



CNR: KAHC010019142024

NC: 2026:KHC:50429
CRL.P No. 454 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 454 OF 2024

BETWEEN:

1. BHAGYAMMA H
W/O LATE ARASEGOWDA,
AGED ABOUT 52 YEARS,
RESIDING AT NO 108, GJ NILAYA,
BEHIND SWAMY WEAHERS,
MADANAYAKANAHALLI VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 562123
2. SUMALATHA A
D/O LATE ARASEGOWDA,
W/O GANGARAJU V,
AGED ABOUT 36 YEARS,
RESIDING AT NO 316, 1ST MAIN ROAD,
NEAR PV BAKERY, T DASARAHALLI,
BENGALURU 560057
3. GANGARAJU V
S/O VENKATESH V,
AGED ABOUT 42 YEARS,
RESIDING AT NO 316, 1ST MAIN ROAD,
NEAR PV BAKERY, T DASARAHALLI,
BENGALURU 560057

...PETITIONERS

(BY SRI. HARSHA D JOSHI., ADVOCATE)



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AND:

1. STATE OF KARNATAKA
BY MADANAYAKANAHALLI POLICE STATION,
BANGALORE RURAL DISTRICT,
REP. BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU 560001
2. NANDINI K
W/O SANTHOSH KUMAR,
D/O K KRISHNEGOWDA,
AGED ABOUT 32 YEARS,
RESIDENT OF KUVEMPUNAGARA,
1ST STAGE, BELUR TALUK,
HASSAN DISTRICT, HASSAN 573115

...RESPONDENTS

(BY SRI. MAHESH P., HCGP FOR R1
SRI. D Y CHINNAPPA GOWDA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
A. QUASH THE FIR REGISTERED BY THE FIRST RESPONDENT
MADANAYAKANAHALLI POLICE STATION IN CR.NO.365/2021
VIDE ANNEXURE A ON A COMPLIANT LODGED AGAINST THE
PETITIONER FOR THE OFFENCE ALLEGED TO HAVE BEEN
COMMITTED BY THE PETITIONER U/S.498-A,323,504 R/W
SEC.34 OF IPC AND SEC.3,4 OF DP ACT. B. QUASH THE
CHARGE SHEET FILED BY THE FIRST RESPONDENT
MADANAYAKANAHALLI POLICE STATION PENDING BEFORE
THE I ADDITIONAL CIVIL JUDGE AND JMFC AT NELAMANGALA
IN C.C.NO.3576/2022 VIDE ANNEXURE C ON A COMPLIANT
LODGED AGAINST THE PETITIONER FOR THE OFFENCE
ALLEGED TO HAVE BEEN COMMITTED BY THE PETITIONER
U/S.498-A,323,504 R/W SEC.34 OF IPC AND SEC.3,4 OF DP
ACT.

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



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CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition filed under Section 482 seeking to quash the proceedings in C.C.No.3576/2022 (arising out of Crime No.365/2021 registered by the Madanayakanahalli Police Station), for the offences punishable under Sections 498A, 323, 504 r/w Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 (for short, 'the DP Act'), presently, pending on the file of I Additional Civil Judge and JMFC, Nelamangala (for short, 'the learned Magistrate').

2. The factual matrix of the case is that respondent No.2 married one Santhosh Kumar i.e. accused No.1 on 06.03.2016. It is alleged that, at the time of marriage, accused No.1, accused No.2, who is the mother-in-law of respondent No.2, and the other accused demanded dowry and the same was complied with by the parents of respondent No.2. After the marriage, respondent No.2 started residing in the matrimonial home along with accused Nos.1 and 2.



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3. It is further alleged that, during her stay in the matrimonial home, accused Nos.1 and 2 subjected respondent No.2 to physical and mental harassment and demanded an additional dowry of Rs.25,00,000/- and also insisted respondent No.2 to give her consent for the sale of the property belonging to her father-in-law. Ultimately, respondent No.2 was allegedly driven out of the matrimonial home, pursuant to which she lodged a complaint before respondent No.1-Police on 28.07.2021.

4. On the basis of the said complaint, respondent No.1-Police registered an FIR in Crime No.365/2021 for the aforementioned offences. Upon completion of investigation, the police laid the charge sheet against accused No.1 and the petitioners for the aforesaid offences, arraying the petitioners as accused Nos.2 to 4. The learned Magistrate thereafter took cognizance of the offences. Aggrieved by the same, the petitioners have preferred this petition to quash the proceedings against them.



