



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201493 OF 2025

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

BETWEEN:

ABDUL HAMEED [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...PETITIONER

(BY SRI.SHAIKH YUSUF SHAIKH SALUM, ADVOCATE)

AND:

1. STATE BY GOLGUMBAZ P.S.
REPRESENTED BY
ADDL.STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
AT KALABURAGI – 585103.

2. SMT. LAXSHIBAI DURGANNAVAR
[REDACTED]
[REDACTED]

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1)





THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), BY THE ADVOCATE FOR THE PETITIONER PRAYING TO, QUASH THE PROCEEDINGS AT CC NO. 13/2025 FOR THE OFFENCE UNDER SECTION 9, 10, 11 OF THE PROHIBITION OF CHILD MARRIAGE ACT 2006 AGAINST THE PETITIONER/ACCUSED NO.6, ON THE FILE OF THE HON'BLE PRL. SENIOR CIVIL JUDGE AND CJM COURT VIJAYAPURA, WHICH IS THE OUTCOME OF GOLGUMBAZ PS CRIME NO. 75/2024 IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioner/accused No.6 in C.C.No.13/2025, arising out of Crime No.75/2024, registered by Golgumbaz Police, Vijayapura, for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 (for brevity "the Act"), pending on the file of Prl. Civil Judge and CJM, Vijayapura.



2. The factual matrix of the case is that, respondent No.2 being the Supervisor of Women and Child Development Department, Shivananda Nagar, Dharwad, lodged the complaint before the respondent-Police alleging that as per the letter dated 27.05.2024, City Primary Health Centre, Madarnaddi, Dharwad, one [REDACTED]

[REDACTED]

[REDACTED], being a minor girl aged about 17 years 8 months was pregnant and delivered a child in the Primary Health Center on 22.06.2024. As such, she lodged the complaint before the respondent-Police to take action against the concerned persons who are responsible for the marriage and the person who performed the marriage with her. Accordingly, the respondent-Police registered the case against six persons by arraying this petitioner as accused No.6, who is owner of Hussain Palace, Vijayapura, where the wedding of the victim girl and accused No.1, Moula Iman was performed. Thereafter, the respondent-Police investigated the case and laid charge sheet all the accused



for the aforementioned offences. The Learned Magistrate took cognizance of the aforesaid offences. Being aggrieved by the same, the petitioner is before this Court.

3. Heard learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

4. Apart from urging several contentions, learned counsel for the petitioner primarily contended that the petitioner being the owner of the convention hall, he is not aware about the age or other criteria of the victim and accused No.1. According to him, the marriage hall was booked by parents of accused No.1 and the victim with the employees of the petitioner. Since neither he had the knowledge that the victim was a minor nor the other aspect of the matter, the charge sheeted offences do not attract against him. Accordingly, he prays to allow the petition.



5. *Per contra*, learned High Court Government Pleader opposed the petition and prays to dismiss the same.

6. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents available on record.

7. As could be gathered from the complaint and charge sheet materials, it is not in dispute that accused No.1-Moula Iman married the victim on 28.05.2023. Accused Nos.2 to 5 are the parents of accused No.1 and the victim. The allegation against this petitioner is that he is the owner of Hussain Hall, Vijayapura, where the marriage of victim and accused No.1 was performed. As rightly contented by the learned counsel for the petitioner, the marriage hall was booked by the parents of accused No.1 and the victim with the employees of petitioner. In such circumstance, there is no such hard and fast rule that the owner of the marriage hall should verify the age proof of the bride and bride-groom while renting out the



wedding hall. In such circumstances, it cannot be said that the petitioner has the knowledge and intention along with the other accused persons to perform the marriage of the minor victim with accused No.1. Hence the offences charge sheeted against the petitioner do not attract against him.

8. It is now well settled that continuation of criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or 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 circumstance, Court owes a duty to look into the FIR with care and a little more closely. 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. On the other hand, the Court owes a duty to look into many other attending circumstance 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 Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

9. On overall perusal of the complaint and charge sheet materials, I am of the considered view that, even if



entire allegations in the FIR and charge sheet materials taken into consideration, no case has been made against the petitioner for the offences alleged against him. Hence, continuation of proceedings against him is abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused No.6 in C.C.No.13/2025, arising out of Crime No.75/2024, registered by Golgumbaz Police, Vijayapura, for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 (for brevity "the Act"), pending on the file of Prl. Civil Judge and CJM, Vijayapura, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE