



CNR: KAHC010390832024

NC: 2026:KHC:55354
CRL.P No. 7701 of 2024
C/W CRL.P No. 11704 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7701 OF 2024

C/W

CRIMINAL PETITION NO. 11704 OF 2024

IN CRL.P No. 7701/2024

BETWEEN:

SANJAY RAMCHAND PUNJABI
SO LATE RAMCHAND,
AGED ABOUT 54 YEARS,
R/AT NO. ASHIRWAD RESIDENCY,
FLAT C2-25, SECOND MAIN ROAD,
3RD CROSS, LOTTEGOLLAHALLI,
RNV SECOND STAGE, BANGALORE-94,
NEAR DASTA NORTH AVENUE APART.

...PETITIONER

(BY SRI. VAKKUND SONATAI GANAPATRAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SANJAY NAGAR,
POLICE STATION,
REPRESENTED BY SPP,
BANGALORE, KARNATAKA
2. TANVI SANJAY PUNJABI
AGED ABOUT 48 YEARS,
W/O SANJAY RAMCHAND
R/AT NO. ASHIRWAD RESIDENCY,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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FLAT C2-25, SECOND MAIN ROAD,
3RD CROSS, LOTTEGOLLAHALLI
RMV SECOND STATE
BANGALORE-94
NEAR DASTA NORTH AVENUE APART

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. RAGHURAM CADAMBI, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO 1)
QUASH THE PROCEEDINGS IN FIR NO.0277/2023 PENDING
BEFORE THE VIIITH ADDL. CMM COURT, VIDE ANNEXURE-A. 2)
QUASH THE COMPLAINT AND FIR NO.0277/2023 DATED
28.10.2023 REGISTERED BY SANJAY NAGAR POLICE STATION,
FOR OFFENCE U/S 498A OF IPC, 1860 IN FIR NO.0277/2023
AND C.C. NO.18727/2024 PENDING BEFORE THE VIIITH ADDL.
CMM COURT, BANGALORE VIDE ANNEXURE-B AND C.

IN CRL.P NO. 11704/2024

BETWEEN:

MR. MANOHAR MOTIRAM AHUJA
S/O. MOTIRAM AHUJA,
AGED ABOUT 77 YEARS,
R/AT PLOT NO. 40, 3RD FLOOR,
ICRISAT COLONY, PHASE-I,
NEAR GHANSHYAM SUPER MARKET,
NEW BOWNPALLY, TIRUMALAGIRI,
HYDERABAD, TELANGANA-500 009.

...PETITIONER

(BY SRI. NARENDRA H.N, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH SANJAYNAGAR POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
ADVOCATE GENERAL OFFICE,
HIGH COURT COMPLEX, BENGALURU-560 001.



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2. MS. TANVI SANJAY PUNJABI
W/O. MR. SANJAY PUNJABI,
AGED ABOUT 49 YEARS,
RESIDING AT FLAT C-2,
25, 2ND MAIN ROAD,
3RD CROSS, LOTTEGOLLAHALLI,
RMV 2ND STAGE,
BENGALURU-560 094.
3. MR. SANJAY PUNJABI
S/O. RAMACHAND PUNJABI,
AGED ABOUT 55 YEARS,
RESIDING AT FLAT C-2,
25, 2ND MAIN ROAD,
3RD CROSS, LOTTEGOLLAHALLI,
RMV 2ND STAGE,
BENGALURU-560 094.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. RAGHURAM CADAMBI, ADVOCATE FOR R2,
VIDE ORDER DATED 20.03.2025, NOTICE TO R3 IS
DISPENSED WITH)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO SET-ASIDE ORDER DATED JUNE 13, 2024 IN C.C.NO.18727/2024 PASSED BY VIII ADDL.CHIEF JUDICIAL MAGISTRATE IN ANNEXURE-A TAKING COGNIZANCE OF THE OFFENCE UNDER SECTIONS 34 OF AND 498A OF THE IPC AGAINST THE PETITIONER AND THEREBY QUASH ALL FURTHER PROCEEDINGS IN C.C.NO.18727/2024 PASSED BY VIII ADDL.CHIEF JUDICIAL MAGISTRATE.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K



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ORAL ORDER

These petitions are filed under Section 482 of Cr.P.C to quash the proceedings against accused No.1 (in Criminal Petition No.7701/2024) and accused No.2 (in Criminal Petition No.11704/2024) in C.C No.18727/2024, arising out of Crime No.277/2023, registered by Sanjay Nagar Police, pending on the file of VIII Addl. Chief Metropolitan Magistrate, Bangalore, for the offences punishable under Sections 498A read with Section 34 of IPC.

2. The abridged facts of the case are, respondent No.2 - complainant lodged a complaint before respondent No.1 - Police on 20.09.2023 alleging that she married accused No.1 - Sanjay Ramchand Punjabi on 30.08.2009 at Bangalore. Out of the wedlock, they begotten a male child. It is alleged in the complaint that, ever since marriage, accused No.1 being her husband used to pick up quarrel with her over trivial issues with respect to finance,



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home expenditures and food. It is further alleged that her sister-in-law and her husband/accused No.2 used to visit her house and create disturbances in the marital life of respondent No.2 and accused No.1. After the death of her sister-in-law, accused No.2 being the elder person, took the responsibility of the family and used to threaten respondent No.2 that he will advice accused No.1 to give divorce to her. It is also alleged in the complaint that due to personalities issues and health complications, accused No.1 used to harass her by restricting her from official functions in her office, used to give only Rs.10,000/- per month to mitigate household expenses. He also took access to her Bank Account, where her salary was being credited. It is further mentioned in the complaint, till the filing of the complaint, accused No.1 in the influence of accused No.2, mentally tortured respondent No.2 and her son.

