



CNR: KAHC010198522024

NC: 2026:KHC:49696
CRL.P No. 3454 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3454 OF 2024

BETWEEN:

1. DANNIAH
S/O LATE GAVOGOWDA
AGED ABOUT 69 YEARS
R/AT LIG 80, 3RD STAGE
KUVEMPU NAGARA, MYSORE-570 023
2. SHIVARATHNAMMA
W/O DANNIAH
AGED ABOUT 61 YEARS
R/AT LIG 80, 3RD STAGE
KUVEMPU NAGARA, MYSORE-570 023
3. SAVITHA
W/O RAJESH
AGED ABOUT 42 YEARS,
R/AT NO.279B
RANGANATH LAYOUT
HAROHALLI TALUK,
KANAKAPUR TALUK
RAMANAGARA DISTRICT
PIN-562112
4. SMT KAVITHA
W/O YOGESH
AGED ABOUT 36 YEARS
R/AT NO.113, 2ND MAIN,
18TH CROSS, JAYANAGAR
MYSORE-570 014

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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5. RAJESH
S/O LATE KRISHNAPPA
AGED ABOUT 49 YEARS,
R/AT NO.279B, RANGANATH LAYOUT,
HAROHALLI TALUK
KANAKAPUR TALUK
RAMNAGARA DISTRICT
PIN-562 112
6. SRI. YOGESH M.R
S/O RAMACHANDREGOWDA
AGED ABOUT 40 YEARS,
R/AT NO.113,
2ND MAIN, 18TH CROSS,
JAYANAGAR, MYSORE CITY,
PIN-570 014
7. KUM HARSHINI
D/O RAJESH
R/AT NO.279B
RANGANATH LAYOUT
HAROHALLI TALUK
KANAKAPUR TALUK
RAMANAGAR DISTRICT
PIN-562 112

...PETITIONERS

(BY SRI. RAJU BHAT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
WOMEN'S POLICE STATION,
DEARAJ SUB-DIVISION
MYSORE CITY
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
DR AMBEDKAR STREET
BENGALURU-01



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2. SMT SHWETHA
W/O LATE SHRIDHAR
AGED ABOUT 34 YEARS
R/O JOGAMANA HOSAHALLI VILLAGE,
KASABA HOBLI, KANAKAPURA TALUK
RAMANAGARA DISRICT-562 117

...RESPONDENTS

(BY SRI. MAHESH P, HCGP FOR R1,
SRI. GIRISH KUMAR R, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 02.12.2023 PASSED BY THE COURT OF VII ADDITIONAL SENIOR CIVIL JUDGE AND JMFC COURT, JLB ROAD, AT MYSURU PASSED IN CR.NO.13/2023 IN TAKING COGNIZNACE AGAINST THE PETITIONER NO.1-7 HEREIN FOR THE OFFENCE P/US/ 498-A,506 R/W SEC.149 OF IPC AND SEC.3 AND 4 OF DP ACT C.C. OF THE ORDER SHEET PRODUCED AS ANNEXURE D.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This criminal petition is filed under Section 482 of Cr.P.C to quash the FIR against the petitioners/accused Nos.1 to 7C.C No. 412/2023 (arising out of Crime No.13/2023) registered by Mysuru City Women Police Station, for the offences punishable under Sections 498A, 504 and r/w Section 149 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 [for short, 'the



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DP Act'], pending on the file of VII Additional Senior Civil Judge and JMFC, Mysuru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 24.01.2023, alleging that her marriage was solemnized with one Shridhar B.D. on 30.11.2014. It is alleged that, at the time of marriage, her husband and the petitioners, who are the in-laws of respondent No.2, demanded dowry, which was fulfilled by her parents. After the marriage, respondent No.2 started residing at her matrimonial home at Mysuru along with her husband and petitioner Nos.1 and 2, who are her father-in-law and mother-in-law respectively, and their marital relationship remained cordial for some time.

3. Subsequently, the petitioners, along with her husband, subjected her to physical and mental harassment demanding additional dowry of Rs.10,00,000/- for the purpose of construction of a house. Finally, the petitioners allegedly drove her out of the matrimonial home. In these circumstances, respondent No.2 lodged the complaint before respondent No.1-Police. On the basis of the said complaint,



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respondent No.1-Police registered a FIR against the petitioners for the offences punishable under Sections 498A, 323 and 504 read with Section 149 of IPC and Sections 3 and 4 of the DP Act. Upon completion of the investigation, the respondent No.1-police laid the charge-sheet against the petitioners for the aforesaid offences, excluding the offence under Section 323 of IPC, and arrayed them as accused Nos.1 to 7. The learned Magistrate thereafter took cognizance of the said offences. Aggrieved by the registration of the case, the order taking cognizance and the consequential proceedings, the petitioners have preferred this petition.

