



CNR: KAHC010130142024

NC: 2026:KHC:51195
CRL.P No. 2223 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. 2223 OF 2024

BETWEEN:

1. MARUTHI B.P
S/O PAKEERAPPA,
AGED ABOUT 72 YEARS,
R/O #201, AKSHAY PARK,
GOKUL ROAD, HUBLI-580 030
2. SHOBHA B.P
S/O MARUTHI,
AGED ABOUT 63 YEARS,
R/O #201, AKSHAY PARK,
GOKUL ROAD, HUBLI-580 030
3. KAVITHA B.M
W/O RAJIVA N ALUR,
AGED ABOUT 42 YEARS,
R/O #E/1/6352/1,
C/O HOSAMANI RAYANNA BUILDING,
PLOT NO:42, NEAR CHANDRASHEKHAR
PATIL STADIUM,
BANK COLONY,
KALABURAGI-585 102

...PETITIONERS

(BY SRI. PATIL SUMANTH KUMAR S, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATKA
BY VYALIKAVALLI POLICE STATION,
SHESHADRI PURAM SUB-DIVISION,
REPORTED BY S.P.P
HIGH COURT BUILDING,
BANGALORE-560 001
2. SMT YASHODHA
W/O MANJUNATHA
AGED ABOUT 38 YEARS,
R/O 82, 11TH CROSS,
KODANDARAMAPURA,
PIPELINE ROAD,
MALLESWARAM,
BANGALORE-560 003

...RESPONDENTS

(BY SRI. JAVEED S HCGP, ADVOCATE FOR R1,
SRI. VIMAL RATHAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE FIR IN CR.NO.0139/2023, REGISTERED BY THE
1ST RESPONDENT AGAINST THE PETITIONERS NO.1, 2 AND 3
FOR THE OFFENCE P/U/S 506 AND 498A OF IPC, PENDING ON
THE FILE OF THE 8TH ADDL. CMM COURT, NRUPATHUNGA
ROAD, BANGALORE CITY.

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.2 to 4 in Crime No.139/2023 registered by the Vyalikaval Police Station for the offences punishable under Sections 506, 498A of IPC, presently pending on the file of VIII Additional Chief Metropolitan Magistrate Court, Bengaluru (for short, 'the learned Magistrate').

2. The factual matrix of the case is that respondent No.2 lodged a complaint before respondent No.1-Police on 02.11.2023, alleging that her marriage was solemnized with one Manjunath, i.e., accused No.1, on 09.02.2023. Thereafter, she started residing with her husband at Malleshwaram, Kodandaramapura. During the said period, accused No.1 allegedly insisted that respondent No.2 bring an additional dowry of Rs.35,00,000/- for the purpose of purchasing a house. It is further alleged that accused No.1 subjected her to physical



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and mental harassment and forcibly had sexual intercourse with her on 26.02.2023.

3. It is also alleged that the petitioners instigated the husband of respondent No.2 to harass her and, accordingly, accused No.1 subjected her to further physical and mental harassment and assaulted her. Eventually, respondent No.2 was allegedly driven out of the matrimonial home. Aggrieved by the aforesaid acts, she lodged the complaint against her husband and the petitioners. Pursuant to the registration of the FIR, the petitioners have preferred this petition seeking to quash the proceedings initiated against them.

4. Heard the learned counsel for the respective parties.

5. The primary contention of the learned counsel for the petitioners is that the petitioners being the in-laws, they are nowhere connected to the allegations made in the complaint. Since petitioner Nos.1 and 2 are residing at Hubli and petitioner No.3 is residing at Kalaburgi. According to him, even perusal of the complaint materials, except the omnibus



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allegations of conspiracy, no other specific allegations are forthcoming against these petitioners. In such circumstances, he submits that the FIR against these petitioners is liable to be quashed. Accordingly, he prays to allow the petition.

6. *Per contra*, the learned HCGP opposed to the prayer of the petitioners on the ground that the investigation is in the nascent stage, as such, the FIR cannot be quashed. Accordingly, he prays to dismiss the petition

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

8. As could be gathered from the averments made in the complaint, it is specifically stated that, from the date of her marriage, respondent No.2 was residing with her husband, i.e., accused No.1, and the allegations of cruelty are principally directed against accused No.1. The only allegation made against the petitioners is that they instigated accused No.1 by calling him over the phone. However, the complaint does not



disclose any specific date, time or particulars of any such incident.

9. It is also not in dispute that the petitioners were residing separately from respondent No.2 and accused No.1. In support of the said contention, the learned counsel for the petitioners has placed reliance on the voter ID cards of the petitioners. Significantly, the factum of their separate residence has not been disputed by respondent No.2 in the complaint.

10. 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



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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.

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 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 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



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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."*

13. 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 do not disclose the commission of any offences by petitioners i.e., accused Nos.2 to 4. Therefore, continuation of the



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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.2 to 4 in Crime No.139/2023 registered by the Vyalikaval Police Station for the offences punishable under Sections 506, 498A of IPC, presently pending on the file of VIII Additional Chief Metropolitan Magistrate Court, Bengaluru, is hereby quashed.

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

CR
List No.: 1 Sl No.: 24