



CNR: KAHC010405412020

NC: 2026:KHC:54109
CRL.P No. 8044 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 8044 OF 2020

(482(Cr.PC) / 528(BNSS))

BETWEEN:

1. PRASHANT SHUKLA
S/O SATISH KUMAR SHUKLA
AGED ABOUT 32 YEARS,
RESIDING AT NO.45, BERNAYA ROAD
WYNNUM WEST
BRISBANE, AUSTRILIA
QUEENSLAND-4178

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

ALSO AT
A2, 401
SAVIOUR GREENISLE
CROSSING REPUBLIK
GHAZIABAD, UTTAR PRADESH-201016

2. SATISH KUMAR SHUKLA
S/O RAM PRAKASH SHUKLA
AGED ABOUT 63 YEARS
A2, 401, SAVIOUR GREENISLE
CROSSING REPUBLIK
GHAZIABAD
UTTAR PRADESH-201016
3. OMLATA SHUKLA
W/O SATISH KUMAR SHUKLA



CNR: KAHC010405412020

NC: 2026:KHC:54109
CRL.P No. 8044 of 2020

AGED ABOUT 63 YEARS
A2, 401, SAVIOUR GREENISLE
CROSSING REPUBLIK
GHAZIABAD
UTTAR PRADESH-201016

PREVIOUS ADDRESS AS PER CHARGESHEET
NO.84, ESI COLONY, SECTOR 56
NOIDA, JJ NAGAR
GAUTAMA BUDDA NAGAR
UTTAR PRADESH - 201301

...PETITIONERS

(BY SRI. ABHIMANYA DEVAIAH, ADVOCATE FOR
SRI. GANGADHAR GOWDA S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY WOMEN POLICE STATION,
PULIKESHI NAGAR SUB DIVISION (EAST ZONE)
BENGALURU
(REPRESENTED BY LEARNED STATE PUBLIC
PROSECUTOR)
2. MRS PRERNA KUMAR
AGED ABOUT 33 YEARS
RESIDING AT SUNCITY EUPHORIA
SARJAPUR JUNCTION, OUTER RING ROAD
IBLUR VILLAGE
BELLANDUR
BENGALURU-560103

...RESPONDENTS

(BY SRI. MOHAMMED AYUB, ADDL. SPP FOR R1
SMT. YUKTHA ANIL, ADVOCATE FOR
SRI. T N VISWANATH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE
FOR THE PETITIONER PRAYING TO QUASH THE ENTIRE



NC: 2026:KHC:54109
CRL.P No. 8044 of 2020

CNR: KAHC010405412020

PROCEEDINGS IN C.C.NO.1040/2019 OF WHICH IS PENDING BEFORE THE VI ADDL.C.M.M., BENGALURU FOR AN OFFENCE CHARGED U/S 498A,504,506 OF IPC AND SECTION 3 AND 4 OF D.P. ACT AS AN ABUSE OF PROCESS OF LAW AS WELL AS ANY FURTHER PROCEEDINGS IN ABOVE MATTER.

THIS PETITION, 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, the learned counsel appearing for the respondent-Complainant and also learned counsel for the State.

2. Learned counsel, before making his submissions, made it clear that he is not pressing the petition against petitioner No.1 and that he is only seeking quashing of the order in respect of accused Nos.2 and 3.

3. Learned counsel for the petitioner brought to the notice of this Court that the averments made in the complaint, particularly in paragraph No.7, contain an



CNR: KAHC010405412020

allegation that the wedding was performed at Radisson Blu, Ghaziabad as per the demands of the accused persons, and their family, in total had spent Rs.25,00,000/- towards the wedding expenses and it is an omnibus allegation. However, the complaint merely lists the cash and other articles allegedly given during the wedding. Insofar as accused No.1 is concerned, and so also in respect of accused Nos.2 and 3, mentioning a gold ring worth Rs.50,000/-. However, it is not stated to whom the same was given. Similarly, an ear ring worth Rs.10,000/-, 50 pieces of silver coins, and cash payments are mentioned, but none of the witnesses who allegedly witnessed this is stated in the complaint. Apart from that, the counsel brought to the notice of this Court that an allegation has been made in paragraph No.20, wherein an omnibus allegation is made that accused Nos.2 and 3 supported the barbaric behaviour and failed to put sense into him and failed to guide him to act responsibly. It is



also alleged that the complainant was forced to return to India in October 2018.

4. Learned counsel appearing for the respondent also brought to the notice of this Court the specific averment made in paragraph Nos.7, 20 and also paragraph No.24 for invoking the offence under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

5. Learned counsel appearing for the State also would submit that, at the time of marriage, the gifts were given and a huge amount was spent for performing the marriage and hence, it attracts Section 498-A of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act, 1961.

6. Having heard the learned counsel for the petitioners and also the learned counsel appearing for the respondent, the marriage took place in the month of May



CNR: KAHC010405412020

2015 and the records also disclose that immediately after the marriage, both accused No.1 and the complainant-Wife started living together and thereafter, they went abroad and the complaint also discloses that she came back in 2018. However, the Court has to take note of specific averments made against accused Nos.2 and 3 and only an omnibus statement is made in the complaint particularly in paragraph No.7, which is brought to the notice of this Court by the complainant-respondent and there is no specific allegation of demand either in cash or in gold. But, except for giving of the gold ring and earring, that too in favour of accused Nos.2 and 3, none of the witnesses also cited with regard to the participation and demand is concerned and there is no specific allegation of demand by accused Nos.2 and 3 and no doubt amount was spent for performing the marriage.

7. Learned counsel appearing for the complainant brought to notice of trial Court in paragraph No.20,



CNR: KAHC010405412020

wherein also an allegation is made against accused No.1, but there is no specific allegation subjecting the complainant to cruelty and demand, except for the statement in paragraph No.20 that accused Nos.2 and 3 supported the barbaric behaviour and failed to advise him and guide him. When such material allegations are found in the complaint, if the Court fails to invoke Section 482 of Cr.P.C. to quash the proceedings against both of them, it amounts to miscarriage of justice and it is nothing but an abuse of process. When there was no specific allegation of subjecting her to cruelty and for demand, the question of continuing the criminal ordeal by the respondent i.e. accused Nos.2 and 3 is nothing but harassment.

8. The Hon'ble Apex Court has also in several judgments held that in a matrimonial dispute between the husband and wife, it is the tendency of roping all the family members even though they have not involved in such any cruelty or demand of dowry. Hence, it is a fit



NC: 2026:KHC:54109
CRL.P No. 8044 of 2020

CNR: KAHC010405412020

case to quash the proceedings against accused Nos.2 and 3.

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

ORDER

The petition is ***allowed in part*** only in respect of petitioner Nos.2 and 3 i.e. accused Nos.2 and 3 and rejected in respect of petitioner No.1/accused No.1.

**Sd/-
(H.P.SANDESH)
JUDGE**

SSB