



CNR: KAHC010228092019

NC: 2026:KHC:53543
CRL.P No.6377/2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
CRIMINAL PETITION NO.6377/2019

BETWEEN:

1. MRS. NOORJAHAN BI SAYED
W/O MOHIDDIN SAYED JAMAL
AGED ABOUT 52 YEARS
#S3, RUKMANI RESIDENCY, BAINA
VASCO DA GAMA, GOA-403802.

REP. BY POWER OF ATTORNEY
MR. MUNIR KHAN
S/O AKBAR KHAN
AGED 42 YEARS
R/AT FLAT NO.401 AND 402
HILL TOP RESIDENCY
MANGOOR HILLS
VASCO DA GAMA, GOA 403 802.

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

2. MR. NAYAZ PASHA
S/O ABDUL AZEEZ
AGE 61 YEARS
R/AT FLAT NO.203, 2ND FLOOR
ARABIAN SEA RESIDENCY
NEAR SHAFT MASJID
BAINA, VASCO DA GAMA
GOA-403802.
3. MRS. NAZIRA BI PASHA
W/O NAYAZ PASHA
D/O AKBAR KHAN
AGE 56 YEARS
R/AT FLAT NO.203, 2ND FLOOR
ARABIAN SEA RESIDENCY



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NEAR SHAFT MASJID
BAINA, VOSCO DA GAMA
GOA 403802.

4. MR. AKBAR KHAN
F/O NAZIR KHAN
AGED ABOUT 76 YEARS
R/AT F1 ZUARI COMPLEX
NEAR BAINA FISH MARKET
BAINA, GOA 403.

5. MR. NASIR KHAN
S/O AKBAR KHAN
AGE 47 YEARS
R/T MORMUGOA AVENUE
3RD FLOOR, MORMUGOA
VASCO DA GAMA, GOA-403802.

6. MRS. SAFIYA KHAN
W/O NAZIR KHAN
AGE 41 YEARS
R/AT MORMUGOA AVENUE
3RD FLOOR, MORMUGOA
VASCO DA GAMA, GOA-403802.

...PETITIONERS

(BY SRI. SANJAY YADAV B, ADV., FOR
SRI. MAHESH S, ADV.,)

AND:

1. AYESHA SAYED
W/O MR. IBRAR SAYED
AGED ABOUT 23 YEARS
#14/A, 1ST STAGE
2ND BLOCK, 8TH MAIN
HRBR LAYOUT, YASIN NAGAR
BENGALURU-560043.

...RESPONDENT

(SERVICE OF NOTICE TO RESPT., H/S V/O/DTD:20.07.2026)



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THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING BEFORE THE LEARNED 1ST MMTC MAGISTRATE MAYO HALL AT BENGALURU, IN CRL.MISC.NO.261/2017 AS AGAINST THE PETITIONERS & ETC.

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 petitioners. The respondent, though served, is unrepresented and also the service of notice to respondent is held sufficient by this Court.

2. The prayer is sought in the criminal miscellaneous petition No.261/2017 filed under the provisions of Protection of Women from Domestic Violence Act, 2005, is under Section 18, 19, 20 and 22 of the Act and also custody of the child.

3. The learned counsel appearing for the petitioners would submit that though there is an allegation against the husband of the respondent/aggrieved person, but there is no specific allegations against the other petitioners, who are the in-laws and relatives of the husband. In paragraph No.5 of the



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criminal miscellaneous petition, relationship is stated. The petitioner No.1 herein is the mother-in-law of the respondent/aggrieved person. The petitioner No.4 herein is the maternal grandfather of husband of respondent, father of petitioner No.1, 3 and 5. Petitioner Nos.2 and 3 are paternal uncle and aunt of respondent/aggrieved person respectively; also petitioner Nos.3 and 1 are sisters and daughter of petitioner No.4. Petitioner Nos.5 and 6 are maternal uncle and aunt respectively; petitioner No.5 is the brother of petitioner Nos.1 and 2 and son of petitioner No.4. To explain the same, illustrative table is also affixed along with the petition.

4. The learned counsel appearing for the petitioners would contend that the allegation is made in the criminal miscellaneous petition that husband of the respondent/complainant is presently having a temporary residence and is presently working at a multi-national company at United Kingdom (UK) and he often visits Bengaluru, Goa, and with oblique motives, forcefully snatching away the young minor child of the respondent/aggrieved person, as a result, she is facing untold trauma and torture. The reason for doing



all these things is her mother-in-law and other relatives of the husband of the respondent/aggrieved person. Immediately, after the marriage they stayed in matrimonial home and instances of domestic violence by husband of respondent/aggrieved person and against petitioner No.1 is stated in paragraph Nos.11 and 12, so also, torturing to the respondent/aggrieved person. Even several instances of questioning the birth of child of the respondent/aggrieved person by the husband and petitioners herein, thereby committed the domestic violence against the respondent/aggrieved person. In the petition, it is also stated that respondent's husband had introduced the respondent/aggrieved person with few of his male friends. Further, at various instances when the respondent's husband was in United Kingdom for his job purpose, he begged the respondent/aggrieved person to meet with his male friends at Bengaluru in guise to help to find that person a job or employment through common family/friends contact. It is also an allegation by the husband and petitioners herein against the respondent/aggrieved person's character and chastity as at



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various instances when the respondent's husband visited India, he took the possession of the phone of the respondent/aggrieved person and sent various unknown messages to various people and secretly have emailed those chats to his personal email addresses and further deleted/blocked contacts from the phone of the respondent/aggrieved person. The specific allegations are made against the husband and mother-in-law of the respondent/aggrieved person, both of them are talking ill about the respondent/aggrieved person by defaming her before family, friends and also demined her respect and honour. The respondent/aggrieved person was completely broken and literally begged her husband and mother-in-law to stop all those acts. The mother-in-law dictated the husband of the respondent/aggrieved person when he visited India to pack the respondent/aggrieved person to her parents' house as she was no more productive at doing household works due to the pregnancy and the respondent/aggrieved person made specific accusations against her husband as well as her mother-in-law. So also, an allegation is made against petitioner No.4 in



paragraph No.24. There is also specific allegation against the husband of making forged and fake documents and making of documentation by the husband of the respondent/aggrieved person. In para No.29 of the said petition, an allegation is made that husband of respondent/aggrieved person along with petitioner Nos.1, 3 and 5 threatened about photos, videos of the respondent/aggrieved person and induced her to put her signatures upon few documents and assured the respondent to let her go and due to such threat, coercion and undue influence, she went along with her husband and her mother-in-law and signed few documents. In para Nos.29 and 30, allegations are made against them.

5. Learned counsel for the petitioners would contend that except the allegations particularly against the husband, no date specifically mentioned in the petition about subjecting her for domestic violence and it is only with an intention to harass the mother-in-law along with her husband and relatives, a false petition is filed by the respondent/aggrieved person.



6. Having considered the averments made in the petition, and also the prayer sought under Sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005, there is an allegation made that child was taken from the custody of the respondent/aggrieved person, and having taken note of specific averments made in the petition filed under the provisions of the Protection of Women from Domestic Violence Act, specific allegations are made against the husband and also the mother-in-law of respondent/aggrieved person. But in respect of the other relatives are concerned, they are the maternal uncle of the husband of the respondent and others are sisters and relatives of the mother-in-law, when such allegations are made and when the petition is filed for the relief under Sections 18, 19, 20 and 22 and also the custody of the child, the presence of other petitioners other than husband and mother-in-law is not required as there cannot be any relief as against the other relatives. Hence, it is a fit case to allow the petition in part in respect of petitioner Nos.2 to 6 as they are not necessary parties in view of the relief sought.



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7. However, in this petition, husband of the respondent/aggrieved person is not made as party, but specific allegations are made in Crl.Misc.No.261/2017 against the petitioner No.1 i.e., mother-in-law. Hence, petition in respect of the petitioner No.1 i.e. mother-in-law of respondent/aggrieved person, deserves to be rejected. Hence, the following:

ORDER

- i. Petition in respect of petitioner No.1 herein is ***rejected.***
- ii. Petition in respect of petitioner Nos.2 to 6 herein is ***allowed*** and the proceedings in Crl.Misc.No.261/2017 pending on the file of the Presiding Officer, MMTC-1, Mayohall, Bengaluru, is quashed insofar as petitioner Nos.2 to 6 herein are concerned.

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