



NC: 2026:KHC:50386
CRL.P No. 7936 of 2022

CNR: KAHC010372832022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 7936 OF 2022

BETWEEN:

- 1 . SRI UDAY SHANKAR M
S/O LATE H. MALLESHAPPA,
AGED 68 YEARS,
- 2 . SMT.SHOBHA UDAYSHANKAR
@ SHOBHARANI
W/O SRI UDAYASHANKAR,
AGED 60 YEARS

BOTH ARE R/AT NO.40,
SIDDEGOWDA STREET,
NEAR MINERVA CIRCLE,
DODDAMAVALLI,
BASAVANAGUDI,
BENGALURU - 560 004.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

...PETITIONERS

[BY SRI RAMESH KUMAR K.R., ADVOCATE (PH)]

AND:

- 1 . THE STATE OF KARNATAKA
REP BY NAGAMANGALA RURAL POLICE,
MANDYA DISTRICT - 572 101.
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.



CNR: KAHC010372832022

NC: 2026:KHC:50386
CRL.P No. 7936 of 2022

2 . SMT.NISARGA K
AGED 24 YEARS,
W/O SRI RATHEESH M
D/O SRI KALLESHGOWDA
HUCHCHAKALLEGOWDANA
KOPPALU VILLAGE,
HONAKERE HOBLI - 571 432
NAGAMANGALA TALUK,
MANDYA DISTRICT.

...RESPONDENTS

[BY SRI MAHESHA P., HCGP FOR R1 (PH);
SRI K.A.CHANDRASHEKARA, ADV. FOR R2 (PH)]

THIS CRL.P IS FILED U/S.482 CR.P.C., PRAYING TO
ALLOW THIS PETITION AND THEREBY QUASH THE ENTIRE
PROCEEDINGS IN C.C.NO.374/2022 ON THE FILE OF THE CIVIL
JUDGE AND JMFC, NAGAMANAGALA, MANDYA DISTRICT IN SO
FAR AS THESE PETITIONERS ARE CONCERNED AND THEREBY
DISCHARGE PETITIONERS OF ALL THE CHARGES AND ETC.,

THIS PETITION IS HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 11.08.2026, THIS DAY, THE COURT,
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



CNR: KAHC010372832022

NC: 2026:KHC:50386
CRL.P No. 7936 of 2022

CAV ORDER

Challenging entire proceedings in CC no.374/2022 on file of Civil Judge and JMFC, Nagamangala for offences punishable under Sections 420, 498A, 323, 504, 506, 307 read with Section 149 of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri Ramesh Kumar KR., learned counsel for petitioners submitted that petitioners were accused no.4 and 5 (**petitioners**) in complaint filed by respondent no.2 (**complainant**) on 12.11.2021 stating that while pursuing M.Tech., one of her relatives proposed her marriage alliance with Ratheesh M., a TCS Engineer from Bengaluru. And on 02.11.2019, Ratheesh M. (**accused no.1**) with his mother Gayatridevi (**accused no.2**), sister-in-law Rashmi (**accused no.3**) etc. came to her house and fixed her marriage with him. But when chowltry was booked at Nagamangala for marriage on March, 2020, booking was cancelled by accused unilaterally on ground that venue did not suit their status. But in August 2020, accused (including petitioners) re-fixed wedding, but by demanding Rs.10 Lakhs in cash and 200 grams of gold jewelry



CNR: KAHC010372832022

as dowry and promising to fund complainant's education. On 18.11.2020, accused threatened to call off wedding if dowry amount were not paid. Therefore, her father borrowed Rs.2 Lakhs paid it and promised to pay remaining later.

