



CNR: KAHC010005462024

NC: 2026:KHC:51952
CRL.P No. 220 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 220 OF 2024

BETWEEN:

1. HARISH R
AGED ABOUT 33 YEARS,
S/O RAMAKRISHNA
RESIDING AT #135,
NEAR ANJANEYA TEMPLE,
KORAMANGALA, 8TH BLOCK,
BENGALURU -560 034
2. SUJATHA
AGED ABOUT 51 YEARS,
W/O RAMAKRISHNA
RESIDING AT #135,
NEAR ANJANEYA TEMPLE,
KORAMANGALA, 8TH BLOCK,
BENGALURU -560 034
3. BASAVACHAR RAMAKRISHNA
AGED ABOUT 63 YEARS,
S/O LATE BASAVACHAR,
RESIDING AT #135,
NEAR ANJANEYA TEMPLE,
KORAMANGALA, 8TH BLOCK,
BENGALURU -560 034
4. CHAITRA
AGED ABOUT 37 YEARS,
D/O RAMAKRISHNA
RESIDING AT #135,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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NEAR ANJANEYA TEMPLE,
KORAMANGALA, 8TH BLOCK,
BENGALURU -560 034

...PETITIONERS

(BY SRI. NATARAJ D, ADVOCATE)

AND:

1. STATE BY EAST ZONE WOMEN
POLICE STATION
BENGALURU,
REPRESENTED BY
PUBLIC PROSECUTOR,
OFF/AT HIGH COURT OF KARNATAKA
BANGALORE -560 001
2. SMT. SHREE RAKSHA
W/O HARISH R
AGED ABOUT 26 YEARS,
R/AT NO. 906, 9TH FLOOR,
FRAID-STRING APRATMENT
SUBRAMANYAPURA
UTTARAHALLI,
BANGALORE -560 061

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.A. CHANDRASHEKARA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE FIR AND ANY CONSEQUENTIAL PROCEEDINGS
THEREIN ARISING OUT OF FIR IN QUESTION i.e. COMPLAINT
AND CHARGE SHEET, IN CR.NO.90/2021 (C.C.NO.2124/2022)
REGISTERED AT EAST ZONE WOMEN POLICE STATION FOR
THE OFFENCE P/U/S 498A, 354, 504 AND 506 OF IPC AND
SECTION 3 AND 4 OF D.P. ACT ON THE FILE OF VI
ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU
AGAINST THE PETITIONERS BY ALLOWING THIS PETITION.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

There is no representation for the petitioners even on the
second call.

This petition is filed under Section 482 of Cr.P.C. to quash
the proceedings against the petitioners/accused Nos.1 and 4 in
C.C.No.2124/2022, arising out of Crime No.90/2021 registered
by East Zone Women Police Station, for the offences punishable
under Sections 498A, 354, 504 and 506 of IPC and Sections 3
and 4 of Dowry Prohibition Act, presently pending on the file of
VI Addl. Chief Metropolitan Magistrate, Bengaluru.

2. The brief facts of the case is that the marriage of
respondent No.2/complainant was solemnized with petitioner
No.1/accused No.1 on 25.04.2016. At the time of marriage, the
petitioners demanded 150 grams of gold and 200 grams of
silver articles as dowry. Accordingly, the parents of respondent
No.2 fulfilled the demands of the petitioners and spent a sum of
Rs.20,00,000/- for performing the marriage. After the



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marriage, respondent No.2 started to reside in her matrimonial home with petitioner Nos.1 to 3/accused Nos.1 to 3. It is stated that the relationship between petitioner No.1 and respondent No.2 was cordial for a period of one month. Thereafter, the petitioners started to harass respondent No.2 both physically and mentally to bring additional dowry of Rs.10,00,000/- and petitioner No.3 - father-in-law of respondent No.2 also insisted her for sexual favour and petitioner No.2 - mother-in-law of respondent No.2 supported the said act of petitioner No.3. The petitioner No.4 being the sister-in-law of respondent No.2 used to visit respondent No.2's matrimonial home frequently and insisted petitioner No.1 to perform second marriage. As such, due to unbearable harassment meted out by the petitioners, respondent No.2 lodged a complaint before Basavanagudi Women Police Station, which was registered in Crime No.112/2021. Later, the said case was transferred to respondent No.1-Police and the said Police registered FIR in Crime No.90/2021 for the aforesaid offences. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against the petitioners for the aforementioned offences



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by arraying the petitioners as accused Nos.1 to 4. The learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition.

