



CNR: KAHC010227922019

NC: 2026:KHC:52640
CRL.P No. 5709 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.5709 OF 2019

BETWEEN:

1. SRI. GULSHAN ZAMEER BAIG,
S/O LATE ABDUL GAFAR,
AGED ABOUT 43 YEARS.
2. SRI. MAZHAR BAIG @ MAHAMMED BEG
@ MAHAZAR BEG,
S/O LAGE ABDUL GAFAR,
AGED ABOUT 49 YEARS.
3. SRI. ROSHAN BAIG,
S/O LATE ABDUL GAFAR,
AGED ABOUT 47 YEARS.
4. SMT. THASNEEM,
W/O MAZHAR BAIG,
AGED ABOUT 40 YEARS.
5. SMT. SHAMEEM,
S/O SATTAR SAB,
AGED ABOUT 35 YEARS.

ALL ARE RESIDING AT
GOWRAMMANA HALLY,
CHITRADURGA TALUK,
DAVANAGERE-577 002.

6. SMT. MUNAVAR,
W/O. MOHAMMED SWALEHA,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 48 YEARS,
RESIDING AT 4TH CROSS,
HKG N NAGAR, RING ROAD,
MILLATH COLONY,
DAVANAGERE-577001.

7. SMT. ZAREENA,
W/O. LATE. RIYAZ AHMED,
AGED ABOUT 50 YEARS,
RESIDING AT 12TH CROSS,
BHASHANAGAR,
DAVANAGERE-577001.

...PETITIONERS

(BY SRI. S.V. SHASTRI &
SRI. RAVINDRANATH K., ADVOCATES [VC])

AND:

1. STATE OF KARNATAKA,
BY WOMEN POLICE STATION,
THROUGH SRI. LAKSHMANA NAIK,
INVESTIGATION OFFICER,
DAVANAGERE-577001.
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.
2. SMT. SYEDA SAAJID AKTAR,
W/O. GULSHAN JAMEER BAIG,
AGED ABOUT 36 YEARS,
NO.550/A, NEAR AMARAPPANA
THOTADA GATE, K.R.ROAD,
DAVANAGERE-577 001.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. MANU D. GOWDA, ADVOCATE FOR R2)



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR AND CHARGE SHEET FILED BY THE WOMEN P.S., DAVANAGERE IN VIDE DOCUMENT A AND C IN C.C.NO.670/2019 IN CR.NO.160/2018 ON THE FILE OF THE 2ND ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DAVANAGERE.

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

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

ORAL ORDER

Heard the learned counsel for the petitioners, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. The factual matrix of the case of the complainant in the complaint dated 01.10.2018 is that her marriage was performed with accused No.1 on 10.06.2007 and at the time of marriage, all these petitioners have falsely represented that her husband was working at Saudi Arabia. It is stated that the complainant was working in a Composite PU College as lecturer and her job was also approved. It is an allegation in the complaint that at the time of marriage, all these petitioners have demanded dowry of Rs.1,50,000/- and Rs.50,000/- to



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purchase the motorcycle. It is contended that the complainant was staying along with her husband, in-laws, brothers-in-law and their respective wives. The husband went to Saudi after 2½ months of marriage. When he came back, he expressed that he was not having any interest to marry her and he forcefully married her and started subjecting her for both mental and physical harassment. In the complaint it is stated that prior to her marriage, her two sisters-in-law were already married and staying at Davanagere. However, they used to frequently visit Gowrammanahally and they also joined along with other family members in subjecting her for both mental and physical harassment. The same was also continued when she gave birth to a female child and even none of them visited to see the child. Her husband started demanding additional dowry over the phone when he was in Saudi Arabia and particularly demanded Rs.10,00,000/- or to get the site. Her sisters-in-law also joined along with him in demanding the dowry of Rs.3,00,000/- and so also on several occasions, an amount of Rs.4,00,000/-, Rs.5,00,000/- and Rs.3,00,000/- was given by her parents and brothers by availing the loan and the



said amount was given to the brothers of her husband and also the sisters-in-law.

3. It is also an allegation in the complainant that her brother-in-law abruptly entered the room where she was staying and when the same was brought to the notice of her in-laws, they threatened that they are going to take her life by pouring kerosene and setting the fire. It is also an allegation that in 2014 when her husband came back from Saudi, she was second time pregnant and at that time also she was subjected to harassment. Even when she was not feeling well and the doctor had advised her to take rest, all of them subjected her for both mental and physical cruelty and the same was continued. A specific allegation was made that on 15.01.2018 at 1.00 p.m. brothers-in-law, their wives and also the sisters-in-law called her and demanded an amount of Rs.10,00,000/- or get the site or one and half acre of land which was standing in the name of her father and subjected her for assault. The said assault was witnessed by her father, elder brother and also the younger brother. Based on the said complaint, the police have registered Crime No.160/2018 and invoked the offences



under Sections 498A, 114, 323, 504, 506, 313 read with 149 of IPC and Sections 3 and 4 of the Dowry Prohibition Act. The police have investigated the matter and filed the charge-sheet. In the charge-sheet, the statements of CW1 to CW19 were recorded and they reiterated the allegation made in the complaint in column No.17 of the charge-sheet.

