



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 2828 OF 2019

BETWEEN:

SRI MANOHAR B S.,
S/O B.N.SHESHADRI
AGED ABOUT 34 YEARS
R/O NO.32/28,
7TH CROSS, 7TH MAIN,
NEAR JNANA GANGOTRI SCHOOL,
ITTAMADU,
BENGALURU - 560 085.

...PETITIONER

[BY SRI SHESHADRI B.N., ADVOCATE (PH)]

AND:

1 . THE STATE OF KARNATAKA
BY THE STATION HOUSE OFFICER
MAHILA POLICE STATION-1,
BASAVANAGUDI, WEST ZONE,
BENGALURU - 560 070.
REPT. BY THE SPP,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

CNR: KAHC010112952019

2 . SMT.SMRUTHA R. KOUNDINYA
W/O MANOHAR B.S.,
AGED ABOUT 30 YEARS
NO.3128, JANAPRIYA HEIGHTS,
I FLOOR, III BLOCK,
BAGALAGUNTE,
MALLASANDRA,
BENGALURU - 560 076.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP FOR R1;
SMT.JYOTHI BHAT, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH CHARGE SHEET DATED 04.03.2019 FILED BY
RESPONDENT NO.1/BASAVANAGUDI MAHILA POLICE,
BENGALURU-1, WEST ZONE IN C.C.NO.6389/2019 ON THE
FILE OF II A.C.M.M., COURT, BENGALURU, ARISING OUT OF
COMPLAINT DATED 18.12.2018 OF RESPONDENT NO.2 AND
CONSEQUENTLY DISMISS COMPLAINT DATED 18.12.2018,
REGISTERED IN CR.NO.118/2018 AND THUS ALLOW THIS
PETITION.

THIS PETITION IS HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 21.07.2026, THIS DAY, THE COURT,
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

CAV ORDER

Challenging charge sheet in CC no.6389/2019 on file of II ACMM, Bengaluru arising out of Crime no.118/2018 registered by Basavanagudi Women Police Station, Bengaluru for offence punishable under Section 498A of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Sheshadri BN, learned counsel for petitioner submitted, petitioner was accused (**petitioner**) in complaint filed by respondent no.2 (**complainant**) on 18.12.2018 stating that prior to her marriage with petitioner on 25.04.2014, she had confided with him about all her problems. Just a day after marriage, one Veena came home in relation to complaint registered with Banashankari Police Station (which was messaged to complainant through fake Facebook account) and which she learnt was cleared paying Rs.3,50,000/-, but without informing her. On enquiry, petitioner told her it was not important, causing annoyance. She also distanced herself from her in-laws, who hid things from her, spread lies about her and ill-treated her during pregnancy. In 2016, her husband took up job with Axis Design Pvt. Ltd. and went to Dubai on 14.06.2017



CNR: KAHC010112952019

and she joined him on 31.08.2017. But his behaviour in Dubai had drastic change. He used to taunt her, by seeing girls in bikini in nearby swimming pool, if he had a girlfriend causing mental stress and led to fight. His refusal to speak to her parents and lost interest in her. He was avoiding physical contact with her but kept taking her to Gynecologist regularly and enquiring why she was not conceiving also caused embarrassment. She suggested him to undergo check-up just to make him understand her situation.

3. She also stated that once petitioner got drunk in office party, lost control and fell in bathroom. Though he apologized, his behavior towards her did not change. From January, 2018, she began working and as he did not take her out, she felt jailed at home. Even when she was contributing her entire salary for household, he called her '*daridra*'. And when she wanted to go to India together, he sent her alone on some pretext. And blamed her for his failure to retain his job at Dubai. On pretext of vacating house to avoid higher cost, got her to vacate into a sharing room, which she found from his Gmail. And when she came to Bangalore during summer



CNR: KAHC010112952019

vacation, she found petitioner continued to stay in same house but during occasional chat on WhatsApp, promised everything will be fine after he got another job in Dubai and asked her to maintain check-up. Thereafter, without informing her he came to Bengaluru. While she was happy to meet him after many months, his attitude did not change, he kept asking when she would go back to her parents and maintained distance while sleeping. Even when she fell on his feet, he flatly told her his career was his priority and sent her out. He got addicted to alcohol claiming relief from mental stress. And when she tried tit for tat, he called her parents. Only then did she narrate everything to them. When they spoke to him, he expressed his intention to divorce her. He sent her out of house telling her, if she wanted to die, to do so elsewhere. When she enquired reason for avoiding her, he suggested her to get pregnant from some other or go to him after divorce, which prompted her to return to her parents.

