



CNR: KAHC010368422024

NC: 2026:KHC:54467
CRL.P No. 9336 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 9336 OF 2024

BETWEEN:

1. SRI PAVAN KUMAR J.A
AGED ABOUT 38 YEARS
S/O SRI ASWATH NARAYAN SETTY J V,
NO.515, LAXMINARAYANA NILAYA,
10TH CROSS, 12TH MAIN, 1ST PHASE,
BHAVANI NAGARA, BENGALURU SOUTH,
BENGALURU-560 056
2. SMT PADAMVATHI
AGED ABOUT 62 YEARS
W/O SRI ASWATH NARAYAN SETTY J.V,
3. SRI ASWATH NARAYAN SETTY J.V
AGED ABOUT 71 YEARS
S/O LATE SRI VENKATADRI SETTY S.H
4. SRI MANJUNATHA
AGED ABOUT 35 YEARS
S/O SRI ASWATH NARAYAN SETTY J.V

THE PETITIONERS 2 TO 4 ARE
RESIDING AT NO. 259, 1ST MAIN,
2ND CROSS, DEVARAJ URS LAYOUT,
A BLOCK, DAVANGERE, PIN - 577 006

5. SMT. B.R GAYATHRI
AGED ABOUT 41 YEARS
W/O SRI. B.H RAGHAVENDRA,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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6. SRI. B.H RAGHAVENDRA
AGED ABOUT 43 YEARS
S/O SRI. B.S HANUMATHRAJ SHETTY

PETITIONERS 5 AND 6 ARE
RESIDING AT HALEPETE,
NEAR VEERABHADRA SWAMY TEMPLE
BIRUR- 577 116

...PETITIONERS

(BY SRI. K.S GANESH, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY WOMEN
POLICE STATION
DAVANAGERE PIN - 577 001
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU - 560 001
2. SMT KAVYA
AGED ABOUT 35 YEARS
W/O SRI PAVAN KUMAR,
RESIDING AT NO.175,
FIRST FLOOR, 10TH A CROSS,
A BLOCK, DEVARAJ URS BADAVANE,
DAVANAGERE - 577 001

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. ASHWIN PRABHU FOR
SRI. ANGAD KAMATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR IN CRIME NO.46/2024 REGISTERED FOR THE OFFENCES P/U/S 498A, 417, 504, 323, 506(2), 114 R/W 34 OF IPC, UNDER SECTION 3 AND 4 OF DP ACT AND UNDER SECTION 3 OF KARNATAKA PREVENTION AND ERADICATION OF INHUMAN EVIL PRACTICE AND BLACK MAGIC ACT, 2017 BY THE WOMAN POLICE STATION, DAVANAGERE



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PENDING ON THE FILE OF 2ND ADDITIONAL CIVIL JUDGE (SR.DN) AND JMFC, DAVANAGERE.

THIS PETITION, COMING ON FOR ORDERS, 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. by the petitioners - accused Nos.1 to 6 seeking to quash the FIR registered in Crime No.46/2024 against them by the 1st respondent - police for the offences punishable under Sections 498A, 417, 504, 323, 506(2), 114 read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act and under Section 3 of the Karnataka Prevention and Eradication of Inhuman Evil Practice and Black Magic Act, 2017, on the file of learned II Additional Civil Judge (Sr.Dn.) & JMFC, Davanagere.

2. The petitioner Nos.1 to 6, who are accused Nos.1 to 6 are the husband, mother-in-law, father-in-law, brother-in-law, sister-in-law and sister-in-law's husband respectively of respondent No.2.



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3. The factual matrix of the case is that respondent No.2 lodged a complaint before the 1st respondent - police on 28.03.2024 alleging that her marriage was solemnized with petitioner No.1 i.e., accused No.1 on 29.11.2023. Thereafter, respondent No.2 started to reside at her matrimonial home with accused Nos.1 to 4. The relationship was cordial only for a few days and thereafter, accused Nos.1 to 3 started to harass respondent No.2 both physically and mentally for additional dowry. It is further alleged that accused Nos.4 to 6 instigated accused Nos.1 to 3 to harass respondent No.2. On the strength of said complaint, FIR in Crime No.46/2024 came to be registered against all the petitioners for the aforementioned offences. Being aggrieved by the same, the petitioners are before this Court in this petition.