3. But when she went to matrimonial home after marriage, she was harassed for dowry. Accused no.1 used to consume alcohol regularly and beat her. In March, 2021 she discovered divorce decree in MC no.2721/2016 and found accused no.1 was divorcee which was suppressed from her. When confronted she was abused, assaulted and thereafter left with her parents saying she did not match their status and dowry amount was unpaid. On 23.06.2021, her brother dropped her at house of accused. Next day, accused no.1 took sleeping pills and fed complainant some other tablets to commit suicide. But accused took only accused no.1 to hospital and locking her up at home. She managed to go to hospital on her own and informed her parents, who took her home. Thereafter, accused shifted their house and refused to share location to her. On 30.09.2021, when she traced and went there, accused no.1 threatened to kill her by running her over by his



CNR: KAHC010372832022

motorcycle. On complaint, police held conciliation and sent them home. Thereafter, accused no.1 messaged her that they should forget past and start afresh. Believing him, she joined him at Ashwathnagar on 31.10.2021. But, accused no.1 continued to come home drunk and beat her. And to prevent her from knowing about his impotency, they kept her away from him. When she refused IVF treatment, on 09.11.2021 she was thrown out of house at 12.30 a.m. She took refuge with her sister and informed her parents. Due to illness, when she was in hospital, accused abused complainant and her parents and asked her not to return without remaining dowry. Stating that in hope of improvement of situation, she had tolerated harassment, that by suppressing impotency and earlier marriage/divorce of accused no.1, demanding dowry etc. accused cheated her, filed complaint, registered as Crime no.245/2021 by Nagamangala Rural Police Station for offences punishable under Sections 420, 498A, 323, 504, 506, 307, 149 of IPC read with Sections 3 and 4 of Dowry Prohibition Act, 1961 (**DP Act**). On completion of investigation, charge sheet was filed for above offences. And though petitioners were relatives of accused no.1 and residing separately, they were



CNR: KAHC010372832022

also being implicated to harass them. Challenging said proceedings, this petition was filed.

4. It was submitted, Section 420 of IPC would attract only in case of allegation of dishonest intention to cheat from inception, unlike in present case. It was submitted, petitioners were uncle and aunt of accused no.1, who had attended post marriage functions and were in fact residing separately. It was submitted, there were also grave inconsistencies in statements of CW.1 and complaint. Further in absence of allegation of attempt to commit murder by petitioners, invocation of Section 307 of IPC would not be justified. It was lastly contended that complaint allegations were mainly against accused no.1. Therefore, continuation of proceedings against petitioners would not be justified and sought for allowing petition.

5. Sri Mahesha P,, learned HCGP for respondent no.1- State and Sri KA Chandrashekara, learned counsel for complainant opposed petition. It was submitted, there were specific allegations about demand for dowry and harassment meted out by petitioners. It was also alleged that they instigated accused no.1 to demand dowry. They fairly conceded



CNR: KAHC010372832022

that there were no ingredients for offence under Section 307 of IPC, but more than *prima facie* case insofar as other offences. It was submitted, allegation of suppression of previous marriage/divorce would be matter for trial and prayed for dismissal of petition.

6. Heard learned counsel and perused material on record.

7. This petition is by accused no.4 and 5, challenging entire proceedings in CC no.374/2022 for offences punishable under Sections 420, 498A, 323, 504, 506, 307 read with Section 149 of IPC.

8. Main grounds of challenge are that petitioners were relatives of accused no.1 residing separately and except omnibus allegations along with other accused, there were no specific overt acts alleged against them, besides inconsistencies in statements of witnesses, whose statements were recorded by Police and that they were implicated only to harass them, which would be abuse of process of law.



CNR: KAHC010372832022

9. Hon'ble Supreme Court in case of ***State of U.P. & Anr. v. Akhil Sharda & Ors.***, reported in **(2023) 11 SCC 626**, has held under Section 482 of CrPC, High Court cannot get into appreciation of evidence. Consequently, inconsistencies in statements cannot be ground for quashing of proceedings. And if entire prosecution material taken on face value indicates *prima facie* case of offences alleged, trial would be required.

