



CNR: KAHC010191302024

NC: 2026:KHC:50469
CRL.P No. 3276 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3276 OF 2024

BETWEEN:

1. SRI AMIT ASHOK VYAS
S/O ASHOK VYAS,
AGED ABOUT 41 YEARS,
2. SMT. SHANTA VYAS
W/O ASHOK VYAS,
AGED ABOUT 62 YEARS,
3. SRI. ASHOK VYAS
S/O RAMNARAYAN VYAS,
AGED ABOUT 67 YEARS,
NO.1 TO 3 ARE RESIDING AT
FLAT NO.B/306, HARIKRISHNA APARTMENT,
MANPADA ROAD, PANDURANGWADI,
DOMBIVILI EAST, THANE DISTRICT,
MUMBAI-421 201.
4. MRS. SONIA PAREEK
W/O DHIRENDRA VISHWANATH PAREEK,
AGED ABOUT 39 YEARS,
5. DHIRENDRA VISHWANATHA PAREEK
S/O VISHWANATH PAREEK
AGED ABOUT 44 YEARS,
NO.4 AND 5 BOTH ARE

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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RESIDING AT I-204, RAVI ESTATE
POKHRAN ROAD, NO.1
OPP: TO DEVDAYA NAGAR,
THANE WEST
MUMBAI-400 606.

...PETITIONERS

(BY SRI. RAVINDRANATH K., ADVOCATE)

AND:

1. STATE BY BASAVANAGUDI WOMEN POLICE
BENGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. SAVITHA PAREEK
W/O AMIT ASHOK VYAS,
AGED ABOUT 34 YEARS,
RESIDING AT NO.16,
JOSHINIKETHAN, 4TH CROSS,
MANJUNATH LAYOUT,
RT NAGAR, BENGALURU-560 032.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;

SRI.RAMAKRISHNA SRINIVASAN, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
QUASH THE FIR IN CR.NO.227/2023 REGISTERED BY
BASAVANAGUDI WOMEN POLICE STATION, PENDING ON THE
FILE OF 37TH ADDL. CHIEF JUDICIAL MAGISTRATE,
BENGALURU FILED BY THE RESPONDENT NO.1 POLICE U/S
498A, 504, 506 OF IPC AND 3 AND 4 OF D.P. ACT, AGAINST
THE PETITIONERS.



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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 petitioner filed a memo reporting
the death of petitioner No.4.

The memo is taken on record

AS REGARDS PETITIONER NOS.1 TO 3 AND 5/ACCUSED

NOS.1 TO 3 AND 5, THE MATTER IS TAKEN UP FOR

CONSIDERATION.

This petition is filed under Section 482 of Cr.P.C. to quash
FIR against the petitioners/accused in Crime No.227/2023
dated 07.08.2023 registered by Basavanagudi Women Police
Station, Bengaluru City, for the offences punishable under
Sections 498A, 504 and 506 of IPC and Sections 3 and 4 of
Dowry Prohibition Act, 1961, pending on the file of XXXVII
Additional CJM Court, Bengaluru.

2. The factual matrix of the case is that the marriage of
respondent No.2 was solemnized with petitioner No.1, i.e.,



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accused No.1, on 21.05.2023 at Jaina Bhavan, Rajajinagar, Bengaluru. It is alleged that, in connection with the said marriage, accused No.1 demanded dowry of Rs.5,00,000/-. The parents of respondent No.2 acceded to the said demand and paid Rs.5,00,000/- as dowry, along with gold and silver articles. After the marriage, accused Nos.1 to 3 went to Mumbai to their residence, and thereafter accused No.1 left for Scotland on 23.05.2023. Subsequently, accused No.1 called respondent No.2 and informed her that he would not take her to Scotland and that he would divorce her. He further threatened her with dire consequences and warned her not to visit Scotland. Thereafter, respondent No.2 called accused Nos.2 and 3 over the phone and requested them to advise accused No.1 to take her to Scotland. However, it is alleged that accused Nos.2 and 3 demanded additional dowry from respondent No.2. Accordingly, she lodged a complaint before respondent No.1-Police. On the strength of the said complaint, an F.I.R. came to be registered against all the petitioners. Aggrieved by the same, petitioners preferred this petition to quash the proceedings.