3. Heard learned HCGP for respondent No.1 and learned counsel for respondent No.2.

4. It is stated in the petition that the entire allegations made in the complaint and the charge sheet is totally fabricated one and the same are made out of vengeance against the petitioners by respondent No.2. It is further stated that respondent No.2 herself left the matrimonial home, despite there was a cordial relationship between the petitioners and respondent No.2. It is also stated that the entire charge sheet averments discloses an omnibus allegations without any specific assertion. Accordingly, it is prayed to allow the petition.

5. Learned counsel for respondent No.2 opposed the aforesaid prayer by contending that on perusal of the complaint averments, from the inception of marriage, the petitioners colluding with each other, harassed respondent No.2 both physically and mentally. The complaint averment clearly



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discloses that the petitioners harassed respondent No.2 both physically and mentally for a sum of Rs.10,00,000/- as additional dowry and also thrown her out of the matrimonial home. Further, petitioner No.3 - father-in-law also insisted respondent No.2 for sexual favour and the said act of petitioner No.3 was supported by petitioner No.2. The petitioner No.4 also insisted petitioner No.1 to perform second marriage. In such circumstances, the proceedings against the petitioners cannot be quashed. Accordingly, he prays to dismiss the petition.

6. Learned HCGP also opposed the prayer of the petitioners stating that the material witnesses have clearly stated the involvement of these petitioners in the alleged crime. Accordingly, he prays to dismiss the petition.

7. I have given my anxious consideration both on the submission and the documents made available before this Court.

8. As could be gathered from records, undisputedly, after the marriage, respondent No.2 was residing along with petitioner Nos.1 to 3 i.e., her husband, mother-in-law and



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father-in-law. On further perusal of the complaint averments, after the marriage, the relationship between petitioner No.1 and respondent No.2 was cordial for one month and thereafter, petitioner Nos.1 to 3 started to harass respondent No.2 both physically and mentally for additional dowry of Rs.10,00,000/-. Further, petitioner No.3 insisted respondent No.2 for sexual favour and the said act of petitioner No.3 was supported by petitioner No.2, who is none other than the wife of petitioner No.3.

9. The statement of material witnesses i.e., the family members of respondent No.2 and eye-witnesses clearly reveals the involvement of petitioner Nos.1 to 3 in the alleged harassment. In such circumstances, there is a *prima facie* case made out against petitioner Nos.1 to 3 i.e., accused Nos.1 to 3. However, as far as petitioner No.4 - sister-in-law of respondent No.2 is concerned, she is residing separately at her matrimonial home at Koramangala, 8th Block, Bengaluru and there is no specific allegations are forthcoming against her. In such circumstance, the Hon'ble Apex Court in the case of ***K. Subba Rao vs. State of Telangana represented by its Secretary,***



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Department of Home and Others reported in ***2024 INSC 960***, has held that the Court should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped-in on the basis of omnibus allegations unless specific instance of their involvement in the crime are made out.

10. It is also settled position of law that if a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of process of the Court. The Courts pose a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, whether there is any gain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arise from a matrimonial dispute.

11. Further, the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan vs. State of Telangana*** reported in ***2025 3 SCC 735***, held in paragraph Nos.25 and 28 as under:



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"25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."



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12. On careful consideration of the principles laid down by the Hon'ble Apex Court in the aforesaid judgments and upon applying the same to the facts and circumstances of the instant case, I am of the considered view that the materials on record do not disclose the commission of any offences by petitioner No.4/accused No.4. Therefore, continuation of the proceedings against her would amount to abuse of the process of law.

13. However, on perusal of the charge-sheet materials, *prima facie* allegations are forthcoming against petitioner Nos.1 to 3/accused Nos.1 to 3. The complaint specifically alleges that, from the inception of marriage, petitioner Nos.1 to 3/accused Nos.1 to 3, subjected respondent No.2 to physical and mental harassment in connection with the demand for additional dowry. Hence, the allegations against them requires to be tested in a full-fledged trial. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed in part***.
- ii. The petition in respect of petitioner No.4/accused No.4 is ***allowed***.



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- iii. The petition in respect of petitioner Nos.1 to 3/accused Nos.1 to 3 is ***dismissed*** and the proceedings against them shall continue.
- iv. The proceedings against petitioner No.4/accused No.4 in C.C.No.2124/2022, arising out of Crime No.90/2021 registered by East Zone Women Police, for the offences punishable under Sections 498A, 354, 504 and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act, presently pending on the file of VI Addl. Chief Metropolitan Magistrate, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 21