



CNR: KAHC010027282024

NC: 2026:KHC:51748
CRL.P No. 515 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. 515 OF 2024

BETWEEN:

1. SHIVU
S/O SOMANNA
AGED ABOUT 31 YEARS
R/A HOUSE NO.3, FIRST FLOOR
15TH CROSS, 35TH MAIN,
NEAR AYYAPPA SWAMY TEMPLE,
SAS TEMPLE ROAD, SARAKKI GARDEN,
J.P.NAGAR, 6TH PHASE,
K. BANGALORE-560 078.
2. NAGAMMA
W/O SOMANNA
AGED ABOUT 46 YEARS
3. SOMANNA
S/O LATE BASAVEGOWDA
AGED ABOUT 51 YEARS

PETITIONER NO.2 AND 3 ARE
R/A NO.152, 7TH CROSS,
1ST MAIN, CHIKKASWAMY LAYOUT,
JARAGANAHALLI,
BENGALURU-560 078.

...PETITIONERS

(BY SRI. SHANKARAPPA, ADVOCATE)

Digitally signed
by PANKAJA S

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010027282024

NC: 2026:KHC:51748
CRL.P No. 515 of 2024

AND:

1. THE STATE OF KARNATAKA
BY MYSORE CITY WOMEN PS
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BANGALORE-560 001.
2. MAHALAKSHMI M
W/O SHIVU
AGED ABOUT 24 YEARS,
NO.4448, 3RD CROSS ROAD,
SANGAMA CIRCLE, 2ND STAGE,
VIJAYANAGARA, MYSORE-570 001.

...RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SRI.P.B.AJITH, ADVOCATE FOR R-2)

THIS CRL.P FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.209/2023
ARISING OUT OF CR.NO.118/2022 REGISTERED BY THE
MYSORE CITY WOMEN POLICE AGAINST THE PETITIONERS FOR
THE OFFENCE P/U/S 498A, 504, 506 R/W 34 OF IPC AND
SECTION 3, 4 AND 6 OF DOWRY PROHIBITION ACT, PENDING
ON THE FILE OF VII ADDITIONAL SENIOR CIVIL JUDGE AND
J.M.F.C., MYSURU.

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 is filed under Section 482 of Cr.P.C. to quash the proceedings in CC No.209/2023, arising out of Crime No.118/2022 dated 17.09.2022, filed by the Mysuru City Women Police Station, Mysuru, against the petitioners for the offences punishable under Sections 498(A), 504, 506 r/w 34 of IPC and Sections 3, 4 and 6 of Dowry Prohibition Act, 1961 pending on the file of VII ASCJ and JMFC Court, Mysuru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 17.09.2022 alleging that her marriage with petitioner No.1/accused No.1 was solemnized on 05.08.2019 at Chowdeshwari Kalyana Mantapa, Kollegala. At the time of marriage, petitioner No.1 received gold and cash as dowry from the parents of respondent No.2. After the marriage, respondent No.2 started to reside along with petitioners i.e., her husband and in-laws/accused Nos.2 and 3. It is further stated in the complaint that during that time all the petitioners harassed her



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NC: 2026:KHC:51748
CRL.P No. 515 of 2024

both physically and mentally for additional dowry. After few days, respondent No.2 came to know that petitioner No.1/accused No.1 is a drunkard and after consuming alcohol, he used to harass both physically and mentally. After few months, with the intervention of elders and family members petitioner No.1 and respondent No.2 started to reside separately at J.P.Nagar, Bengaluru. However, petitioner No.1 continued his torture against respondent No.2 even at Bengaluru. Finally, she was thrown out of the matrimonial home. As such, she lodged the complaint before respondent No.1-Police. On the strength of said complaint, respondent No.1-Police registered a case as stated *supra*. Later, the said Police investigated the case and laid charge sheet against all the accused persons. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same petitioners are before this Court.

3. Heard the learned counsel for the respective parties and the learned HCGP.

4. The primary contention of the learned counsel for the petitioners that on perusal of the complaint and charge sheet



CNR: KAHC010027282024

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CRL.P No. 515 of 2024**

except omnibus allegations, no other specific allegations are forthcoming against the petitioners. He also contended that multiple complaints were lodged by respondent No.2 against these petitioners out of vengeance. According to him, she herself left the matrimonial home despite there was a cordial relationship between the petitioners and respondent No.2, she was not willing to join the company of the petitioners. As such he submitted that continuation of the proceedings against these petitioners is nothing but abuse of process of Court Accordingly, he prays to allow the petition.

