



CNR: KAHC010261082024

NC: 2026:KHC:52459
CRL.P No. 4894 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4894 OF 2024

BETWEEN:

1. HARSHA PRATEEK BORA
AGED ABOUT 39 YEARS,
S/O DINESH BORA
FLAT NO.103, GROUND FLOOR,
GLORY FIELDS APARTMENT,
CHOODASANDRA ROAD,
NEAR NANDINI JUNCTION,
CHOODASANDRA, HUSKUR,
BENGALURU, KARNATAKA 560099.
2. DINESH CHANDRA BORA
AGED ABOUT 68 YEARS,
S/O LATE RAMACHANDRA BORA
FLAT NO.103, GROUND FLOOR,
GLORY FIELDS APARTMENT,
CHOODASANDRA ROAD,
NEAR NANDINI JUNCTION,
CHOODASANDRA, HUSKUR,
BENGALURU, KARNATAKA 560099.
3. ASHA BORA
AGED ABOUT 66 YEARS,
W/O DINESH CHANDRA BORA
FLAT NO.103, GROUND FLOOR,
GLORY FIELDS APARTMENT,



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CHOODASANDRA ROAD,
NEAR NANDINI JUNCTION,
CHOODASANDRA, HUSKUR,
BENGALURU, KARNATAKA 560099.

...PETITIONERS

(BY SRI. MANIAN K.B.S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SUB INSPECTOR OF POLICE
WOMEN'S POLICE STATION
EAST ZONE DIVISION,
BANGALORE 560054,
REP BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT,
BENGALURU - 01.

2. ARTI TRIVEDI
AGED ABOUT 37 YEARS,
D/O MEHUL TRIVEDI
EX-WIFE OF MR.HARSH PRATEEK BORA,
NO.458/01, 2ND FLOOR,
7TH CROSS, 2ND MAIN,
BTM 2ND STAGE,
BENGALURU, KARNATAKA 560078.

...RESPONDENTS

(BY SRI.MAHESH P., HCGP FOR R-1;
SRI.KAMALUDDIN AHAMAD, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE PROCEEDINGS BEARING C.C.NO.30971/2021 ON
THE FILE OF THE 6TH ACMM COURT AT BENGALURU PRUSUANT
TO THE FIR REGISTERED AS CRIME NO.20/2021 BY THE
RESPONDENT NO.2.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in CC No.30971/2021 arising out of Crime No.20/2021 dated 02.02.2021 filed by the East Zone Women Police Station, Bengaluru City, against the petitioners for the offences punishable under Section 504, 498(A), 506, 323 r/w section 34 of IPC currently pending on the file of VI ACMM Bengaluru.

2. Respondent No.2 lodged a complaint before respondent No.1-Police on 02.02.2021 alleging that her marriage was solemnized with petitioner No.1/accused No.1 on 16.01.2011 at Jamalpur, Ahmedabad, in accordance with Hindu customs and rites. After the marriage, they set up their matrimonial home in a rented house at BTM Layout, Bengaluru. Their marital relationship was cordial for some time. Thereafter, accused Nos.2 and 3, i.e., petitioner Nos.2 and 3, used to visit the matrimonial home, and petitioner No.1 used to quarrel with



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respondent No.2 for silly reasons and subjected her to physical and mental harassment. In the year 2017, i.e., after about seven years of marriage, they jointly purchased a residential flat at Glory Fields for a sum of Rs.86 lakhs. Both of them contributed from their respective earnings towards the purchase of the said flat and thereafter started residing therein. It is further alleged that, even in the said house, petitioner No.1 subjected respondent No.2 to physical and mental harassment and ultimately threatened her, stating that she should listen to his words, failing which he would divorce her. Thereafter, she was allegedly thrown out of the house. Hence, she started residing separately and lodged a complaint before respondent No.1-Police. On the strength of the said complaint, FIR came to be registered, as stated *supra*. Respondent No.1-Police conducted investigation and filed a charge sheet against accused Nos.1 to 3, i.e., the petitioners. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners have preferred the present petition.