4. In a resolution meeting at house of his uncle Chandrashekar, she was told that Supreme Court had approved extra marital affairs; that a father should not allow married



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

daughter to come back home even if marriage is broken; that she should either die or stay in PG; and that if a guy sleeps with many girls, he is called Fancier but such women would be called a prostitute, which hurt her. She stated due to non-cooperation counseling at Dr.Ashok Shetty clinic failed. And only when situation went out of control, she filed complaint. Same was registered as Crime no.118/2018 and after completion of investigation, charge sheet was filed for offence under Section 498A of IPC in CC no.6389/2019, leading to this petition.

5. It was submitted, there were no eye-witnesses and entire prosecution case was dependent on hearsay witnesses. Complaint was filed based on vague allegations in nature of normal differences between wedded couple, which would not constitute offence and complaint was filed only to harass petitioner. More so in absence of physical assault. On above grounds sought for allowing petition.

6. Smt.Sowmya R., learned HCGP for respondent no.1-State, opposed petition. It was submitted, in addition to



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

specific incidents of cruelty in complaint, material collected during investigation indicated *prima facie* case for trial. Statements of CWs.3 and 4 corroborated complaint allegations. And relying on decision in case of **Naveen Kohli v. Neelu Kohli** reported in **(2006) 4 SCC 558**, sought for dismissal of petition.

7. Smt.Jyothi Bhat, learned counsel for complainant opposed petition. It was submitted, avoiding physical contact and taking complainant to Gynecologist regularly and enquiring reasons for her not conceiving was mental harassment. It was submitted that cruelty as defined under Section 498A of IPC was not limited to physical cruelty and even mental harassment would attract offence, by relying on decisions of this Court in **Lala Naveen Kumar & Ors. v. State of Karnataka & Anr. [2018:KHC:14071]** and **Jaya Naik v. State of Karnataka & Anr. [2020:KHC:2762]**. And this Court in **Smt.Dechamma v. State of Karnataka & Anr. [2021:KHC:16657]**, held veracity of statement of witnesses recorded during investigation could not be assessed except after trial. On above grounds prayed for dismissal of petition.



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

8. In reply, learned counsel for petitioner submitted that complainant had thyroid issues and eyesight problem and required medication. Therefore, she was taken for regular check-up and not to cause harassment. Therefore, complaint allegations would not amount to cruelty and continuation of proceedings would amount to abuse of process and sought for quashing.

9. Heard learned counsel and perused material on record.

10. This petition is by accused challenging charge sheet and entire proceedings for offence under Section 498A of IPC. Main grounds urged are that prosecution case depended on hearsay instead of eyewitnesses. Complaint was based on vague allegations in nature of normal differences not amounting to cruelty to attract offence. Absence of allegation of physical assault also indicated that complaint was filed to harass petitioner.

11. Hon'ble Supreme Court in **Sushil Suri v. Central Bureau of Investigation & Anr.** reported in **(2011) 5 SCC 708**, held that inherent jurisdiction may be exercised by High



CNR: KAHC010112952019

Court to give effect to an order/provision in CrPC; to prevent abuse of process of Court or to secure ends of justice and that such power has to be exercised sparingly with great caution and care to do real and substantial justice.

12. In case of **Shaileshbhai Ranchhodbhai Patel & Anr. v. State of Gujarat & Ors.** reported in **2024 SCC OnLine SC 5569**, Hon'ble Supreme Court reiterated settled position in law that High Court retained power to quash FIR even after filing of charge-sheet, on satisfaction that FIR and charge-sheet read together and accepted as true without rebuttal did not disclose commission of any offence and as such continuation of proceedings would be abuse of process of law.

13. First ground urged is about prosecution relying on hearsay instead of eye-witnesses. Same may not hold much water, as normally incidents between married couple cannot be expected to have independent eye-witnesses. Firstly, complaint refers to several incidents and occurrences between complainant and petitioner which *prima facie* constitute essential ingredients of cruelty, attracting Section 498A of IPC.



CNR: KAHC010112952019

NC: 2026:KHC:47490
CRL.P No. 2828 of 2019

And as observed in **Shaileshbhai's** case (supra) at stage of consideration of quashing petition, veracity of material cannot be tested and it has to be taken as true without rebuttal at this stage.

14. Likewise, contention urged that complainant suffered from medical condition requiring regular medication and therefore, she was taken to regular medical check-ups and not to cause harassment, or that allegations are vague and in nature of normal wear and tear between wedded couple, would be in nature of defence, requiring trial. On overall consideration, prosecution material namely, detailed allegations in complaint coupled with corroboratory statements of witnesses would indicate *prima facie* material against petitioner for offence and rendering this case unfit for quashing.

Consequently, petition is ***dismissed*** as devoid of merit.

Sd/-
(RAVI V HOSMANI)
JUDGE

AV,GRD
List No.: 1 Sl No.: 45