3. Further, on 11.08.2023, accused No.1 assaulted her and dragged her out of the house insisting to leave the



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house for the reason that she performed a dance in the office with the male colleagues. As such, she sought assistance from Karnataka State Women's Commission. On such complaint by respondent No.2, the said Commission forwarded the same to Deputy Commissioner of Police, North Division, Yashwantpur, Bangalore, for necessary action. Subsequently, respondent No.1 - Police registered the case in Crime No.277/2023 against accused Nos.1 and 2 for the aforementioned offences. After investigation, laid charge sheet against accused Nos.1 and 2 for the aforementioned offences. The learned Magistrate took cognizance of the offences. Aggrieved by the same, accused Nos.1 and 2 have preferred these petitions as stated supra.

4. Heard the learned counsel for the petitioner, learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2 in both the petitions.



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5. Apart from urging several contentions, learned counsel for the petitioner/accused No.1 contended that the complaint filed by respondent No.2 is concocted and is filed to harass the accused No.1. According to him, in the complaint, no allegation is made in respect of acceptance of dowry at the time of marriage. The allegations made in the complaint are ordinary wear and tear in matrimonial relationship and not towards cruelty of any kind. He further contended that the allegations in the complaint against accused No.1 and also the averments in the statement of witnesses are all baseless, as the same are made without any specific allegation of incidents of cruelty meted out by accused No.1. He also submits that respondent No.2 has already instituted a Domestic Violence case in CrI.Misc.No.62/2023 against accused No.1, which is pending for consideration. In such circumstance, in order to pressurize accused No.1, respondent No.2 filed this complaint. With these



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submissions, he prays to allow the petition filed by accused No.1.

6. Whereas, learned counsel for accused No.2 contended that, except bald and omnibus allegations against accused No.2, absolutely no specific overt act or incidents are mentioned in the complaint or in the statement of witnesses. He also contended that, accused No.2 being the husband of respondent No.2's sister in law, is residing separately with his family at Hyderabad and no way connected to the matrimonial dispute between accused No.1 and respondent No.2. Accordingly, he prays to allow the petition filed by accused No.2.

7. *Per contra*, learned counsel appearing for respondent No.2 vehemently opposed the prayer of the petitioners on the ground that now the charge sheet has been laid and statement of material witnesses clearly reveal the involvement of accused Nos.1 and 2 in the crime. As far as accused No.1 is concerned, there is a



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specific allegation of assault and mental harassment to respondent No.2 both in the complaint and charge sheet averments. However, accused No.2 is concerned, he insisted accused No.1 to give divorce to respondent No.2. As such, though he is residing separately, the allegation of commission of crime is forthcoming in the charge sheet averments. Accordingly, he prays to dismiss the petitions.

8. Learned HCGP also opposed the prayer of the petitioners and prays to dismiss the petitions.

9. I have given my anxious consideration to the submissions of the respective parties and perused the documents placed before this Court.

10. As could be gathered from complaint averments, it is specifically asserted by respondent No.2 that, after the birth of child, accused No.1 started to harass her both physically and mentally. In the complaint, the specific incidents of abuse and assault made by



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accused No.1 are narrated. The same further corroborates with the statement of material witnesses. Admittedly, respondent No.2 also filed a Domestic Violence case against accused No.1 in CrI.Misc.No.62/2023. In such circumstances, all these allegations have to be tested in a detailed trial to examined whether the same come within the ambit of Section 498A of IPC or not. As such, when there are *prima facie* materials placed against accused No.1, proceedings against him cannot be quashed at this stage.

11. With regard to accused No.2, the only allegation against him in the complaint and statement of witnesses is, albeit he was residing at Hyderabad, used to visit the house of accused No.1 and thereby insist him to give divorce to respondent No.2. Except such bald and omnibus allegation, there is no specific date, time, place or manner in which, accused No.2 harassed respondent No.2.



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12. In such circumstance, 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*** reported in ***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.

13. 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 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.



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14. Further, the Hon'ble Apex Court in the case of **Dara Lakshmi Narayan vs. 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, 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



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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."

15. In the instant case, a bare perusal of charge sheet materials clearly shows that the allegations made by the complainant/respondent No.2 against accused No.2 are vague and omnibus. The complainant has not provided any specific details or described any particular instance of harassment meted out by accused No.2. Therefore, the charge sheet lacks concrete and precise allegations against accused No.2. The term "cruelty" cannot be established without specific instance. The same weakens the case of the prosecution and casts serious doubt on the probability of the version of the complainant. The mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person.



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

19. Hence, even if the entire allegations in the charge sheet taken at its face value, there is no such *prima facie* case made out against accused No.2. As such, continuation of proceedings against accused No.2 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. Crl.P.No.7701/2024 is ***dismissed*** and Crl.P.No.11704/2024 is ***allowed***.
- ii. The proceedings against accused No.2 (in Criminal Petition No.11704/2024) in C.C.No.18727/2024, arising out of Crime No.277/2023, registered by Sanjay Nagar Police, pending on the file of VIII Addl. Chief Metropolitan Magistrate, Bangalore, for the



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offences punishable under Sections 498A read with Section 34 of IPC, is hereby quashed.

- iii. It is made clear that the proceedings against accused No.1 shall continue.

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

HKV
List No.: 1 Sl No.: 29