10. Overt acts alleged against petitioners in complaint are that they accompanied family of accused no.1 in **August, 2020** confirming marriage alliance by assuring to take care of complainant after marriage including her education. And petitioners joining accused no.1 and his family on **18.11.2020** in threatening to call off wedding, if dowry of Rs.10 Lakhs was not paid. But allegation of demand for dowry and payment of Rs.2 Lakhs is however confined to accused no.1 and his family and not against petitioners. There is also allegation about petitioners subsequently instigating accused no.1 to harass complainant to demand dowry and in **February, 2021**, along with accused no.1 and his family abusing, assaulting and threatening complainant not allowing cohabitation, asking her to divorce her husband and go away. There is also allegation



CNR: KAHC010372832022

that after discovery of divorce decree when complainant confronted accused (including petitioners) they threatened, abused and assaulted her. And later when she questioned them on impotency of her husband, they suggested her to undergo IVF and when she refused throwing her out of house at midnight by threatening to kill her if she filed complaint.

11. Charge sheet relies on statements of complainant, her parents, brother and sister as CWs.1 to 5, CW.6 as eye-witness to receipt of amount of Rs.2 Lakhs by accused, CWs.7 and 8 as eye-witnesses to altercation between complainant and accused on 19.05.2021, CW.14 lending Rs.2 Lakhs to complainant's father and CW.13 as witness to marriage alliance discussion. In her statement, complainant (CW.1) confines allegation against petitioners to cheating by suppressing impotency and earlier marriage of accused no.1. CWs.2 and 3 reiterate entire complaint allegations and corroborate allegations by complainant. Statements of CWs.4 to 7, 13 and 14 insofar as petitioners are hearsay, which would not constitute evidence.



CNR: KAHC010372832022

12. Hon'ble Supreme Court in **GV Rao v. LHV Prasad**

& Ors. reported in **(2000) 3 SCC 693**, held:

"12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts."

13. In **Preeti Gupta & Anr. v. State of Jharkhand**

& Anr. reported in **(2010) 7 SCC 667**, it was held that Courts have to be extremely careful and cautious in dealing with complaints in matrimonial cases. Allegations of harassment by husband's close relatives, who had been living in different cities and never or rarely visited place where complainant resided would have an entirely different complexion. And in **Seenivasan v. State & Anr.** reported in **(2019) 8 SCC 642**, it was held:



CNR: KAHC010372832022

"6. *Having heard the learned counsel on both sides, we have perused the impugned order [Muthumariammal v. State of T.N., 2018 SCC OnLine Mad 13302] and other material placed on record. The quashment petition was filed before the High Court by the A-5 to A-7. So far as A-5 is concerned, as she died during the pendency of the proceedings, cause did not survive. So far as A-7, who is the wife of A-6, is concerned, the High Court has observed that there are no specific overt acts against her and she has been residing in a different address and at no point of time she had been in a joint family wherein the de facto complainant lived during the period the alleged demand of dowry is said to have been made. On the aforesaid ground, the High Court has quashed the proceedings so far as A-7 is concerned. So far as appellant A-6 is concerned, the petition is dismissed by the High Court observing that there are some averments against the appellant. It is not in dispute that the appellant A-6, who is the husband of A-7, was residing at a different address during the time alleged demand was made. Further, we have perused the complaint filed by the 2nd respondent. Mainly the specific allegations are only against the husband and immediate family members. So far as the appellant who is A-1's paternal uncle's son, a bald allegation is made that he along with his mother and wife were abusing the complainant. In absence of any specific allegations against him, we are of the view that the appellant also stands on the same footing of A-7 against whom proceedings are quashed. As the appellant was not even residing in the address of the complainant and his family members who are A-1 to A-4 and in absence of specific allegations and overt acts, we are of the view that if the proceedings are allowed to go on against the appellant, it amounts to abuse of process. Applying the ratio laid down in the judgment of this Court in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , we are of the view that it*



CNR: KAHC010372832022

NC: 2026:KHC:50386
CRL.P No. 7936 of 2022

is a clear case which falls within one of the categories of the aforesaid case where power can be exercised under Section 482 CrPC to quash the proceedings."