4. Heard the learned counsel for the respective parties.

5. The primary contention of the learned counsel for the petitioners is that, except some omnibus allegations against them, there are no specific allegations in the complaint with reference to any specific date, time or the incident or the manner in which offence has been committed by the



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petitioners. He also contended that accused Nos.4 to 6, being the brother-in-law, sister-in-law and her husband, no way connected to the alleged incident, that too, accused Nos.5 and 6 are residing separately at Birur. Accused No.4 being the brother-in-law, no specific allegations are forthcoming against him in the complaint. Thus, continuation of proceedings against the petitioners would be abuse of process of court. Accordingly, he prays to allow the petition.

6. The prayer in the petition is opposed by learned counsel for respondent No.2 as well as learned HCGP. They jointly submit that the investigation is at nascent stage and the 1st respondent - police have to collect the material evidence by examining the witnesses. Moreover, the complaint prima facie discloses the commission of cognizable offence against the petitioners. In such circumstances, at this stage, the proceedings cannot be quashed against them when there are specific allegations of dowry demand and physical and mental harassment by the petitioners to respondent No.2. Accordingly, they pray to dismiss the petition.



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7. I have given my anxious consideration to the submissions of learned counsel for respective parties and perused the material on record.

8. The relationship between the petitioners and respondent No.2 is not in dispute. It is also not in dispute that respondent No.2 stayed at the matrimonial home along with accused Nos.1 to 4 for a few days. The averment in the complaint discloses that during her stay at matrimonial home, accused nos.1 to 3 harassed her both physically and mentally for additional dowry and also humiliated and insulted her. However, there is no such specific averment/allegation made against accused Nos.4 to 6. Admittedly, accused Nos.5 and 6 are residing separately at Birur and as against accused No.4, who is the brother-in-law of respondent No.2, there is no such specific averment with reference to the date, time and the manner in which they harassed respondent No.2. In such circumstances, though there is a prima facie case against accused nos.1 to 3, however, as regards accused Nos.4 to 6 are concerned, no specific allegations of their involvement in the crime are forthcoming in the complaint. Further, in the complaint,



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respondent No.2 has not provided any specific details or described any particular instance of harassment. She has not mentioned the time, date, place or a manner in which the alleged harassment occurred or the details of the nature of demand or its particulars against accused Nos.4 to 6.

9. 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.

10. 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 in the complaint to a thorough scrutiny to find out, whether



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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.

11. Further, the Hon'ble Apex Court in the case of **DARA LAKSHMI NARAYAN Vs. STATE OF TELANGANA - 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



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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."

12. It is settled position of law that, Courts have to be careful and cautious in dealing with complaint and must take pragmatic realities into consideration while dealing with matrimonial disputes, where the allegations have to be scrutinized with



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great care and circumspection in order to prevent miscarriage of justice and abuse of process of Court.

13. Hence, even if the entire allegations in the FIR are taken on its face value, there is no such *prima facie* case made out against petitioner Nos.4 to 6 i.e., accused Nos.4 to 6. As such, continuation of proceedings against them is nothing but abuse of process of Court. However, as regards petitioner Nos.1 to 3 i.e., accused Nos.1 to 3, since there are *prima facie* allegations, the proceedings cannot be quashed against them. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed*** in respect of petitioners 4 to 6 i.e., accused Nos.4 to 6 by quashing the FIR registered in Crime No.46/2024 by the 1st respondent police against them for the offences punishable under Sections 498A, 417, 504, 323, 506(2), 114 read with Section 34 of IPC and Sections 3 and 4 of the Dowry Prohibition Act and under Section 3 of the Karnataka Prevention and Eradication of Inhuman Evil Practice and Black Magic Act, 2017, on the file of learned



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II Additional Civil Judge (Sr.Dn.) & JMFC,
Davanagere.

- ii. However, the petition in respect of petitioner
Nos.1 to 3/accused Nos.1 to 3 is ***dismissed***
and proceedings against them in FIR
No.46/2024 shall continue.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 15