



CNR: KAHC010263132018

NC: 2026:KHC:50481
CRL.P No. 9457 of 2018
C/W CRL.P No. 5641 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.9457 OF 2018

C/W

CRIMINAL PETITION NO.5641 OF 2017

IN CRL.P No.9457/2018:

BETWEEN:

1. SOMASHEKHAR B.,
S/O BANAVAIAH,
AGED ABOUT 40 YEARS,
RESIDING AT NO.55,
1ST FLOOR, 1ST CROSS,
MALLESHWARAM,
BENGALURU-560 003.

...PETITIONER

Digitally signed
by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. RAVI H.K., ADVOCATE)

AND:

1. SMT SWETHA N.,
W/O SOMASHEKHAR B,
D/O H. NARAYANAPPA
AGED ABOUT 34 YEARS,
RESIDING AT NO.92,
4TH CROSS, 7TH MAIN,
DIAGONAL ROAD,
RPC ROAD, HAMPINAGAR,
BENGALURU-560 104.



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2. BANAVAIAH,
S/O LINGAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT NO.55,
VYJAYANTHA, 1ST FLOOR,
1ST CROSS, MALLESHWARAM,
BENGALURU-560 003.
3. UMESH,
S/O BANAVAIAH,
AGED ABOUT 36 YEARS,
RESIDING AT NO.55,
VYJAYANTH, 1ST FLOOR,
1ST CROSS, MALLESHWARAM,
BENGALURU-560 003.

...RESPONDENTS

(BY SRI. BALASUBRAMANYA B.N., ADVOCATE FOR R1;
VIDE ORDER DATED 13.01.2025,
SRI. GOWTHAMDEV C. ULLAL, ADVOCATE FOR R2 AND R3)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.MISC.NO.14/2017 INITIATED BY THE RESPONDENT BEFORE
THE COURT OF THE III ADDITIONAL METROPOLITAN
MAGISTRATE AND TRAFFIC COURT, BENGALURU, IN SO FAR
AS THE PETITIONER IS CONCERNED.

IN CRL.P NO.5641/2017:

BETWEEN:

1. SRI. BANAVAIAH C.N.,
S/O LINGAPPA,
AGED ABOUT 73 YEARS,
R/AT NO.55, VYJAYANTH,
1ST FLOOR, 1ST CROSS,
MALLESHWARAM,
BENGALURU-560 003,



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2. SRI. UMESH B.,
S/O BANAVAIAH C.N.,
AGED ABOUT 33 YEARS,
R/AT NO.55, VYJAYANTH,
1ST FLOOR, 1ST CROSS,
MALLESHWARAM,
BENGALURU-560 003.

...PETITIONERS

(BY SRI. GOWTHAMDEV C. ULLAL, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENT BY MALLESHWARA P.S.,
BENGALURU-560003,
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BENGALURU-01.

(VIDE COURT ORDER DATED 12.09.2017,
RESPONDENT NO.1 IS DELETED).

2. SMT. SHWETHA N.,
W/O SOMASHEKAR,
D/O H. NARAYANAPPA,
AGED ABOUT 31 YEARS,
R/AT NO.92, 4TH CROSS,
7TH MAIN ROAD, DIAGONAL ROAD,
RPC ROAD, HAMPINAGAR,
BENGALURU-560 004.

...RESPONDENTS

(VIDE COURT ORDER DATED 12.09.2017, R1 IS DELETED;
SRI. BALASUBRAMANYA B.N., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS INITIATED
BY THE RESPONDENT IN CRL.MISC.NO.14/2017 ON THE FILE
OF THE METROPOLITAN MAGISTRATE AND TRAFFIC COURT-



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III, BENGALURU, IN SO FAR AS THE PETITIONERS ARE CONCERNED VIDE ANNEXURE-G.

THESE PETITIONS 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 and the learned counsel for the respondents in both the petitions.

2. These two petitions are filed by the husband as well as in-laws of the complainant, respectively, praying this Court to quash the proceedings initiated against them in Crl.Misc.No.14/2017, wherein invoked the Protection of Women from Domestic Violence Act, 2005 ('DV' Act for short).

3. The learned counsel for the petitioner in Crl.P.No.9457/2018 would vehemently contend that only with an intention to harass the petitioner/husband, a case is filed against him. The learned counsel would contend that a petition is filed by respondent No.1/complainant in Crl.Misc.No.14/2017 alleging domestic violence at the hands of the petitioner and respondent Nos.2 and 3. It is alleged that the petitioner subjected her to cruelty on 19.10.2015 at 12.30 a.m. and she



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left the matrimonial home on 19.10.2015. However, respondent No.1 lodged the said complaint on 22.07.2016 almost 8 months later and the petition in Crl.Misc.No.14/2017 on 28.01.2017, before the Court of Metropolitan Magistrate and Traffic Court, Bangalore, alleging domestic violence as an afterthought by abusing the process of law to harass the petitioner unjustifiably. The learned counsel would contend that when the differences were arisen between the husband and wife, the petitioner himself has given notice and thereafter, all sorts of acts is done by the wife. The learned counsel brought to the notice of this Court the averments made in the petition in Crl.Misc.No.14/2017 and prayer sought under Sections 18, 19, 20 and 22 of the DV Act. The learned counsel also brought to the notice of this Court that when the notice was given on 01.06.2016 as per Annexure-B, the same was served on her on 02.06.2016 as per Annexure-C. The learned counsel also brought to the notice of this Court Annexure-D that she did not participate in the said case. Hence, the petitioner has issued the notice on 14.07.2016 and thereafter only, afterthought a complaint was filed as per Annexure-F and so also



