



CNR: KAHC010095172019

NC: 2026:KHC:54550
CRL.P No. 2336 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.2336 OF 2019

BETWEEN:

1. MOHAMMAD YOUNUS
@ MOHAMMAD YOUNUS KUNNIBAVI,
S/O ABDULLASAB,
AGED ABOUT 48 YEARS.
2. CHANDBI @ KUNNIBAVI CHANDBI,
W/O ABDULLASAB,
AGED ABOUT 65 YEARS,

BOTH ARE R/AT GOPANAKOPPA,
KENCHAPPANATHOTA,
SIDDARAMANAGARA,
HUBBALI-580025,
DHARWAD DISTRICT.

...PETITIONERS

(BY SRI. SHIVANANDA D.S., ADVOCATE)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
REP. BY THE WOMEN POLICE STATION,
DAVANAGERE,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.



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2. SAMREEN TAZ,
W/O SYED ASHPHAK AHAMAD KALENAVAR,
AGED ABOUT 27 YEARS,
R/AT NO.485/2, 14TH CROSS,
3RD MAIN, KTJ NAGARA,
DAVANAGERE CITY-577002.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. SYED KASHIF ALI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 03.01.2019 PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DAVANAGERE IN C.C.NO.16/2019 REGISTERED BY THE 1ST RESPONDENT IN CRIME NO.183/2017 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498-A, 323, 504, 506 AND 114 R/W SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF THE DOWRY PROHIBITION ACT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State.

2. The prayer sought in the petition invoking Section 482 of Cr.P.C. is to quash the proceedings in C.C.No.16/2019 initiated against the petitioners/accused Nos.4 and 5 for the offences punishable under Sections 498A, 323, 504, 506, 114



read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act.

3. The factual matrix of the case of the prosecution is that the complainant appeared before the police on 14.12.2017 and lodged the complaint stating that her marriage was solemnized on 13.08.2017 along with accused No.1 and at the time of marriage, her parents gave an amount of Rs.3,00,000/- and also Rs.1,50,000/- worth of silver articles and gold ornaments and also gave Rs.3,00,000/- worth of TV, fridge, sofa set, dining table, washing machine and other household articles. It is contended that they also gave 12½ tolas of gold ornaments. It is contended that immediately after 5 to 6 days of the marriage, the accused persons demanded additional dowry and additional amount of Rs.3,50,000/- was also given and once again they demanded an amount of Rs.5,00,000/-. When she became pregnant also, they were insisted her to get more money and subjected her for abuse and also an attempt is made to take away her life. That on 14.10.2017, when she came back to her parental house and when the parents came to know about the said harassment, they advised the accused



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persons by conducting a panchayath. Even though the said advice was made, accused No.1 insisted for an amount of Rs.5,00,000/- or to give divorce and hence, the complaint is lodged and case is registered. Based on the complaint, the police have investigated the matter and filed the charge-sheet and in the charge-sheet, an allegation is made against these two petitioners that along with accused Nos.1 to 3, they also demanded additional dowry.

4. The learned counsel for the petitioners would vehemently contend that accused No.1 is the husband of the complainant, accused No.2 is the mother of accused No.1 and accused No.3 is the brother of accused No.1. The petitioners herein are accused Nos.4 and 5 and they are not connected to their family, but they are relatives. There is no any role played by the petitioners either for conducting the marriage or for subjecting her for any cruelty and there is no sufficient material to proceed against the petitioners. The learned counsel would contend that the impugned order dated 03.01.2019 passed by the II Additional Senior Civil Judge and JMFC, Davanagere is arbitrary and discriminatory and when there are no any



material before the Court, there cannot be any criminal ordeal against these petitioners. The material and the statement recorded before filing the charge-sheet do not establish any specific allegations against these petitioners and only an omnibus allegation is made in the complaint as well as in the charge-sheet. Hence, it requires interference of this Court.

5. Per contra, the learned High Court Government Pleader appearing for respondent No.1/State would submit that in the complaint an allegation is made that these petitioners have joined along with accused Nos.1 to 3 in demanding additional dowry i.e., in between 11.30 a.m. to 12.00 p.m. on 05.11.2017. Hence, specific allegation is made against these petitioners in the complaint and in the charge-sheet also same allegation is made and hence, it is a matter of trial and question of invoking Section 482 of Cr.P.C. does not arise.

6. Having heard the respective learned counsel, the Court has to take note of the foundational facts and genesis for registration of the case against these petitioners. No doubt, in the complaint in page No.3, it is stated that the relatives of



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accused Nos.1 to 3 i.e., these two petitioners also demanded the additional dowry on 05.11.2017 in between 11.30 a.m. to 12.00 p.m. wherein an allegation is made to connect these petitioners that they asked her to get the money, but not stated how much amount they demanded as additional dowry. Except this omnibus statement in the complaint to connect these petitioners, there is no any allegation. In page No.4 of the complaint also prayer is sought to initiate action against these two petitioners also along with accused Nos.1 to 3. Having perused the charge-sheet material also, except omnibus statement of demanding additional dowry by these petitioners, nothing has been stated and only included the names of these two petitioners along with accused No.1 and there is no any specific allegations against these petitioners that how much amount they demanded and no material to that effect also. These petitioners are also not the family members of the matrimonial house of the complainant and they are the distant relatives and particular relationship is also not stated except stating that they are the relatives. When such being the case, there cannot be any criminal prosecution against the petitioners



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without any specific accusation and if the Court fails to invoke Section 482 of Cr.P.C., it amounts to miscarriage of justice. Hence, it is a fit case to exercise the powers in favour of these petitioners.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed and the proceedings initiated against the petitioners/accused Nos.4 and 5 is quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD
List No.: 1 Sl No.: 29