intercourse would amount to an act outraging the modesty of woman. Knowledge that modesty is likely to be outraged is sufficient to constitute an offence without any deliberate intention having to outrage her modesty being the sole object of the act.

11. The Hon'ble Apex Court in case of ***Raju Pandurang Mahale v. State of Maharashtra and another*** reported in ***AIR 2004 SC 1677*** held that, to attract section 354 of IPC, the ingredient of outraging modesty of women with sexual intent has to be established, whereas, in the instant case, there is no allegation of the defacto complainant against the petitioner as to outraging modesty of woman with intent to have a sexual assault. Therefore, it is clear that in order to constitute offence of Section 324 of IPC, there must be a voluntarily causing hurt by dangerous weapons or means whereas there is no wound certificate in support of her coercion. Further, the ingredient of Section 354 of IPC was also not made out. In view of the preceding analysis, the Court is of the view that the FIR lodged by respondent No.2 is without any



probable cause. Further, the defacto complainant was who claims to accused No.1, who is none other than practicing Advocate in Bengaluru. Hence, the continuation of criminal proceedings against the petitioner is nothing but abuse of process of law and liable to be quashed.

12. More importantly, the perusal of the further statement of victim, she has categorically stated that the petitioner never assaulted her and he did not commit any act outraging her modesty. Therefore, the Court proceeds to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The entire proceedings in C.C.No.415/2022 in connection with Crime No.70/2021 of Hanumasagar Police Station, Kushtagi Circle, Koppal District, registered for the offences punishable Sections 324 and 354 of IPC is hereby passed, pending on the file of learned Additional Civil Judge and JMFC Court at Kushtagi, in so far as petitioner/accused are concerned, is hereby quashed.



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- iii. In view of the disposal of the petition, pending IAs., if any, do not survive and accordingly they are dismissed.

Sd/-
(VENKATESH NAIK T)
JUDGE

CLK
CT:GSM
List No.: 1 Sl No.: 37