4. Heard the learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

5. The primary contention of the learned counsel for the petitioners is that, on perusal of the complaint and the averments in the charge-sheet, no prima facie case is made out against the petitioners for the offences punishable under Sections 498A, 323 and 504 of IPC and Sections 3 and 4 of the DP Act. He would contend that, except for certain omnibus



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allegations made in the complaint and in the statements of the witnesses, there are no prima facie materials in the charge-sheet connecting the petitioners with the alleged offences.

6. It is further contended that the husband of respondent No.2 is no more and that the allegations in the complaint are substantially directed against him. It is also contended that petitioner Nos.3 to 7, being the sisters-in-law, their respective husbands and children of respondent No.2, have no connection with the alleged incident and are residing separately in their respective matrimonial homes. In such circumstances, they cannot be implicated in the matrimonial dispute between respondent No.2 and her deceased husband. Accordingly, he prays to allow the petition.

7. *Per contra*, learned counsel appearing for respondent No.2 opposed the prayer of the petition and contended that, after completion of investigation, the charge-sheet has been laid against the petitioners and the statements of the material witnesses prima facie disclose the involvement of all the petitioners in the alleged offences. It is contended that the material on record discloses that the petitioners



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subjected the complainant to both physical and mental harassment. Hence, he submits that there are sufficient grounds to proceed against the petitioners and seeks dismissal of the petition.

8. Learned HCGP also opposed the prayer of the petitioners and sought dismissal of the petition.

9. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the documents available on record.

10. As could be gathered from records, respondent No.2 married one Shridhar B.D. on 30.11.2014 and, after the marriage, resided with her husband and petitioner Nos.1 and 2 at their matrimonial home at Mysuru for about nine years. Insofar as petitioner Nos.3 to 7, who are the sisters-in-law, their respective husbands and the daughter of petitioner No.5, are concerned, the material on record discloses that they are residing separately in their respective houses situated in Ramanagara District and Mysuru City.



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11. The allegation in the complaint is that, at the time of marriage, the husband and in-laws of respondent No.2, namely, accused Nos.1 and 2, demanded dowry and, subsequently, subjected her to physical and mental harassment at the matrimonial home in connection with a demand for additional dowry of Rs.10,00,000/-. However, on perusal of the charge-sheet materials and the statements of the witnesses, except for certain omnibus allegations made against petitioner Nos.3 to 7, there are no specific allegations indicating the date, time or manner in which they allegedly subjected respondent No.2 to harassment. Further, admittedly, petitioner Nos.3 to 7 have been residing separately at their respective matrimonial homes. In the absence of specific and cogent allegations connecting them with the alleged offences, their implication in the present proceedings requires careful consideration.

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



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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.

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 allegation 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



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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, 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."*



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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 do not disclose the commission of any offence by petitioner Nos.3 to 7, who are arrayed as accused Nos.3 to 7. Therefore, continuation of the proceedings against them would amount to an abuse of the process of the Court.

16. However, on perusal of the charge-sheet materials, prima facie allegations are forthcoming against petitioner Nos.1 and 2 - accused Nos.1 and 2. The complaint specifically alleges that, from the inception of the marriage, petitioner Nos.1 and 2, along with their son i.e. the husband of respondent No.2, subjected her to physical and mental harassment in connection with the demand for additional dowry. Hence, the allegations against petitioner Nos.1 and 2 - accused Nos.1 and 2 require to be tested in a full-fledged trial. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed in part.***



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- ii. The petition in respect of petitioner Nos.3 to 7/accused Nos.3 to 7 is ***allowed***.
- iii. The petition in respect of petitioner Nos.1 and 2/accused Nos.1 and 2 is ***dismissed*** and the proceedings against them shall continue.
- iv. The proceedings against the petitioner Nos.3 to 7/accused Nos.3 to 7 in C.C No. 412/2023 (arising out of Crime No.13/2023) registered by Mysuru City Women Police Station, for the offences punishable under Sections 498A, 504 and r/w Section 149 of IPC and Sections 3 and 4 of the DP Act, pending on the file of VII Additional Senior Civil Judge and JMFC, Mysuru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

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List No.: 1 Sl No.: 20