



CNR: KAHC010032892024

NC: 2026:KHC:48827
CRL.P No. 598 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 598 OF 2024

BETWEEN:

1. SMT. KHATOON B
W/O ABDUL KHADER
AGED ABOUT 65 YEARS
2. SRI K ABDUL KADIR
S/O YUSUF SAB
AGED ABOUT 70 YEARS

PETITIONER NO.1 & 2 RESIDING AT
NO 1-24, J.M ROAD
KAVRADY, KANDLUR
KUNDAPURA
UDUPI DISTRICT-576 211

3. SMT APSARA
W/O NAKWA ELIYAS SAHEB
AGED ABOUT 44 YEARS
R/AT NO.12-84, AYSHA HEERA
NEAR KADEEM JAMIYA MASJID
VTC TONSE WEST, KOODE
UDUPI DISTRICT-576 115
4. SMT APSANA K
W/O NIJAMUDDIN M
AGED ABOUT 37 YEARS
RESIDING AT NO 11-235
M.M JAMEEL COMPOUND
BADA ROAD

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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SURKUNDA, BYNDOOR
KUNDAPURA TALUK
UDUPI DISTICT-576 214

5. SRI NAKWA ELIYAS SAHEB
S/O NAKWA HUSAIN
AGED ABOUT 56 YEARS
RESIDING AT NO 12-84
AYSHA HEERA
NEAR KADEEM JAMIYA MASJID
VTC TONSE WEST, KOODE
UDUPI DISTRICT-576 115

...PETITIONERS

(BY SRI. KASHINATH J.D, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
WOMENS POLICE STATION
SHIVAMOGGA
SHIVAMOGGA DISTRICT
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE 560 001
2. SMT NASREEN TAJ
W/O NAYEEM K
D/O MOHAMMED AHMED
AGED ABOUT 28 YEARS
RESIDING AT BESIDE HAMDARD BANK
K.R PURAM ROAD
SHIVAMOGGA-577 202

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. SANDESH P NADIGER, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE CRIMINAL PROCEEDINGS PENDING IN
C.C.NO.1352/2023 AGAINST THE PETITIONER REGISTERED BY
THE RESPONDENT NO.1 SHIVMOGGA WOMEN POLICE STATION



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FORT THE ALLEGED OFFENCE P/U/S.498-A,504,323,354,506 R/W SEC.34 OF IPC PENDING ON THE FILE OF THE JMFC II COURT, SHIVAMOGGA AS ABUSE OF PROCESS OF LAW SO FAR AS PETITIONER ARE CONCERNED.

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 submits that petitioner Nos.1 and 2/accused Nos.2 and 3 do not press the petition and as such, the same may be dismissed as not pressed against them.

2. In view of the above submission, the petition is ***dismissed as not pressed*** against petitioner Nos.1 and 2/accused Nos.2 and 3.

AS REGARDS PETITIONER NOS.3 TO 5/ACCUSED NOS.4 TO 6, THE MATTER IS TAKEN UP FOR CONSIDERATION.

3. This petition is filed under Section 482 of Cr.P.C. to quash the proceedings against the petitioners/accused Nos.2 to 6 in C.C.No.1352/2023, arising out of Crime No.100/2022 of Shivamogga Women Police Station, for the offences punishable



under Sections 498A, 504, 323, 354 and 506 read with Section 34 of IPC, pending on the file of JMFC-II, Shivamogga.

4. The brief facts of the case is that the marriage of respondent No.2-complainant with one Nayeem (accused No.1) was solemnized on 22.06.2019 at Shivamogga. After the marriage, respondent No.2 was residing in her matrimonial home with accused Nos.1 to 3 i.e., her husband and her in-laws and the relationship between respondent No.2 and the petitioners was cordial for a period of few months. Thereafter, accused No.1 started to harass the complainant without any reasons. When she informed the said act to accused Nos.2 and 3 i.e., her in-laws, they being the parents of accused No.1 instead of advising him, they supported the act of accused No.1. Further, accused Nos.4 to 6, being sister-in-laws, also instigated accused No.1 to harass the complainant both physically and mentally. As such, finally she was thrown out from the matrimonial home on 21.01.2020. Left with no other option, she lodged a complaint before respondent No.1-Police. The said Police, after investigation, laid charge sheet against the petitioners and accused No.1 for the aforesaid offences.



Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners filed this petition to quash the proceedings.

5. Heard learned counsel for the respective parties.

6. Apart from urging several contentions, learned counsel for the petitioners primarily contended that the petitioners being parents-in-law, sisters-in-law and brother-in-law are no way connected to the alleged harassment, as stated by the complainant. According to him, in the complaint itself she has stated that accused Nos.4 and 5 are residing separately at their matrimonial home. The allegation against accused No.1 is that he did not respect the parents of the complainant. In such circumstances, it is contended that the proceedings against the present petitioners is nothing but abuse of process of Court. Accordingly, he prays to allow the petition.

7. *Per contra*, learned counsel for the respondent No.2-complainant contended that now that charge sheet has been laid against the petitioners and the statement of



witnesses clearly reveals the participation of these petitioners in the alleged crime and moreover, accused No.3 being the father-in-law of the respondent No.2, was residing along with them in the shared house. As such, he prays to dismiss the petition.

8. The petition is also opposed by the learned HCGP.

9. I have given my anxious consideration on the submission made by learned counsel for the respective parties and perused the materials on record.

10. As could be gathered from records, the complaint averments reveals that the accused No.1 being the husband and accused No.2 being the mother-in-law used to harass respondent No.2 without any reasons. The accused No.2 mother-in-law also abused the complainant in filthy language. However, the allegation in the complaint against accused Nos.4 to 6 are only some omnibus allegations without any such specific act or instigation by them to accused No.1 in order to harass the complainant. Further, in the statement of the witnesses also, the omnibus allegations were made against



these petitioners. 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.

11. 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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12. 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,



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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."

13. 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 its particulars. Therefore, the charge sheet lacks concrete and precise allegations against petitioner Nos.3 to 5. The mere



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

14. 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.

15. 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.4 to 6 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 Nos.1 and 2/accused Nos.2 and 3 is ***dismissed as***



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not pressed and proceedings against them shall continue.

- iii. The proceedings against petitioner Nos.3 to 5/accused Nos.4 to 6 in C.C.No.1352/2023, arising out of Crime No.100/2022 of Shivamogga Women Police Station, for the offences punishable under Sections 498A, 504, 323, 354 and 506 read with Section 34 of IPC, pending on the file of JMFC-II, Shivamogga, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 1 Sl No.: 43