



CNR: KAHC010200212020

NC: 2026:KHC:52055
CRL.P No. 2983 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.2983 OF 2020

BETWEEN:

1. SMT. NUSHARAT,
W/O NAYEEMULLA,
AGED ABOUT 52 YEARS,
NO.41/A, DR. RAJKUMAR ROAD,
KHB COLONY, KALYANAGIRI,
MAHADEVAPURA, MYSURU-570001.

...PETITIONER

(BY SRI. S. VICTOR MANOHARAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY THE POLICE OF
PENSION MOHALLA POLICE STATION,
HASSAN-573201,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU-560001.
2. REHAMAN SHARIF,
S/O YUSUF SHARIF,
AGED ABOUT 55 YEARS,
PAINTER, II STAGE, VIJAYANAGARA EXTN.,
BELURU ROAD, GUDDENAHALLI,
HASSAN-573201.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. NANDISH PATIL, ADVOCATE FOR R2)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH ALL FURTHER PROCEEDINGS PENDING AGAINST HER IN C.C.NO.3531/2019 ON THE FILE OF THE LEARNED VI ADDITIONAL CIVIL JUDGE AND JMFC, HASSAN FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 304B AND 506 R/W SECTION 34 OF IPC AND SECTIONS 3 AND 4 OF DOWRY PROHIBITION ACT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioner, the learned Additional SPP appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. The learned counsel for the petitioner in his arguments would contend that this petitioner is a relative of the family of the complainant and also the husband of the deceased i.e., mother-in-law's sister's daughter and she was not residing along with the complainant and also in the matrimonial house. But only a passing reference is made in the complaint that she subjected the deceased for cruelty and except this passing reference against this petitioner, there is no any overt-act allegation against this petitioner.



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She has been falsely implicated in the case only on the ground that she is a relative of the accused's family and it is nothing but an abuse of process. The learned counsel also would submit that the petitioner is residing at Mysore and the matrimonial house of the deceased is at Hassan.

3. The learned counsel for respondent No.2/complainant would submit that nothing is placed on record to prove that the petitioner is a resident of Mysore. The learned counsel also would submit that with regard to subjecting the deceased for cruelty is concerned, there is a reference of this petitioner in the complaint in the first page itself.

4. The learned Additional SPP appearing for respondent No.1/State would submit that while filing the charge-sheet, an allegation is made against this petitioner that she was also the part of marriage negotiation and making of demand of Rs.3,00,000/- cash and 200 grams of gold ornaments and such demand was made with CW1 and



CW2. Hence, there is a material to proceed against the petitioner.

5. Having heard the learned counsel for the petitioner, the learned Additional SPP appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant, there is no dispute that the petitioner is a relative of husband of the deceased. Having perused the complaint, only an omnibus allegation is made against this petitioner making passing reference as contended by the learned counsel for the petitioner that after the marriage, the daughter of the complainant was subjected to harassment. Except this omnibus statement, there is no any specific overt-act allegation made against this petitioner and the fact that she is also a relative is not in dispute. The learned Additional SPP appearing for the State brought to the notice of this Court that this petitioner was very much present at the time of marriage negotiation and demand was made. To that effect, there is no any such allegation in the complaint and while filing the charge-sheet, this petitioner is



included along with accused Nos.1 to 6 that they participated in the marriage talk. There is no any material against the petitioner except passing reference in the complaint that she subjected the deceased for cruelty and she is not the family member of the deceased's husband. The very case of the complainant/respondent No.2 is contradictory considering the contents of the complaint as well as the charge-sheet material. The judgment of the Apex Court is very clear that roping of the family members as well as the relatives of the accused is nowadays a trend while invoking Section 498A of IPC and other offences when there is a matrimonial dispute. Unless there are material before the Court with regard to the very involvement of the petitioner in committing such a crime, it is nothing but an abuse of process. This petitioner is also a distant relative of the husband of the deceased and not the family member of the complainant and deceased's husband. The petitioner was not staying along with the deceased's husband and their family. When such being the case, it is nothing but roping of relative in the matrimonial



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dispute and hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

6. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. The criminal prosecution against the petitioner/accused No.7 under Sections 498A, 506 and 304B of IPC and Sections 3, 4 and 6 of Dowry Prohibition Act, is quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD
List No.: 1 Sl No.: 23