



CNR: KAHC010404312024

NC: 2026:KHC:53314
CRL.P No. 7827 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7827 OF 2024

BETWEEN:

1. SRI. SATHISH KUMAR A.V.,
S/O SRI VENKATESH K,
AGED 45 YEARS
RESIDING AT NO.679, 1ST FLOOR,
KOOGUBANDE ROAD, E AND F BLOCK,
KUVEMPU NAGAR, VTC, MYSORE 570023.
2. SRI. ASHOK,
@ ASHOK KUMAR A.V.,
S/O SRI VENKATESH K,
AGED ABOUT 48 YEARS,
RESIDING AT NO.7, GARADI MANE,
KUKKARAHALLI, MYSORE 570009.
3. SMT. SHABANA FARHEENA
W/O SRI ASHOK,
AGED ABOUT 49 YEARS
R/AT NO.23 GIRLS HOSTEL,
MAULANA AZAD,
NATIONAL URDU UNIVERSITY CAMPUS,
GACHIBOWLI, HYDERBAD 500032.
4. SRI. VENKATESH,
S/O LATE KARIYAPPA,
AGED ABOUT 69 YEARS,
R/AT ANACHIHALLI VILLAGE,
HASABA HOBLI,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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HASSAN TALUK,
KANDALI, HASSAN 573217.

5. SMT. LAKSHMIDEVI,
W/O SRI VENKATESH,
AGED ABOUT 66 YEARS,
R/AT ANACHIHALLI VILLAGE
HASABA HOBLI, HASSAN TALUK,
KANDALI, HASSAN 573217.
6. SRI. SHAMANNA
S/O LATE KARIYAPPA
AGED ABOUT 67 YEARS
R/AT NO.1573, CROSS A BLOCK,
3RD STAGE, 13TH CROSS,
3RD 'C' MAIN ROAD,
DATTAGALLI, MYSORE 570022.
7. SMT. RANGAMMA @ RADHA,
W/O SRI SHAMANNA,
AGED ABOUT 64 YEARS
R/AT NO.397, 4TH CROSS,
2ND STAGE, GAYATHRIPURAM,
KALYANAGIRI, MYSORE 570019.

...PETITIONERS

(BY SRI.SIDDALINGESH B.HELAVAR AND
SMT.BHARATHI D.R., ADVOCATE FOR
SMT.THEJASWINI S., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THE STATION HOUSE OFFICER
HASSAN WOMEN POLICE STATION,
HASSAN DISTRICT, HASSAN,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, BANGALORE - 01.



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2. SMT. PAVITRA,
W/O SRI HEMANTHA
@ HEMANTHA KUMAR,
D/O SRI. HANUMANTHAPPA AND
SHIVAGANGAMMA,
AGED ABOUT 33 YEARS,
R/AT NAGAVEEDHI VILLAGE,
KANAKATTE HOBLI, ARASIKERE TALUK,
HASSAN DISTRICT, HASSAN DISTRICT 573 126

ALSO AT:
HEGGERE, SHIVAKRUPA NILAYA,
VAKKODI ROAD,
TUMAKURU 572215.
9731750059/9164482888

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO
CALL FOR RECORDS AND QUASH THE ENTIRE PROCEEDINGS
IN C.C.NO.1780/2018 REGISTERED AGAINST THE
PETITIONERS REGISTERED UPON CR.NO.77/2017 PENIDNG ON
THE FILE OF 7TH ADDL. CIVIL JUDGE AND JMFC COURT,
HASSAN, FOR THE OFFENCE P/U/S 498(A), 344, 109, 504 R/W
34 OF IPC AND SEC. 3 AND 4 OF D.P. ACT, PRODUCED AT
ANNEXURE A1 OF THIS CRIMINAL PETITION AND ETC.

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



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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.1780/2018, arising out of Crime No.77/2017 dated 09.07.2017, filed by the Hassan Women Police Station, Hassan City, against the petitioners for the offences punishable under Sections 498(A), 344, 109, 504 r/w 149 of IPC and Sections 3 and 4 of D.P.Act, pending on the file of IV Addl. Civil Judge and JMFC, Hassan.

2. Brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 09.07.2017, alleging that her marriage was solemnized with petitioner No.1/accused No.1, namely, Satish Kumar, on 27.04.2016. It is alleged that, after the marriage, her husband subjected her to both physical and mental harassment, demanding additional dowry, including a motorbike and gold ornaments. Thereafter, a panchayat was convened between the parties. Subsequently, she was sent to Mysore to reside at the house of petitioner Nos.2 and 3, who are the brother and sister-in-law of petitioner No.1. It is alleged that, even in the said house, petitioner Nos.2



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and 3 subjected the complainant to physical and mental harassment. Thereafter, petitioner No.1 took her to his parental house at Hassan, where, according to the complaint, the parents of petitioner No.1 also subjected her to physical and mental harassment. Finally, she left the matrimonial home and started residing at her parental house, thereafter she lodged the complaint before respondent No.1-Police. On the basis of the said complaint, respondent No.1-Police registered a case against all the petitioners. Subsequently, the Police filed the charge sheet against all the accused persons for the aforementioned offences, and the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners have preferred the present petition.

3. Heard the learned counsel for the petitioners and the learned HCGP for respondent No.1-Police. Notice issued to respondent No.2 could not be served, as she had left the given address and is presently residing at Hyderabad.

4. The primary contention of the learned counsel for the petitioners is that respondent No.2 has lodged a false complaint against all the petitioners. According to him, petitioner No.1



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had himself lodged a complaint before the Superintendent of Police, Hassan District, on 09.12.2016, i.e., prior to the lodging of the complaint by respondent No.2, stating that he, being a Professor at Mysore, was subjected to physical and mental harassment by respondent No.2 after the marriage, and that her parents were threatening him with the initiation of false criminal cases. It is further submitted that, subsequently, respondent No.2 herself gave a statement before the Tumkur Police Station stating that she is living with one Hemanth Kumar and that they had begotten two children and she will also instruct her advocate to settle the dispute amicably. In such circumstances, learned counsel for the petitioners submits that, despite having married another person and having two children through the said wedlock, respondent No.2 has falsely lodged the present complaint against the petitioners. Accordingly, he prays to allow the petition.

5. *Per contra*, learned HCGP opposed the prayer on the ground that the charge sheet has been filed against the petitioners.



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

7. As could be gathered from the records, omnibus allegations have been made in the complaint against the petitioners, who are husband and his family members. The photographs produced by the petitioners along with the petition, coupled with the statement of respondent No.2 recorded before the Trial Court and marked as Exs.D1 and D2, clearly reveal that respondent No.2 had married one Hemanth Kumar and had begotten two children out of the said wedlock. Further, she has also withdrawn the case filed by her in Crl.Misc.No.656/2017 under the Protection of Women from Domestic Violence Act. Further, on perusal of the statements of all the material witnesses, except for omnibus allegations, no specific averments regarding the date, time or other particulars of the alleged harassment meted out by the petitioners are forthcoming. Moreover, petitioner No.1 had lodged a complaint before the Superintendent of Police, Hassan, prior to the complaint lodged by respondent No.2, i.e., in the year 2016 itself, alleging that the family members of respondent No.2



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were threatening him with the initiation of a false complaint against him under the provisions of IPC and the Dowry Prohibition Act. Considering all these aspects, in my considered view, the complaint lodged by respondent No.2 appears to have been filed only with a view to overcome the fact that she had contracted a second marriage with one Hemanth Kumar without obtaining a decree of divorce from petitioner No.1. In such circumstances, the Hon'ble Apex Court, in the case of ***K. Subba Rao v. State 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



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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 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."*

8. 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 the petitioners. Placing reliance on the



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above judgment, I am of the considered view that continuation of proceedings against these petitioners is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The proceedings against the petitioners in CC No.1780/2018, arising out of Crime No.77/2017 dated 09.07.2017, filed by the Hassan Women Police Station, Hassan City, for the offences punishable under Sections 498(A), 344, 109, 504 r/w 149 of IPC and Sections 3 and 4 of D.P.Act, pending on the file of IV Addl. Civil Judge and JMFC, Hassan, is hereby quashed.

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