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5. Heard the learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

6. Apart from urging several other contentions, learned counsel for the petitioners primarily contended that petitioner Nos.1 and 2 are the mother-in-law and sister-in-law of respondent No.2 respectively and petitioner No.3 is the husband of petitioner No.2, and that they have no nexus whatsoever with the allegations made in the complaint. He would submit that respondent No.2 had, on her own accord, left the matrimonial home and that there was no harassment of the nature alleged by her in the complaint.

7. He further contended that, except for vague and omnibus allegations made in the complaint and the statements of the witnesses, there is absolutely no *prima facie* material in the charge sheet connecting the petitioners with the alleged offences. In the absence of any specific overt acts attributed to the petitioners, learned counsel would submit that continuation of the criminal proceedings against them would amount to an



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abuse of the process of law. Accordingly, he prays to allow the petition and quash the proceedings insofar as the petitioners are concerned.

8. *Per contra*, learned counsel appearing for respondent No.2 opposed the prayer of the petitioners and contended that, on a perusal of the complaint and the charge sheet material, specific allegations are made against accused Nos.1 and 2 i.e. the husband and mother-in-law of respondent No.2, alleging that they subjected her to physical and mental harassment in connection with the demand for additional dowry of Rs.25,00,000/-. He would submit that these allegations are further corroborated by the statements of the material witnesses. He further contended that the statements of the witnesses also disclose allegations of harassment against petitioner Nos.2 and 3, who are arrayed as accused Nos.3 and 4. Accordingly, he prays for dismissal of the petition.

9. Learned HCGP also opposed the prayer of the petitioners and submitted that, after completion of investigation, the charge sheet has already been laid against the petitioners and another accused. Therefore, at this stage,



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there are no grounds to interfere with or quash the proceedings. Accordingly, he prays for dismissal of the petition.

10. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire materials placed on record.

11. As could be gathered from the complaint and the charge sheet material, there are specific allegations that, at the time of the marriage of respondent No.2, her husband and her In-laws demanded gold and other articles by way of dowry, which was stated to have been complied with by her parents. Thereafter, respondent No.2 started residing in her matrimonial home. It is further alleged that, during her stay therein, her husband–accused No.1 and mother-in-law–accused No.2 insisted her to give consent for the sale of the property belonging to her father-in-law and also demanded an additional dowry of Rs.25,00,000/-.

12. The aforesaid allegations are consistently reflected in the complaint, charge sheet and the statements of the material witnesses. However, insofar as petitioner Nos.2 and 3,



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who are arrayed as accused Nos.3 and 4, are concerned, except for certain omnibus allegations, the charge sheet does not contain any specific averments attributing any particular overt act to them. In particular, there are no specific details regarding the date, time or nature of the alleged incidents of harassment said to have been committed by petitioner Nos.2 and 3 against respondent No.2.

13. 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.

14. 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



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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.

15. 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 para 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



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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."*

16. On careful consideration of the principles laid down by the Hon'ble Apex Court in the aforesaid judgment 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 Nos.2 and 3 i.e., accused Nos.3 and 4. Therefore, continuation of the proceedings against them would amount to an abuse of the process of law.



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17. However, on perusal of the charge-sheet materials, *prima facie* allegations are forthcoming against accused No.1 and petitioner No.1 - accused No.2. The complaint specifically alleges that, from the inception of the marriage, petitioner No.1 i.e., accused No.2, along with her son i.e. the husband of respondent No.2, subjected her to physical and mental harassment in connection with the demand for additional dowry. Hence, the allegations against accused No.1 and petitioner No.1 - accused No.2 require 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 Nos.2 and 3/accused Nos.3 and 4 is ***allowed.***
- iii. The petition in respect of petitioner No.1 /accused No.2 is ***dismissed.***
- iv. The proceedings against the petitioner Nos.2 and 3/accused Nos.3 and 4 in C.C.No.3576/2022 (arising out of Crime No.365/2021 registered by the Madanayakanahalli Police Station), for the



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offences punishable under Sections 498A, 323, 504 r/w Section 34 of IPC and Sections 3 and 4 of the DP Act, presently, pending on the file of I Additional Civil Judge and JMFC, Nelamangala is hereby quashed.

- v. It is made clear that the proceedings shall continue against the accused Nos.1 and 2.

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

CR
List No.: 1 Sl No.: 3