



CNR: KAHC010024922024

NC: 2026:KHC:50616
CRL.P No. 539 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. 539 OF 2024

BETWEEN:

1. MR ASAD JAMAL
S/O ABDUL BARI
AGED ABOUT 40 YEARS
2. SMT KHALEEQ UNNISA
W/O OMER JAMAL
AGED ABOUT 37 YEARS

BOTH RESIDING AT
NO.8, 19TH CROSS
20TH MAIN, NEAR MAZJID-E-NOOR
SMS LAYOUT
JP NAGAR 5TH PHASE
BENGALURU-560 078

...PETITIONERS

(BY SRI. PRAKASH TIMMANNA HEBBAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY STATION HOUSE OFFICER
WOMEN POLICE STATION
HASSAN-573 201
REP BY SPP, HIGH COURT BUILDING
BENGALURU-560 001
2. SMT NEHA ANJUM
W/O ASAD JAMAL
AGED ABOUT 31 YEARS

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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R/A NO.28, 4TH CROSS
AMEER MOHALLA
HASSAN-573 201
HASSAN DISTRICT

...RESPONDENTS

(BY SRI. MAHESH P, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR AND CHARGE SHEET IN CRIME NO.42/2023 AND C.C.NO.4094/2023 REGISTERED BY THE WOMEN POLICE STATION, HASSAN, PENDING BEFORE THE HONBLE 7th ADDITIONAL CIVIL JUDGE AND JMFC HASSAN FOR THE OFFENCE P/U/S.498-A, 448, 323, 307, 504, 506 R/W SEC.34 OF IPC AND SEC.3 AND 4 OF DP ACT 1961 AS PER ANNEXURE - B AND C.

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 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.4094/2023, arising out of Crime No.42/2023 registered by Hassan Women Police Station, for the offences punishable under Sections 498A, 448, 323, 307, 504 and 506 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, presently pending on the file of VII Addl. Civil Judge and JMFC, Hassan.



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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 10.05.2014 at M.H. Convention Hall, Hassan. After the marriage, respondent No.2 started to reside in her matrimonial home with petitioners along with her father-in-law and mother-in-law. It is stated that the relationship between petitioner No.1 and respondent No.2 was cordial for a period of two years. Out of the wedlock, they begotten two children. It is also contended in the complaint that, at the time of marriage, petitioner No.1 and his family members demanded a sum of Rs.5,00,000/- and 200 grams of gold as dowry. Accordingly, the parents of respondent No.2 paid a sum of Rs.2,00,000/-, 200 grams of gold ornaments and watch worth Rs.50,000/-. Thereafter, the petitioners started to harass respondent No.2 and forced her to leave the matrimonial home and also harassed her that petitioner No.1 would perform second marriage. Though a panchayat was held between the family members, petitioner No.1 demanded Rs.25,00,000/- from respondent No.2 for his business purpose. Thereafter, respondent No.2 lodged a complaint on 11.10.2022 before the



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Basavanagudi Women Police Station. Accordingly, the said Police advised petitioner No.1 as well as respondent No.2 to lead a happy married life. Despite, petitioner No.1 continued his harassment for additional dowry of Rs.25,00,000/-. Further, on 05.03.2023, petitioner No.1 made an attempt to commit her murder by pressing her neck. It is further averred in the complaint that petitioner No.2 instigated petitioner No.1 for harassment of dowry demand.

3. The respondent No.2 once again filed a complaint on 16.05.2023 before respondent No.1-Police. Based on the strength of said complaint, respondent No.1-Police registered the case against the petitioners and others for the aforementioned offences. Subsequently, the said Police investigated the case and laid charge sheet against the petitioners i.e., accused Nos.1 and 4 by dropping accused Nos.2 and 3 i.e., mother-in-law and father-in-law of respondent No.2. The learned Magistrate took cognizance of the offences against the petitioners. Aggrieved by the same, the petitioners preferred this petition.



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4. Heard the learned counsel for the petitioners and learned HCGP for respondent No.1-State. Though notice served to respondent No.2, she remained absent.

5. As could be gathered from records, petitioner No.1/accused No.1 being the husband and petitioner No.2/accused No.4 being the sister-in-law of respondent No.2 and others were residing in the shared house along with respondent No.2. It is stated in the complaint that, at the time of marriage, the petitioners along with others demanded dowry of Rs.5,00,000/- and gold ornaments from respondent No.2. The said demand was complied with by the parents of respondent No.2 by paying a sum of Rs.2,00,000/-, watch worth Rs.50,000/- and 200 grams of gold ornaments. Subsequently, for the harassment meted out by the petitioners and others, a complaint was lodged by respondent No.2 before the Basavanagudi Women Police Station. The said Police advised petitioner No.1 not to indulge in such kind of act. Though petitioner No.1 agreed to look after respondent No.2 cordially, he continued his harassment colluding with petitioner No.2. Finally on 05.03.2023, petitioner No.1 made an attempt



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to commit the murder of respondent No.2 at Hassan, for additional dowry.

6. The charge sheet allegations further clarifies that petitioner No.2 also involved in the harassment meted out by petitioner No.1. The assertion in the complaint that petitioner No.2 was residing along with petitioner No.1 was not denied by petitioner No.1. The statement of all the witnesses categorically reveals that petitioner No.1 and petitioner No.2 allegedly harassed respondent No.2 for additional dowry. Additionally, instead of advising petitioner No.1 not to indulge in such act, petitioner No.2 insisted him to harass respondent No.2. Whenever respondent No.2 pleaded the help of petitioner No.2 she also abused respondent No.2 that if she want to live with petitioner No.1, she has to get an additional dowry of Rs.25,00,000/-. In such circumstances, the charge sheet allegations *prima facie* discloses the harassment meted out by the petitioners to respondent No.2. No doubt, the act of alleged attempt to commit murder of respondent No.2 was committed by petitioner No.1 as per the complaint averments. However,



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the statement of witnesses reveals other allegations against the petitioners.

7. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute offence of which cognizance has been taken by the magistrate it is open for this Court to quash the same. It is not necessary that a meticulous analysis of case should be done before trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegation therein, in the light of the statement made on oath that the ingredients of the offence are disclosed there would be no justification for this Court to interfere as held in the case of **SAU. KAMAL SHIVAJI POKARNEKAR VS. STATE OF MAHARASHTRA AND OTHERS** reported in **2019 (14) SCC 350**.

8. In the instant case, the charge sheet materials discloses a *prima facie* case against the petitioners for the offences, which they have been charge sheeted. In such circumstances, the same has to be tested in detailed trial.



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Hence, without expressing any opinion on the merits of the case, suffice to hold that the proceedings against the petitioners/accused Nos.1 and 4 cannot be quashed, at this stage. Accordingly, the petition lacks merit and the same is ***dismissed.***

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

HKV
List No.: 1 Sl No.: 4