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3. Heard the learned counsel for the petitioners and learned counsel for respondent No.2 so also learned HCGP.

4. Apart from urging several contentions, the learned counsel for the petitioners primarily contended that, on perusal of the FIR and the averments in the charge sheet, except for certain omnibus allegations, there is no specific incident or allegation forthcoming against the petitioners with regard to the alleged harassment or the other offences alleged in the complaint and charge sheet. He further contends that petitioner No.1, i.e., accused No.1, has obtained a decree of divorce from the competent Court and that respondent No.2 has not challenged the said decree. It is further contended that respondent No.2 is presently residing in Germany and, with an intention to harass the petitioner, lodged the complaint after a lapse of three years from the date of their separation. He further contended that, as per the averments in the complaint as well as chargesheet, except for the allegations relating to monetary claims, none of the ingredients of the offence punishable under Section 498(A) of the IPC are attracted. Accordingly, he prays to allow the petition.



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5. *Per contra*, the learned counsel for respondent No.2 contended that charge sheet has now been filed and that the statements of the material witnesses clearly disclose that, after the marriage, accused No.1 subjected respondent No.2-complainant to physical and mental harassment. He further submits that the allegations made in the complaint are corroborated by the statements of the material witnesses. As such, he submits that the said allegations are required to be tested in a full-fledged trial. Accordingly, he prays to dismiss the petition.

6. Learned HCGP has also opposed the prayer on the similar grounds.

7. I have given my anxious consideration both on the submission and perused the entire materials available on records.

8. As could be gathered from the records, including the averments in the complaint and the charge sheet, it is specifically stated that accused Nos.2 and 3, i.e., petitioner Nos.2 and 3, who are the in-laws of respondent No.2, were



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residing separately. The allegation against them is only that they used to occasionally visit the residence of accused No.1 and respondent No.2. Except for the said allegation, there is absolutely no specific allegation against accused Nos.2 and 3. As far as accused No.1, i.e., the husband, is concerned, the complaint as well as the statements of the witnesses disclose that, within a few months from the date of marriage, he started subjecting respondent No.2 to physical and mental harassment. It is further alleged that, even after purchasing a flat out of the earnings of both accused No.1 and respondent No.2, he continued to quarrel with her and subsequently threw her out of the said matrimonial home. The assertions made in the complaint and charge sheet are *prima facie* supported by the statements of the witnesses. Hence, a *prima facie* case is made out against accused No.1, and the same has to be tested in a full-fledged trial.

9. However, as discussed *supra*, there are no specific *prima facie* allegations against accused Nos.2 and 3 so as to proceed against them for the alleged offences. In such circumstances, the Hon'ble Apex Court, in the case of **K. Subba Rao v. State**



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of Telangana, represented by its Secretary, Department of Home and Others, reported in 2024 INSC 960, and Dara Lakshmi Narayan v. State of Telangana, reported in (2025) 3 SCC 735, held, in paragraph 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 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,



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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."

10. The aforesaid judgment clearly lays down the principle that, in matrimonial disputes, all the relatives of the husband cannot be prosecuted in the absence of specific and distinct allegations against them. In the present case, the allegations made against petitioner Nos.2 and 3 are omnibus in nature and are not supported by any reliable material available in the charge-sheet. Hence, I am of the considered opinion that continuation of the proceedings against petitioner Nos.2 and 3



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would amount to abuse of the process of the Court.

Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed*** in respect of petitioner Nos.2 and 3/accused Nos.2 and 3 and ***dismissed*** in respect of petitioner No.1/accused No.1.
- ii. The proceedings against petitioner Nos.2 and 3/accused Nos.2 and 3 in CC No.30971/2021 arising out of Crime No.20/2021 dated 02.02.2021 filed by the East Zone Women Police Station, Bengaluru City, for the offences punishable under Section 504, 498(A), 506, 323 r/w section 34 of IPC currently pending on the file of VI ACMM Bengaluru is hereby quashed.
- iii. However it is made clear that the proceedings shall continue against petitioner No.1/accused No.1.

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

GPG

List No.: 1 Sl No.: 4