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Crl.Misc.No.14/2017 is initiated. The learned counsel also would submit that in view of the complaint, offences under Sections 506, 498A read with 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act ('DP Act' for short) are invoked. The police also investigated the matter and filed the charge-sheet for the offences under Sections 506, 498A of IPC and Section 3 and 4 of the DP Act and the same is only against the petitioner and not against the in-laws and 'B' report is filed in respect of the in-laws.

4. The petitioners in Crl.P.No.5641/2017 i.e., in-laws of the complainant, have also sought for quashing of the proceedings initiated against them along with the husband in Crl.Misc.No.14/2017. The learned counsel for the petitioners brought to the notice of this Court that when investigation was conducted, 'B' report was filed and the same was not challenged. The learned counsel also vehemently contend that there is no any specific accusation against the in-laws and only with an intention to harass them, they have been made as parties in the proceedings. The learned counsel in support of his arguments relies upon the order passed by the Apex Court



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in Criminal Appeal arising out of Special Leave Petition (Crl.) No.9556/2022 dated 07.02.2025 and brought to the notice of this Court the discussion made in paragraph Nos.29, 31 and particularly 35, wherein the Apex Court made an observation that in criminal cases relating to domestic violence, the complainants and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family.

5. The learned counsel would vehemently contend that in the case on hand, there is no specific allegation against these petitioners. The learned counsel also brought to the notice of this Court Criminal Miscellaneous proceedings, particularly paragraph Nos.11, 12, wherein it is stated that case was registered in Crime No.132/2016 and police have investigated the matter and filed the charge-sheet. But did not disclose the fact that 'B' report was filed against these two petitioners and only mentioned about taking of cognizance by the Court.



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6. Per contra, the learned counsel for the respondent/complainant would vehemently contend that the averments made in the criminal miscellaneous petition itself is very clear and particularly in respect of the husband is concerned, in paragraph No.7, it is categorically stated that he has neglected her and was not taking her out of the house and was not expressing any love or affection towards her since she could not bring money demanded by him. It is also an allegation that the husband started abusing and beating her and started saying that if she does not bring money as demanded by him, she will be treated as a servant at home. Unfortunately, in-laws also joined hands with her husband and they also started threatening her of giving more torture if she fails to bring money from her father's house. The learned counsel would contend that an allegation is made not only against the husband, but also against the in-laws that they are supporting her husband and subjected her for harassment. The counsel also brought to the notice of this Court that during October 2015, the respondents threatened her of chopping her with hatchet and killing her. The first respondent had also



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asked the petitioner to get out of the house so that he can marry another girl and the petitioner called up her parents several times and informed this fact to them. The respondents became furious and on 19.10.2015 at about 12.30 a.m., respondent No.1 started beating the petitioner mercilessly, choked her neck, pulled her braid and tortured her physically.

7. Having heard the learned counsel for the petitioners and the learned counsel for the respondents and also considering the material on record, specific allegations are made against the husband. But word was added 'unfortunately' respondent Nos.2 and 3 i.e., the in-laws also joined hands with her husband and they also started threatening her. This averment is very clear that specific physical assault and mental torture is attributed against the husband and not against the in-laws. No doubt, the learned counsel for the respondent/complainant brought to the notice of this Court paragraph No.10 of the criminal miscellaneous petition, but in paragraph No.10, specific allegation is made against the husband and only an allegation is made against the in-laws that



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they also caused the threat. No overt-act allegations are made against the in-laws.

8. The learned counsel for the petitioners also brought to the notice of this Court that when the notice was issued to the respondent/complainant, she did not turn up and hence, the husband only issued the legal notice and thereafter only, afterthought the petition is filed making an allegation against them. No doubt, in the complaint filed by the wife, police have investigated the matter and filed the charge-sheet only against the husband and not against the in-laws. The same is also not challenged before the Court. When specific allegations are made against the husband, it is not a case to prevent the respondent/complainant from initiating the domestic violence proceedings against the husband. Insofar as the in-laws are concerned, there are no specific overt-act allegations against them and only an omnibus statement is made that they are also supporting the husband and causing threat. The learned counsel for the petitioners in Crl.P.No.5641/2017 brought to the notice of this Court the judgment of the Apex Court referred supra, wherein in paragraph No.35, it is held that



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implicating all such relatives without making specific allegations would amount to abuse of process of law. When such being the material available on record, I am of the opinion that the petitioners in Crl.P.No.5641/2017 have made out a case to quash the proceedings against them. But in respect of the husband is concerned, in paragraph No.7 of the petition, specific allegations are made against him and the same has to be ascertained during the course of trial and hence, it is not a case for quashing the proceedings against the petitioner in Crl.P.No.9457/2018.

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

ORDER

- (i) Crl.P.No.9457/2018 is dismissed.
- (ii) Crl.P.No.5641/2017 is allowed and the proceedings initiated against the petitioners is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 28