



CNR: KAHC010238952019

NC: 2026:KHC:51466  
CRL.P No. 5897 of 2019

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

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

**CRIMINAL PETITION NO. 5897 OF 2019**

**BETWEEN:**

1. MR. SIDDARAJU  
AGED ABOUT 31 YEARS,  
S/O PUTTAIAH
2. MR. PUTTAIAH  
AGED ABOUT 50 YEARS,  
S/O LATE P. SIDDAIAH
3. MRS. SUNDARAMMA  
W/O PUTTAIAH  
AGED ABOUT 50 YEARS,
4. MR. SANTOSH  
AGED ABOUT 29 YEARS,  
S/O PUTTAIAH
5. MRS. PREMA H.P,  
W/O SANTOSH,  
AGED ABOUT 22 YEARS,

Digitally signed  
by DEVIKA M  
Location: HIGH  
COURT OF  
KARNATAKA

ALL THE PETITIONERS ARE  
RESIDING AT NO.1744, 2ND CROSS  
MUNISWAMY NAGAR, J.P. NAGAR  
MYSORE - 570 031.

(BY SRI. SUNIL KUMAR H, ADVOCATE)

...PETITIONERS



NC: 2026:KHC:51466  
CRL.P No. 5897 of 2019

CNR: KAHC010238952019

**AND:**

1. STATE OF KARNATAKA  
BY WOMEN POLICE STATION, MYSORE  
REPRESENTED BY STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA.
2. MRS. SHWETHA  
AGED ABOUT 26 YEARS,  
W/O SIDDARAJU T.P,  
RESIDING AT NO.144, 3RD CROSS  
SEWAGE FARM ROAD, KANAKAGIRI  
MYSORE - 570 008.

...RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI. ADDL. SPP FOR R1;  
SRI. C.N. RAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO  
QUASH THE FIR, COMPLAINT AND CHARGE SHEET IN  
C.C.NO.335/2018 VIDE ANNEXURE-A,B AND C RESPECTIVELY  
FILED BY THE RESPONDENT POLICE, FOR THE OFFENCE P/U/S  
498-A R/W 34 OF IPC AND SECTION 3 AND 4 OF D.P. ACT,  
PENDING BEFORE THE IV ADDITIONAL SENIOR CIVIL JUDGE  
AND J.M.F.C., MYSURU.

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

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



CNR: KAHC010238952019

NC: 2026:KHC:51466  
CRL.P No. 5897 of 2019

**ORAL ORDER**

Heard learned counsel for the petitioners and respondent no.2/complainant and the learned Additional SPP appearing for respondent no.1/State.

2. This petition is filed invoking Section 482 of the Code of Criminal Procedure (Cr.P.C.) praying this Court to quash the FIR, Complaint and Chargesheet in C.C.No.335/2018 pending on the file of IV Additional Senior Civil Judge and JMFC, Court, Mysuru for the offences punishable under Section 498A read with Section 34 of IPC and Section 3 and 4 of Dowry Prohibition Act, 1961 (for short, "DP Act").

3. The factual matrix of the prosecution case is that the marriage of respondent No.2/complainant was solemnized with accused No.1 on 24.04.2012. It is alleged that, at the time of marriage, an amount of Rs.50,000/- in cash and 50 grams of gold were given as dowry. Immediately after the marriage, the complainant and



accused No.1 started residing together in the matrimonial home.

4. It is further alleged that thereafter, the petitioners subjected the complainant to harassment and cruelty by demanding additional dowry. In this regard, a panchayat was held, a complaint was lodged, and counselling was also undertaken before the Mysuru Mahila Police. Despite the same, accused No.1 is alleged to have developed an illicit relationship with another woman. When the said conduct was brought to the notice of accused Nos.2 and 3, instead of supporting the complainant, they allegedly supported accused No.1 and drove the complainant out of the matrimonial home on 14.05.2017. Hence, the FIR came to be registered against accused Nos.1 to 5 for the offences punishable under Section 498-A of the IPC read with Section 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

5. The Police, after investigation, have filed the charge sheet against the accused persons, citing the



complainant as C.W.1, her mother as C.W.2, and her maternal uncle as C.W.3. C.Ws.4 and 5 are stated to have been present at the time of the marriage talks and have also been cited as mahazar witnesses. C.W.7 is the person who gave the NCR when the counselling was conducted. C.W.6 is the Police Inspector who initially investigated the matter, and C.W.9 is the Investigating Officer who subsequently conducted the investigation.

6. In the charge sheet, allegations are made that accused Nos.2, 3 and 4 had instigated accused No.1 and that, when the alleged illicit relationship of accused No.1 was brought to the notice of accused Nos.2 and 3, they supported accused No.1 instead of the complainant. On the basis of the said allegations, the offences punishable under Section 498-A read with Section 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act have been invoked. However, the charge sheet has been filed only against accused Nos.1 to 4.



7. Learned counsel appearing for the petitioners vehemently contends that all the family members have been implicated in the offence punishable under Section 498-A of the IPC. Learned counsel further contends that, except C.W.4, who, according to the prosecution, was present at the time of the marriage talks, none of the witnesses have spoken about any specific incident of assault or cruelty. The allegation is that accused No.1 was having an illicit relationship with another woman and that the said fact was brought to the notice of the family members. It is alleged that, instead of supporting the complainant, they supported accused No.1 and instigated him.

8. Learned counsel submits that no specific allegations in the complaint and in the charge sheet primary allegation against accused No.1 and that there are no specific overt acts attributed to the other accused persons, except the general allegation that they supported and instigated accused No.1.



9. Per contra, learned Additional SPP appearing for the State would submit that specific allegations have been made in the complaint against the accused persons. He would further contend that, during the course of investigation, the Investigating Officer has also collected material indicating the involvement of all the accused persons in subjecting the complainant to cruelty and making additional dowry demands.

10. Having heard the learned counsel appearing for the petitioners and respondent no.2/complainant and learned Additional SPP appearing for respondent no.1/State, C.W.1 is the complainant, C.W.2 is her mother, and C.W.3 is her maternal uncle. Though it is alleged in the complaint that a panchayat was convened, none of the persons stated to have participated in the said panchayat have been cited as witnesses in the charge sheet.

11. Having perused the complaint as well as the charge sheet material, the allegations against accused



Nos.2 to 4 are confined to the assertion that they instigated accused No.1 and supported him. However, there are no specific allegations against accused Nos.2 to 4 with regard to demanding additional dowry or subjecting the complainant to cruelty. Except for the said omnibus allegations that they supported and instigated accused No.1, no specific overt acts are attributed to them.

12. When such omnibus allegations are made against the family members, particularly in matrimonial disputes, it is well settled that the Court has to carefully scrutinize the material on record, including the allegations in the complaint, the charge sheet and the statements of the witnesses, before permitting the prosecution to proceed against such family members. Having regard to the charge sheet material and the statements of the witnesses, this Court is of the view that the implication of accused Nos.2 to 4, in the absence of any specific allegations or overt acts against them, would amount to



NC: 2026:KHC:51466  
CRL.P No. 5897 of 2019

an abuse of the process of law and would result in miscarriage of justice.

13. In view of the discussions made above, this Court passes the following:

**ORDER**

- a. Criminal petition is ***allowed-in-part***.
- b. The proceedings in C.C.No.335/2018, pending on the file of the IV Additional Senior Civil Judge and JMFC, Mysuru, insofar as accused Nos.2 to 4 are concerned, are hereby quashed. The claim of petitioner No.1/accused No.1 is hereby rejected.

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