14. In **Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors.**, reported in **(2022) 6 SCC 599**, it is held as follows:

*"17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that **false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law.** Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."*

15. In **Rajesh Chaddha v. State of U.P.** reported in **2025 SCC OnLine SC 1094**, it is held allegations cannot be ambiguous or made in thin air. In **Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr.**, reported in **(2025) 3 SCC 735**, it is held as follows:

"20. A bare perusal of the FIR shows that the allegations made by Respondent 2 are vague and omnibus. Other than claiming that Appellant 1 harassed her and that Appellants 2 to 6 instigated him to do so, Respondent 2 has not



CNR: KAHC010372832022

provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations."

... ..
27. 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 particularised 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, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 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.

... ..
30. The inclusion of Section 498-A 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 498-AIPC as a tool



CNR: KAHC010372832022

for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, 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 498-A 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"

16. In **Achin Gupta v. State of Haryana and Anr.**, reported in **(2025) 3 SCC 756**, Hon'ble Supreme Court held that Section 498A of IPC should not be applied mechanically. If Court is convinced that involvement by complainant of her husband and his close relatives is with oblique motive, then *even if FIR and Charge Sheet disclose commission of a cognizable offence*, Court should take pragmatic view of matter and to do substantial justice read between lines and quash proceedings. In **Mahmood Ali v. State of U.P. & Ors.** reported in **(2023) 15 SCC 488**, it was observed, when accused approached High Court under Section 482 of CrPC or Article 226 of Constitution of India for quashing of proceedings on ground of being frivolous/vexatious or instituted to wreak vengeance, it will not be enough for it to look at averments in



CNR: KAHC010372832022

FIR/complaint alone to ascertain whether necessary ingredients of offences are disclosed. In frivolous or vexatious proceedings, it owed duty to look into other attending circumstances emerging from record with due care and circumspection, to try and read between lines. And in **Geddam Jhansi & Anr. v. State of Telangana & Ors.** reported in **2025 SCC OnLine SC 263**, it held:

- "34. *For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner to hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, **mere general allegation of harassment without pointing out the specifics against such perpetrators would not suffice**, as is the case in respect of the present appellants.*
35. *We are, thus, of the view that in criminal cases relating to domestic violence, the complaints 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*



CNR: KAHC010372832022

indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

36. *Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case."*

(emphasis supplied)

17. In **Ghanshyam Soni v. State (Government of NCT of Delhi)** reported in **2025 SCC OnLine SC 1301**, Hon'ble Supreme Court usefully referred to its observations in **K. Subba Rao v. State of Telangana Represented by Its**



CNR: KAHC010372832022

Secretary, Department of Home reported in **(2018) 14 SCC 452:**

"6. The Courts 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 instances of their involvement in the crime are made out."

18. And reiterated principle in **Arti Mehta v. State of M.P. & Anr.** reported in **2026 SCC OnLine SC 933**, while quashing proceedings on ground that allegations against accused were omnibus, generalised and unsupported by specific overt acts.

19. In light of above pronouncements, noticeable fact that allegations insofar as petitioners herein are in common with other accused without specifying anywhere context in which petitioners, living elsewhere, had arrived at house of accused no.1 and without stating specific overt acts of petitioners, can lead to only one conclusion that they were implicated to wreak vengeance against family members of accused no.1. As such allegation of offences under Sections



NC: 2026:KHC:50386
CRL.P No. 7936 of 2022

CNR: KAHC010372832022

498A, 323, 504, 506, 307 read with Section 149 of IPC would require to be quashed *qua* petitioners.

20. Other main allegation by complainant is about accused suppressing fact that accused no.1 was impotent, was married and divorced earlier. But there is neither allegation nor any material insofar as petitioners that they were aware of same from inception and deliberately/dishonestly suppressed same with intention to induce to part with cash and jewelry. Consequently, even said charge would not sustain against petitioners. Hence, following:

ORDER

Petition is ***allowed*** and proceedings in CC no.374/2022 on file of Civil Judge and JMFC, Nagamangala for offences punishable under Sections 420, 498A, 323, 504, 506, 307 read with Section 149 of IPC stand quashed *qua* petitioners (accused no.4 and 5).

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 51