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3. Heard the learned counsel for the petitioners and learned HCGP.

4. Apart from urging several other contentions, learned counsel for the petitioners contended that, on perusal of the averments made in the complaint, it is evident that, within two days of the marriage, accused No.1 left India and went to Scotland. Therefore, the allegation of demand for additional dowry by accused No.1 is an afterthought. As far as the other accused are concerned, being the in-laws of respondent No.2, they had nothing to do with the alleged incident. The allegation against them is that, when respondent No.2 called them and requested them to advise their son to take her back to Scotland, they demanded additional dowry from her. However, in order to substantiate the said allegation, no telephone records or call details have been produced. In such circumstances, learned counsel submits that the F.I.R. is liable to be quashed against the petitioners.

5. *Per contra*, learned HCGP on instructions submit that the case is at the crime stage, and the allegation against accused No.1 is serious in nature and further the complaint also reveals



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that accused Nos.2 to 5 indirectly insisted accused No.1 not to take respondent No.2 to Scotland. In such circumstances, he prays to dismiss the petition.

6. I have given by anxious consideration both on the submission and perused the materials available on record.

7. As could be gathered from the records, the marriage between respondent No.2 and accused No.1 was solemnized on 21.05.2023. On the following day, i.e., on 22.05.2023, their marriage was registered before the Sub-Registrar's Office at Hebbal, Bengaluru. Thereafter, on the subsequent day, i.e., on 23.05.2023, accused No.1 left India and went to Scotland. Admittedly, respondent No.2 never resided in the house of accused No.1 at Mumbai. According to the complaint, immediately after the marriage, all the accused went along with accused No.1 to their house at Mumbai. However, it is alleged in the complaint that, after reaching Scotland, accused No.1 refused to take respondent No.2 to Scotland and, when she insisted on joining him, he demanded additional dowry and also threatened her with dire consequences.



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8. As far as the allegations against accused Nos.2, 3 and 5 are concerned, they are stated to be the in-laws of respondent No.2, namely, her father-in-law, mother-in-law and brother-in-law, respectively, and are alleged to have demanded dowry from her. It is alleged that, when respondent No.2 called them and requested them to advise accused No.1 to take her to Scotland, they demanded additional dowry from her. As rightly contended by learned counsel for the petitioners, no call details or telephone numbers have been mentioned in the complaint to substantiate the said allegation.

9. The allegations made against accused Nos.2 to 5 are omnibus in nature, and no specific averments have been made regarding the manner in which they allegedly harassed respondent No.2. Admittedly, the averments in the complaint disclose that accused No.1 demanded dowry at the time of marriage and that, thereafter, he threatened respondent No.2 with dire consequences and warned her not to join him in Scotland. In such circumstances, the Hon'ble Apex Court, in the case of ***K. Subba Rao v. State of Telangana, represented by its Secretary, Department of Home and***



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Others, reported in **2024 INSC 960**, and ***Dara Lakshmi Narayan v. 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."

10. By collocating the facts and circumstances of the above case to the facts and circumstance of the instant case, the case is still in the nascent stage and absolutely there are no *prima facie* cases made out against petitioner Nos.2, 3 and 5. As such, I am of the considered opinion that continuation of the proceedings against petitioner Nos.2, 3 and 5 would amount to abuse of the process of the Court. However, as discussed *supra*, at this stage F.I.R. against accused No.1, cannot be quashed. Accordingly, I proceed to pass the following:



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ORDER

- i. The petition is ***allowed in-part.***
- ii. The proceedings against petitioner Nos.2, 3 and 5 /accused Nos.2, 3 and 5 in Crime No.227/2023 dated 07.08.2023 registered by Basavanagudi Women Police Station, Bengaluru City, for the offences punishable under Sections 498A, 504 and 506 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of XXXVII Additional CJM Court, Bengaluru, is hereby quashed.
- iii. Petition stands ***abated*** as against petitioner No.4.
- iv. However, it is made clear that the proceedings shall continue against petitioner No.1/accused No.1.

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