



CNR: KAHC010212622023

NC: 2026:KHC:52341
CRL.P No. 4407 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 22ND DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 4407 OF 2023

BETWEEN:

1. MR. ANDEMORU SAROJ ACHARY
AGED 35 YEARS
S/O PRAKASHAM ACHARYA
R/AT FLAT NO.005, CELEBRITY
MANSOON 3RD B CROSS
VENKATESHWARA LAYOUT
MAHADEVAPURA, BANGALORE - 560 029
AND ALSO PRESENTLY RESIDING AT
NO 16, 17TH A MAIN BTM 1ST STAGE
BENGALURU - 560 029.
NOTE NAME AS PER COMPLAINT
AND FIT CORRECT CHARGE SHEET
SHOWN NAME WRONGLY.
2. MR. PRAKASHAM ACHARYA
AGED 73 YEARS
S/O ACHARYA
R/AT FLAT NO.305
2ND FLOOR, RAJENDRA ENCLAVE
JAIL ROAD PURI DISTRICT
ODISHA - 760 001, AND ALSO
PRESENTLY RESIDING AT
FLAT 127, 1ST FLOOR
BANK COLONY, 8TH LANE
LUCHAPADA ROAD, BRAHMAPUR
BEHRAMPUR, GANJAM
ODISHA - 760 001.
3. MR. DHEERAJ ACHARYA
AGED 44 YEARS
S/O A PRAKASHAM ACHARYA
RESIDING AT G M INFINITE
ELCTRONIC CITY, THIRUPALYA
BANGALORE - 560 099.

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by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA



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4. MR. BOJI ACHARYA
AGED 48 YEARS
S/O A PRAKAHAM ACHARYA
RESIDING AT QUARTER NO.703
TYPE 3, IC BLOCK, NEAR TANK NO 14
SALT LAKE CITY, KOLKATA - 700 106.
5. MR. BOIRAGI ACHARYA
AGED 42 YEARS
S/O A PRAKASHAM ACHARYA
RESIDING AT HARADAKHANDI
CHOWK, 1ST FLOOR, LAXMI BIHAR
2ND LINE, BEHRAMPURA GANJAM
ODISHA - 700 006.

...PETITIONERS

(BY SRI REGO L.P.E, ADV.)

AND:

1. STATE OF KARNATAKA
MARATHALLI P.S
MARATHAHALLI
BENGALURU - 560 037
REPRESENTED BY STATE
PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALURU 01.
2. TANVI SACHDEVA
AGED 30 YEARS
WIFE OF A SAROJ ACHARYA
FLAT NO 108, PRIME LAVENDER
APARTMENT, PANATHUR MAIN ROAD
KADUBISENAHALLI
BANGALORE - 560 103.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
SRI PRATEEK CHANDRAMOULI, ADV., FOR R-2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE CHARGE SHEET DATED 17.10.2019 IN C.C.NO.54783/2020 ON THE FILE OF XXIX ADDL.C.M.M., BENGALURU, MAYO HALL, BENGALURU FOR THE OFFENCE P/U/S 498A, 323, 504 R/W 34 OF IPC AND SECTION 4 OF DOWRY PROHIBITION ACT, GRANTING



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SIMULTANEOUSLY TO THE PETITIONER HIS COSTS AND COUNSEL FEE.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused No.1 to 5 are before this Court in this petition filed under Section 482 of Cr.P.C, with a prayer to quash the entire proceedings in C.C.No.54783/2020 pending before the Court XXIX Addl. Chief Metropolitan Magistrate, Mayo Hall, Bengaluru for offences punishable under Sections 498A, 323, 504 r/w Section 34 of IPC and Section 4 of D.P. Act, 1961 are before this Court in this petition filed under Section 482 of Cr.P.C, with a prayer to quash the entire proceedings as against them.

2. Heard the learned counsel for the parties.

3. Learned counsel for the petitioners submits that petition as against accused no.1 - husband may be dismissed as not pressed. Accused no.2 is the father of accused no.1 and accused nos.3 to 5 are the brothers of accused no.1 and they are serving in defence and they are all residing separately.



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Based on the omnibus allegations, accused nos.2 to 5 have been arrayed as parties in the present proceedings. Accordingly, he prays to allow the application.

4. Per contra, learned HCGP and learned counsel for respondent no.2 have opposed the petition. Learned counsel for respondent no.2 submits that, accused nos.2 to 5 have instigated and aided accused no.1 to commit the charge sheeted offences. There are specific allegations against them. Accordingly, he prays to dismiss the petition.

5. Respondent no.2 herein is the wife of accused no.1, who is the son of accused no.2 and brother of accused no.3 to 5. It appears that marriage of accused no.1 with respondent no.2 was a love marriage, which was registered on 14.02.2013. Allegation against accused no.1 is that after marriage he was ill-treating his wife in her matrimonial house.

6. First information dated 13.01.2019 is typed and runs to 47 pages. A reading of the first information dated 13.01.2019 would go to show that only omnibus allegations are



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made against accused Nos.2 to 5 who are the father and brothers of accused No.1. In paragraph No.16 of the first information, it is stated as follows:

"16. I state that my father-in-law Mr. A. Prakasham Achary and brother-in-law Mr. Dheeraj Achary and Mr. Boji Achary have joint hands with my husband and are harassing me and my parents with their unlawful demands. Hence, I am left with no other alternative but to approach your good authorities."

7. Except the aforesaid allegation, there is no other allegation found in the first information as against accused nos.2 to 5. It is not in dispute that accused Nos.2 to 5 were not staying with accused No.1 and defacto complainant, after their marriage. It is also brought to the notice of this Court that accused Nos.3 to 5 are serving in defence.

8. The Hon'ble Supreme Court in the case of **KAHKASHAN KAUSAR ALIAS SONAM AND OTHERS V. STATE OF BIHAR AND OTHERS** reported in **(2022) 6 SCC 599** in paragraph Nos.13 and 14 has observed as follows:

"13. Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar [Arnesh Kumar v.



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State of Bihar , it was also observed : (SCC p. 276, para 4)

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, it has also been observed : (SCC pp. 676-77, paras 32-36)

"32. It is a matter of common experience that most of these complaints under Section 498-AIPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the



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number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.



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35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful."



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9. In the background of aforesaid judgment, the allegations found against accused nos.2 to 5 in the present case is analyzed and I am of the opinion that it is a fit case wherein this Court needs to exercise its inherent power under Section 482 of Cr.P.C, in order secure the ends of justice. Under the circumstances, the following :-

ORDER

- i. Criminal petition is ***partly allowed***.
- ii. Criminal petition is ***dismissed as not pressed*** as against accused no.1.
- iii. Criminal petition is ***allowed*** insofar as it relates to accused nos.2 to 5.
- iv. Entire proceedings in C.C.No.54783/2020 pending before the Court of XXIX Addl. Chief Metropolitan Magistrate, Mayo Hall, Bengaluru for offences punishable under Sections 498A, 323, 504 r/w Section 34 of IPC and Section 4 of D.P. Act, 1961 is quashed as against accused nos.2 to 5 are concerned.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS