



CNR: KAHC010231892024

NC: 2026:KHC:51955
CRL.P No. 3857 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 3857 OF 2024

BETWEEN:

1. SHASHIKALA
W/O RAMASHETTY,
AGED 47 YEARS,
R/O WARD NO 1,
BENKI COLONY, KADUR TOWN,
CHIKKAMAGALURU DISTRICT 577 548
2. RAMASHETTY M
S/O LATE MALLAPPA
AGED 52 YEARS,
R/O WARD NO 1,
BENKI COLONY, KADUR TOWN,
CHIKKAMAGALURU DISTRICT 577 548
3. PADMAVATHI B.V
W/O SRINIVAS
AGED 50 YEARS,
R/O SURAPURA VILLAGE
YAGATI HOBLI, KADUR TALUK,
CHIKKAMAGALURU DISTRICT 577548

...PETITIONERS

(BY SRI. R SHASHIDHARA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY CHITRADURGA WOMEN POLICE STATION,
CHITRADURGA

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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REPRESENTED BY SPP HIGH COURT BUILDING,
BANGALORE 560001

2. USHADEVI
W/O B.V RAGHAVENDRA
AGED ABOUT 40 YEARS
R/ MUCCHIGARA BEEDI,
BURUJANAHATTY
CHITRADURGA TOWN-577 501

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.285/2023
PENDING ON THE FILE OF THE I ADDL.SENIOR CIVIL JUDGE
AND J.M.F.C AT CHITRADURGA FOR THE OFFENCE P/U/S
323,114,504,498A R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking to quash the entire proceedings in C.C.No.285/2023 pending on the file of I Additional Senior Civil Judge & JMFC., Chitradurga, for the offences punishable under Sections 323, 114, 504, 498A read with Section 34 of IPC, against the petitioners.

2. Petitioner Nos.1 and 3, who are arrayed as accused Nos.2 and 4 are the sisters-in-law and petitioner No.2 (husband of



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petitioner No.1), who is arrayed as accused No.3 is the brother-in-law of respondent No.2-complainant, who is the wife of accused No.1.

3. The factual matrix of the case, as borne out from the records, is that respondent No.2 married accused No.1 – B.V. Raghavendra on 08.11.1998 in accordance with Hindu customs and rites and, thereafter, resided with him. It is alleged that accused No.1 developed an illicit relationship with another woman and subjected respondent No.2 to both physical and mental harassment. It is further alleged that on 19.05.2022 at about 1.00 p.m., accused No.1, along with the said woman, came to the house and assaulted respondent No.2 and demanded dowry of Rs.10 lakh, stating that she could continue to reside in the house only if she brought the said amount.

4. It is the further allegation that the present petitioners, being the sisters and brother-in-law of accused No.1, instigated him to harass respondent No.2. Left with no other option, respondent No.2 lodged a complaint before respondent No.1 – police, which came to be registered in Crime No.67/2022. After completion of investigation, the police laid the charge sheet



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against accused No.1 – husband, as well as the present petitioners, for the aforesaid offences. Aggrieved by the same, the petitioners have approached this Court by filing the present petition.

5. Heard the learned counsel for the petitioners and the learned HCGP. However, though notice is served, respondent No.2 remained unrepresented.

6. Learned counsel for the petitioners would primarily contend that, on a perusal of the complaint and the charge sheet materials in their entirety, there are no specific allegations whatsoever against the petitioners, except the general and omnibus allegation that they instigated accused No.1 to harass respondent No.2. It is further contended that even the statements of the witnesses do not substantiate such allegation against the petitioners. Hence, continuation of the proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, he seeks to allow the petition.



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7. However, the prayer sought for in the petition is opposed by the learned HCGP contending that the investigation has been completed and the charge sheet has been laid against the petitioners. It is therefore contended that there is prima facie material available on record against the petitioners to proceed with the case.

8. I have given my anxious consideration to the submissions of learned counsel for the petitioners so also the learned HCGP and perused the material on record.

9. As could be gathered from the records, the marriage between respondent No.2 and accused No.1 was solemnized in the year 1998, and thereafter, she resided with her husband. It is alleged that on 19.05.2022, accused No.1, having developed an illicit relationship with another woman, came to the house along with the said woman and assaulted respondent No.2. It is further alleged that accused No.1 stated that the petitioners had also advised him to drive respondent No.2 out of the house. However, on a careful perusal of the entire charge sheet material, except for general, omnibus and hearsay allegations, no specific allegation is forthcoming against the petitioners. The



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allegations made against them are not supported by any specific incident, date or overt act. Even the statements of the witnesses do not substantiate the said allegations. Moreover, admittedly, the petitioners are residing separately in their respective houses.

10. 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 - 2024 INSC 960*** has held that the Court should be careful in proceeding against the distant relatives in crimes 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.

11. 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



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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.

12. Further, the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan vs. State of Telangana - 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 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



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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."

13. Having regard to the principles laid down by the Hon'ble Apex Court and applying the same to the facts and circumstances of the present case, I am of the considered view



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that continuation of the proceedings against the petitioners would amount to an abuse of the process of law. Accordingly, the proceedings in C.C.No.285/2023 pending on the file of the I Additional Senior Civil Judge and JMFC, Chitradurga, insofar as the petitioners are concerned, for the offences punishable under Sections 323, 114, 504 and 498A read with Section 34 of the IPC, are hereby quashed.

Accordingly, the petition is ***allowed***.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS
List No.: 1 Sl No.: 32