4. The learned counsel for the petitioners in his arguments would vehemently contend that a false case has been registered against the petitioners. The learned counsel would submit that there is no dispute that marriage was taken place in 2007 and the alleged complaint was filed in 2018. If there was a cruelty immediately after the marriage and false representation was made that her husband was working at Saudi, the complainant would not have waited till 2018. The learned counsel would submit that petitioner Nos.6 and 7, who are the sisters of petitioner No.1 are married and are residing in their matrimonial house along with their respective husband and children. The learned counsel also brought to the notice of this Court that a detailed complaint was filed with an intention to rope all the family members. The learned counsel also



brought to the notice of this Court paragraph No.19 of the memorandum of petition, wherein it is specifically stated that petitioner Nos.6 and 7 are the sisters of petitioner No.1 who are married and living at their marital home and they are no way concerned with the family issues of petitioner No.1. Moreover, they are also aged about 48 to 50 years and making an allegation against them that they also joined along with petitioner Nos.1 to 5 is not believable. The learned counsel also vehemently contend that respondent No.2 was a M.A. graduate, but was jobless when she got married to petitioner No.1. Though she was jobless, she accepted the luxurious life and insisted petitioner No.1 to buy her jewells, sites and gifts and she very often used to visit her maternal home at Davanagere, initially from Gowrammanahalli and later from Chitradurga. All these expenses were borne by petitioner No.1 and respondent No.2 got a job by paying amounts towards Managing Committee of the College, which was given to her by petitioner No.1 out of her love and affection. In spite of she was taken care of, a false complaint is filed and there are no grounds to proceed against the petitioners.



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5. The learned counsel for respondent No.2/complainant would vehemently contend that specific allegations are made in the complaint and each and every aspect is narrated from the date of negotiation till filing of complaint that all of them joined together and subjected for both mental and physical cruelty. CW1 to CW19 speaks about the same. With regard to the additional demand of dowry and also accepting of the dowry, the learned counsel brought to the notice of this Court the statement of objections and also produced the bank statement for having drawn the amount of Rs.1,50,000/- on 05.06.2007 just 5 days prior to the marriage and would submit that the said amount was drawn and given to the family members of accused No.1 and the same was accepted by both the brothers-in-law and also sisters-in-law. The learned counsel brought to the notice of this Court that wound certificate is also produced before the Court to show that she was subjected to assault.

6. The learned High Court Government Pleader appearing for respondent No.1/State also brought to the notice of this Court that injury certificate is very clear that she was



subjected to assault and she has sustained injury on 15.01.2018 and even though there are no external injuries, but there was a tenderness in the left shoulder and opinion of the doctor is very clear that injuries are simple in nature. The learned counsel would contend that the nature of injuries are not material and the matter requires trial.

7. Having heard the respective learned counsel and also considering the material available on record, there is no dispute that the marriage was taken place in 2007. It is alleged that a false representation was made at the time of marriage that accused No.1 was working at Saudi, but he was not having job. But ultimately he got the job and he was working in Saudi Arabia is not in dispute. Having considered the contents of the complaint, it is very clear that accused No.1 is residing at Saudi Arabia and payments are made to the brothers-in-law and sisters-in-laws. The Court has to take note of the very contents of the complaint, wherein the complainant herself has admitted that her sisters-in-law were married even prior to her marriage and both of them are residing at Davanagere. But only allegation is that they were frequently



visiting. But on what date they visited, on what date they demanded dowry, on what date they made the payment to them, nothing is stated with regard to the same. However, it is not in dispute that accused Nos.1 to 5 are staying together. The Court has to take note of the specific allegations made against the brothers-in-law and their respective wives that they demanded the amount and accepted the amount. But only an omnibus allegations are made against the sisters-in-law and while making allegations in each and every stage while mentioning the name of the accused persons, mentioned the name of sisters-in-law. Having taken note of the material available on record, when an allegation of assault has been made, the question as to whether all the accused persons had participated in the assault is a matter to be determined at the stage of trial. The wound certificate is also produced and the same discloses the nature of injury is simple in nature.

8. It is important to note that the complainant herself has admitted that her sisters-in-law were married even prior to her marriage. They are also aged about 48 to 50 years as contended by the petitioners in the petition and specific



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pleading is also made in paragraph No.19 of the petition that they are residing at Davanagere and the very allegation made against the sisters-in-law is unbelievable. The Apex Court also in several judgments has observed that in a case of matrimonial dispute between the parties, the family members are also roped. In the case on hand, accused Nos.1 to 5 are residing under one roof along with the complainant and allegations are made against them also and whether they have indulged in such act or not cannot be considered at the time of considering the petition under section 482 of Cr.P.C. However, considering the admission on the part of the complainant that sisters-in-law were married even prior to her marriage and are residing separately at Davanagere along with their respective family members, they cannot be subjected to criminal ordeal for omnibus statement.

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

ORDER

- (i) The petition is allowed in part.
- (ii) The proceedings initiated against accused Nos.6 and 7/petitioner Nos.6 and 7 is quashed.



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(iii) The petition in respect of petitioner Nos.1 to 5
is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 8