



CNR: KAHC010013892024

NC: 2026:KHC:48575
CRL.P No. 301 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 301 OF 2024

BETWEEN:

1. SRI. SHANMUKHA
S/O LATE SHANKARAPPA,
AGED 46 YEARS,
2. SMT SHARADAMMA
W/O SHANKARAPPA,
AGED 65 YEARS,

PET NO.1 AND 2 ARE R/AT
HOSADOOPADAHALLI,
BHADRAPURA POST,
SHIKARIPURA TALUK,
SHIVAMOGGA DIST-577427

3. SMT. SUJATHA
W/O GURUPRASAD,
AGED 49 YEARS,
R/AT VIJAYAPURA,
CHIKKAMANGALURU TALUK,
CHIKKAMANGALURU-577 101
4. SMT NAGARATHNA
W/O THIRTHA RAMESH
AGED 42 YEARS,
R/AT HOSADUPADA HALLI
BHADRAPURA, SHIKARIPURA TALUK
SHIVAMOGGA-577 201

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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5. SMT ANITHA
W/O ANAND,
AGED 31 YEARS,
R/AT VARAMAHALAKSHMI NILAYA,
VIDYANAGARA, 4TH CROSS,
KADUR TALUK,
SHIVAMOGGA DIST-577 548

...PETITIONERS

(BY SRI. PRAKASH M.H, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY SHIVAMOGGA WOMEN POLICE
HIGH COURT,
THROUGH BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING
BANGALORE-01
2. SMT VEENA
W/O SHANMUKHA,
AGED 38 YEARS,
R/AT 2ND CROSS,
POLICE CHOWK,
VINOBA NAGAR,
SHIVAMOGGA-577 201

...RESPONDENTS

(BY SRI. JAVEED S, ADVOCATE FOR HCGP,
SRI. BIRADAR SHARANAPPA SHANKARAPPA, ADVOCATE
FOR R2,
PETITIONER R2 HAS DIED, PETITIONER R1 IS NOT PRESS
FILED MEMO)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE CHARGE SHEET IN C.C.NO.2244/2023 PENDING
ON THE FILE OF THE JMFC II COURT, SHIVAMOGGA IN
C.C.NO.2244/2023 FOR THE OFFENCE P/U/S.498-
A,323,504,506,114 R/W SEC.34 OF IPC.



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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

Learned counsel for the petitioners has filed a memo seeking leave of this Court to withdraw the petition as not pressed against petitioner No.1/accused No.1.

2. The memo is taken on record.

3. Accordingly, the petition is ***dismissed as not pressed*** against petitioner No.1/accused No.1.

4. Learned counsel for the petitioners files a memo dated 07.09.2026 reporting the death of petitioner No.2/accused No.2.

5. The memo is taken on record.

6. Placing reliance on memo, the petition stands ***abated*** against petitioner No.2/accused No.2.

AS REGARDS PETITIONER NOS.3 TO 5/ACCUSED NOS.3 TO 5, THE MATTER IS TAKEN UP FOR CONSIDERATION.



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7. This petition is filed under Section 482 of Cr.P.C to quash the proceedings against petitioner Nos.3 to 5/accused Nos.3 to 5 in C.C.No.2244/2023 (arising out of Crime No.29/2023) registered by Shivamogga Women Police, for the offences punishable under Sections 323, 498A, 504, 506, 113 read with Section 34 of IPC, presently pending on the file of JMFC-II Court, Shivamogga.

8. The brief facts of the case is that the marriage of respondent No.2 was solemnized with one Shanmukha on 30.06.2005. Out of the wedlock, they have gotten two children aged 18 and 16 years respectively. After 17 years of the marriage, respondent No.2 lodged a complaint alleging that, after the marriage she lived cordially with her husband and in-laws at the matrimonial home and thereafter, they shifted to Shivamogga. During her stay along with her husband at Shivamogga, her husband was continuously teasing her by alleging that she was not fair looking and feels embarrassed to go out along with her. Further, it is also alleged that accused No.1 used to abuse her and forced her to give divorce. In the year 2017, her husband developed an illicit relationship with



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petitioner No.5 and she delivered a baby. On being questioned the same by respondent No.2, accused No.1 assaulted her and threatened her with dire consequences. As such, petitioner Nos.3 and 4 being the sister-in-laws of respondent No.2 and sisters of accused No.1, instigated accused No.1 to harass her. Left with no other option, respondent No.2 lodged a complaint before the Police on 27.04.2023. On the strength of said complaint, a FIR came to be registered against the petitioners by arraying these petitioners as accused No.3 to 5. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against the petitioners for the aforementioned offences and the learned Magistrate took cognizance of the case. Aggrieved by the same, the petitioners preferred this petition.

9. The primary contention advanced by the learned counsel for the petitioners is that petitioner Nos.3 and 4 i.e. the sister-in-laws of respondent No.2 are married and they are residing separately in their matrimonial home along with their family at Chikkamangaluru and Hosadupada Halli, Shivamogga, respectively. Further in the complaint, except some omnibus



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allegations, absolutely no such prima facie allegations are forthcoming against them. As far as petitioner No.5 is concerned, the allegation of extramarital relationship of accused No.1 with her is not supported by any witness except expressing mere suspicion. In such circumstances, he prays to quash the proceedings against the petitioners/accused Nos.3 to 5.

10. Learned HCGP opposed the aforesaid prayer on the ground that since now the charge sheet has been filed by the Police and the statement of witnesses were recorded, the proceedings against the petitioners cannot be quashed, at this stage. Accordingly, he prays to dismiss the petition.

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

12. As could be gathered from records, in the complaint, the specific allegations made by the complainant-respondent No.2 is that after 3 years from their marriage, the complainant and accused No.1 started to reside at Shivamogga



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and accused No.1 used to harass her both physically and mentally. As far as petitioner Nos.3 and 4 are concerned, they used to instigate accused No.1 to harass the complainant through phone and also whenever they visits the house of accused No.1. Admittedly, out of the wedlock, accused No.1 and the complainant begotten two children and now they are aged 18 and 16 years and they are studying in residential School at Davanagere.

13. On further perusal of the statement of the witnesses, except omnibus allegations against the petitioners, there is no such specific date, time or the manner in which they have harassed the complainant is not forthcoming in the statement. Moreover, admittedly, petitioner Nos.3 and 4 are residing separately at their respective matrimonial home i.e. at Chikkamagaluru and Hosadupada Halli, Shivamogga. As far as petitioner No.5 is concerned, the allegation of extramarital relationship of accused No.1 with her is not supported by any witness except expressing mere suspicion.



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14. In such circumstance, the Hon'ble Apex Court in the case of ***K. Subba Rao vs. State of Telangana represented by its Secretary, 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.

15. 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 allegation 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.



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16. 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:

"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



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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."

17. In the instant case, a bare perusal of charge sheet materials clearly shows that the allegations made by the complainant/respondent No.2 against petitioner Nos.3 to 5 are vague and omnibus. There is no such allegation that the family members harassed the complainant. The complainant has not provided any specific details or described any particular instance of harassment. She has not mentioned the time, date, place or a manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the charge sheet lacks concrete and precise allegations against petitioner Nos.3 to 5. The term "cruelty" cannot be established without specific instance. The same weakens the case of the prosecution and casts serious doubt on



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the probability of the version of the complainant. The mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person.

18. It is settled position of law that, Courts have to be careful and cautious in dealing with complaint and must take pragmatic realities into consideration while dealing with matrimonial disputes, where the allegations have to be scrutinized with great care and circumspection in order to prevent miscarriage of justice and abuse of process of Court.

19. Hence, even if the entire allegations in the charge sheet taken on its face value, there is no such *prima facie* case made out against petitioner Nos.3 to 5. As such, continuation of proceedings against petitioner Nos.3 to 5 i.e., accused Nos.3 to 5 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The petition in respect of petitioner No.1/accused No.1 is ***dismissed as not***



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pressed and proceedings against him shall continue.

- iii. The petition in respect of petitioner No.2/accused No.2 stands ***abated***.
- iv. The proceedings against petitioner Nos.3 to 5/accused Nos.3 to 5 in C.C.No.2244/2023 (arising out of Crime No.29/2023) registered by Shivamogga Women Police, for the offences punishable under Sections 323, 498A, 504, 506, 113 read with Section 34 of IPC, presently pending on the file of JMFC-II Court, Shivamogga, is hereby quashed.

**SD/-
(RAJESH RAI K)
JUDGE**

HKV
List No.: 1 Sl No.: 35