5. *Per contra*, this petition is opposed by the learned counsel for respondent No.2 on the ground that on perusal of the complaint averments it is specifically forthcoming that at the time of marriage petitioner No.1/accused No.1, demanded and accepted dowry both in cash and gold ornaments from the parents of respondent No.2. After the marriage, petitioners started harassing her for additional dowry and petitioner No.1 being drunkard used to harass under the influence of alcohol. He also contented that the statement of material witnesses, family members and their neighbors clearly revealed the



CNR: KAHC010027282024

NC: 2026:KHC:51748
CRL.P No. 515 of 2024

harassment meted out by the petitioners against respondent No.2. In such circumstances, he prays to dismiss the petition.

6. Learned HCGP also opposed the prayer and prays to dismiss the petition.

7. I have given my anxious consideration both on the submissions and perused the materials available on record.

8. As could be gathered from the records, the complaint averments reveal that marriage was solemnized on 05.08.2019 and at the time of marriage, the parents of respondent No.2 gave 70 grams of gold to the petitioner No.1/accused No.1 apart from the cash. Thereafter, petitioner No.1 used to harass her both physically and mentally and also assaulted her physically under the influence of alcohol for additional dowry. Thereafter on 15.12.2021 a panchayath was held with the intervention of elders and family members before the Mysore City Women Police Station. After the said Panchayath, petitioner No.1 and respondent No.2 started to reside separately at J.P.Nagar, Bengaluru. However, petitioner No.1 continued his act of harassment against respondent No.2 even



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NC: 2026:KHC:51748
CRL.P No. 515 of 2024

thereafter and finally, thrown respondent No.2 out of the house. These averments of the complaint are corroborated with the statements of the material witnesses in the charge sheet.

9. However, on careful scrutiny of the materials placed on record, after the pachayath convened by the elders, petitioner No.1 and respondent No.2 were residing separately in J.P.Nagar, Bengaluru, for almost eight months and accused No.1 alone harassed her both physically and mentally during that period. In such circumstances, it cannot be said that petitioner Nos.2 and 3 are equally responsible for the act committed by petitioner No.1/accused No.1. The records clearly reveal that as against accused Nos.2 and 3 i.e., petitioner Nos.2 and 3, except some omnibus allegations that they also insisted accused No.1 to harass respondent No.2, no specific incidents of harassment are forthcoming in the charge sheet.

10. As against accused No.1, there are clear *prima facie* allegations made out in the complaint and the charge sheet records. In such circumstances, the Hon'ble Apex Court, in the case of ***K. Subba Rao v. State of Telangana, represented***



CNR: KAHC010027282024

NC: 2026:KHC:51748
CRL.P No. 515 of 2024

by its Secretary, Department of Home and Others,
reported in **2024 INSC 960**, and **Dara Lakshmi Narayan v.**
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,



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CRL.P No. 515 of 2024

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."

11. The aforesaid judgment clearly lays down the principle that, in matrimonial disputes, all the relatives of the husband cannot be prosecuted in the absence of specific and distinct allegations against them. In the instant case, the allegations made against petitioner Nos.2 and 3 are omnibus in nature and are not supported by any reliable material available in the charge-sheet. Hence, I am of the considered opinion that continuation of the proceedings against petitioner Nos.2 and 3



CNR: KAHC010027282024

NC: 2026:KHC:51748
CRL.P No. 515 of 2024

would amount to an abuse of the process of the Court.

Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed*** in respect of petitioner Nos.2 and 3/accused Nos.2 and 3 and ***dismissed*** in respect of petitioner No.1/accused No.1.
- ii. The proceedings against petitioner Nos.2 and 3/accused Nos.2 and 3 in C.C.No.209/2023 arising out of Cr.No.118/2022 registered by the Mysore City Women Police for the offences punishable under Sections 498A, 504, 506 r/w 34 of IPC and Section 3, 4 and 6 of Dowry Prohibition Act, pending on the file of VII Additional Senior Civil Judge and J.M.F.C. Court, Mysuru, is hereby quashed.
- iii. However it is made clear that proceedings shall continue against petitioner No.1/accused No.1.

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