



CNR: KAHC010119132024

NC: 2026:KHC:51194
CRL.P No. 1947 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1947 OF 2024

BETWEEN:

1. SRI CHANDRAPPA S
S/O SHANKARAPPA,
AGED ABOUT 72 YEARS,
2. SMT RATHNAMMA
W/O CHANDRAPPA S,
AGED ABOUT 62 YEARS,
PETITIONER NO.1 & 2 ARE
R/AT KALGUNDI VILLAGE,
KANAKATTE VILLAGE
ARSIKERE TALUK,
ARSIKERE-573 103
3. SMT RANJINI
W/O DILIP,
AGED ABOUT 39 YEARS,
4. SRI DILIP
S/O RAM TILAK,
AGED ABOUT 48 YEARS,
PETITIONER NO.3 & 4 ARE
R/AT SRI RAMPURA VILLAGE,
SRI RAMPURA HOBLI,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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HOSADURGA TALUK,
CHITRADURGA-577 527

...PETITIONERS

(BY SRI. MANJU BYRAL R, ADVOCATE)

AND:

SMT SHYLAJA G
W/O DHANANJAYA K.C,
AGED ABOUT 39 YEARS,
R/AT DANDINA SHIVARA,
TURUVEKERE TALUK,
TUMKUR-572 227

...RESPONDENT

(BY SRI. N RUDRESH, ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN RESPECT OF
PETITIONERS / ACCUSED NO.3 TO 6 IN C.C.NO.1961/2022
(PCR NO.45/2020) TAKEN COGNIZANCE FOR THE OFFENCE
P/U/S 494,498A,114 R/W 34 OF IPC PENDING ON THE FILE OF
THE HON'BLE ADDL.CIVIL JUDGE AND J.M.F.C ARSIKERE AND
CONSEQUENTLY.

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 seeking to quash proceedings against the petitioners - accused Nos.3 to 6 in C.C.No.1961/2022 (arising out of PCR No.45/2020), for the offences punishable under Sections 494, 498A, 114 r/w Section 34 of IPC, presently pending on the file of Additional Civil Judge and JMFC, Arisikere (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 filed a private complaint before the learned Magistrate in PCR No.45/2020 against the petitioners and accused Nos.1 alleging the marriage between respondent No.2 and accused No.1 was solemnized on 26.08.2007 at Hosadurga Taluk. At the time of marriage, accused No.1 and his parents i.e. accused Nos.3 and 4, demanded dowry. Accordingly, the parents of respondent No.2 are stated to have paid a sum of Rs.85,000/- in cash and given 20 grams of gold and one motorcycle to accused No.1 as dowry.



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3. After the marriage, respondent No.2 started residing in the matrimonial home along with accused No.1 and the petitioners. It is further alleged that, in the year 2008, i.e., about one year after the marriage, respondent No.2 and accused No.1 started residing separately from the petitioners. Thereafter, accused No.1 allegedly subjected respondent No.2 to physical and mental harassment in connection with a demand for additional dowry and also assaulted her on several occasions. Further, in the year 2017, accused No.1 drove respondent No.2 out of the matrimonial home.

4. Aggrieved by the alleged acts, respondent No.2 lodged the aforesaid private complaint before the learned Magistrate. On receipt of the complaint, the learned Magistrate, based on the sworn statement of respondent No.2 and two other witnesses, took cognizance of the alleged offences against accused Nos.1 and 2 and the petitioners. Aggrieved by the said cognizance order, the petitioners have preferred this petition seeking to quash the proceedings initiated against them.



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5. Heard Sri. Manju Byral R., learned counsel for the petitioners. Learned counsel Sri. N. Rudersh., for respondent, remained absent.

6. The primary contention of the learned counsel for the petitioners is that, on a perusal of the allegations made in the private complaint and the evidence of CW.1, except for making certain omnibus allegations, absolutely no specific allegations are made against these petitioners. He further contended that, admittedly, accused No.1 and respondent No.2 have been residing separately from the year 2008 and the allegations of harassment are directed only against accused No.1.

7. It is further contended that accused No.1 and respondent No.2 have amicably settled their matrimonial dispute in M.C.No.21/2020, instituted by accused No.1 seeking dissolution of marriage by a decree of divorce. Pursuant to the said settlement, the learned Family Court, by order dated 15.11.2024 passed in M.C.No.21/2020, granted a decree of divorce dissolving the marriage between accused No.1 and respondent No.2. In view of the aforesaid circumstances and



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the absence of any specific allegations against these petitioners, the learned counsel prays to allow the petition.

8. I have given my anxious consideration to the submission made by the learned counsel for the petitioners and perused the entire materials placed on record.

9. On perusal of the private complaint, as rightly contended by the learned counsel for the petitioners, the only allegation made against these petitioners is that, being the in-laws of respondent No.2, namely, her father-in-law, mother-in-law, sister-in-law and the husband of sister-in-law, they instigated accused No.1 to harass respondent No.2 and also performed the marriage of accused No.1 with accused No.2. Admittedly, accused No.1 and respondent No.2 have been residing separately from the year 2008, i.e., within one year from the date of their marriage.

10. Except for the aforesaid omnibus allegations, the private complaint does not disclose any specific date, time or particulars as to the nature of the alleged harassment said to have been meted out by these petitioners to respondent No.2.



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Thus, the allegations made against these petitioners lack the requisite specificity to sustain the proceedings against them.

11. Moreover, on perusal of the judgment passed in M.C.No.21/2020 dated 15.11.2024, it is evident that accused No.1 and respondent No.2 have amicably settled their matrimonial dispute. Pursuant to the settlement, respondent No.2 received a sum of Rs.4,00,000/- towards permanent alimony from accused No.1, and the learned Court accordingly granted a decree of divorce dissolving the marriage between them.

12. 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.



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13. 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 allegations 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.

14. 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 para 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



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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, 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."*

15. On careful consideration of the principles laid down by the Hon'ble Apex Court in the aforesaid judgment and upon applying the same to the facts and circumstances of the instant case, I am of the considered view that the materials on record



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do not disclose the commission of any offences by these petitioners i.e., accused Nos.3 to 6. Therefore, continuation of the proceedings against them would amount to an abuse of process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.3 to 6 in C.C.No.1961/2022 (arising out of PCR No.45/2020), for the offences punishable under sections 494, 498A, 114 r/w Section 34 of IPC, presently pending on the file of Additional Civil Judge and JMFC, Arisikere is hereby quashed.

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

CR
List No.: 1 Sl No.: 23