



CNR: KAHC010410412019

NC: 2026:KHC:45812
CRL.P No. 5790 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.5790 OF 2019

BETWEEN:

1. MR DEEPAK KUMAR MAWANDIA
S/O LATE JAGDISH PRASAD MAWANDIA
AGED ABOUT 37 YEARS,
R/AT NO- SOUTH DHADKA
NEAR BYEPASS MORE
POST OFFICE-ASANSOL
BURDWAN DISTRICT
WEST BENGAL - 713 302.
2. MR SUSHIL KUMAR MAWANDIA
S/O LATE JAGDISH PRASAD MAWANDIA
AGED ABOUT 44 YEARS,
R/AT NO-SOUTH DHADKA
NEAR BYEPASS MORE
POST OFFICE-ASANSOL
BURDWAN DISTRICT
WEST BENGAL - 713 302.
3. MR RAJKUMAR AGARWAL
S/O LATE KUSHIRAM AGARWAL
AGED ABOUT 54 YEARS,
R/AT BAKAR ALI LANE HUTTON
POST ASANSOL
BURDWAN DISTRICT
WEST BENGAL - 713 301.

...PETITIONERS

[BY SRI SIDDHARTH B MUCHANDI, ADVOCATE (PH)]

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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AND:

1. STATE OF KARNATAKA
BY THE POLICE OF
EAST ZONE WOMEN'S
POLICE STATION, BANGALORE
REP BY SPP
HIGH COURT OF KARNATAKA
BANGALORE.
2. SMT.RASHMI AGARWAL
AGED ABOUT 36 YEARS,
W/O DEEPAK KUMAR MAWANDIA
R/A NO.23, SAPTHAGIRI NILAYA,
24TH MAIN ROAD, 4TH CROSS
AGARA, HSR LAYOUT
SECTOR-1 BENGALURU - 560 102.

...RESPONDENTS

[BY SRI MAHESHA P., HCGP FOR R1 (PH);
NOTICE TO R2 - SERVED & UNREPRESENTED]

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE FIR IN CRIME NO.46/2019 REGISTERED BY EAST
ZONE WOMEN POLICE STATION NOW PENDING ON THE FILE
OF THE LEARNED VI ADDITIONAL CHIEF METROPOLITAN
MAGISTRATE, BENGALURU REGISTERED FOR THE OFFENCE
P/U/S.498-A OF IPC AND SEC.3 AND 4 OF THE DP ACT.

THIS PETITION, COMING ON FOR *FURTHER HEARING*,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



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ORAL ORDER

Challenging order dated 22.01.2020 taking cognizance as well as for quashing of entire proceedings in CC no.14651/2020 on file of XXIX Additional Chief Judicial Magistrate, Mayo Hall, Bangalore for offences punishable under Section 498A of Indian Penal Code, 1860 (**IPC**) read with Sections 3 and 4 of Dowry Prohibition Act, 1961, (**DP Act**) in pursuance of Crime no.46/2019 by East Zone Women Police Station, Bangalore, this petition is filed.

2. Sri Siddharth B. Muchandi, learned counsel for petitioners submitted that petitioners were arraigned as accused no.1, 2 and 4 in a complaint filed by respondent no.2 (complainant) on 11.05.2019 at Annexure-B stating that on 19.01.2013, she got engaged with accused no.1, that her father spent around three lakh rupees for engagement function as well as for diamond ring etc. Their marriage was solemnized on 06.02.2013 at Midnapore, West Bengal, during which, arrangements were made for guests on groom's side for three days as demanded, it was alleged that her in-laws had insisted that only quality/expensive gifts etc., which spiked marriage



CNR: KAHC010410412019

expenses in excess of Rs.30,00,000/-. That expenses for band, sweets, decoration of groom's car, photographer/videography were also not borne by groom's side.

3. That after marriage, couple resided in Asansol for some time, during which, complainant's father-in-law scolded her for not bringing gifts for her sister-in-law even when gold earrings were given to them. She stated that her father-in-law ridiculed her for taking money from her husband for certain ceremonies. She further stated while her sister-in-law warned her about alleged affair of her husband with a cousin, her brother-in-law retained most of her jewellery at Asansol. After return to Bangalore, she was working at V2 Solutions. In first week itself, her husband assaulted her for not washing dishes and not keeping house spotlessly clean. She alleged that her husband always lookdown upon her in front of her cousin, though, she did her best. On several occasions, her husband threw away plates gifted by her parents and broke glassware. On her birthday, he taunted that she was not worthy for celebration and stated that he could have married better girl and avoided intimacy. In August 2013, she resigned from her



CNR: KAHC010410412019

job and went to UK to join her husband, where she got pregnant. Even during pregnancy related sickness, her husband insisted on her cooking and in case he had food outside would not bring food for her and taunted that he would starve her and child and insisted on abortion.

4. She alleged that her husband always complained about her to her parents, which led to animosity. Her in-laws threatened that she would be fixed return to Asansol. She alleged that Deepawali and Karva Chauth celebrations did not go well due to ill-treatment by her husband. On return during August 2014, she alleged that her husband took away all her foreign currency on pretext of converting them and depositing it in fixed deposit, but which he never did and assaulted her at hotel. And when her husband decided to return to Asansol, she was afraid of threat by her father-in-law. On request of her parents, he went to Kharagpur and left complainant with her parents. Thereafter he stopped receiving her phone calls, messages and did not respond to her emails etc. which caused her to go into depression. Even when she attempted to harm herself, her husband/in-laws did not call on her. When she



CNR: KAHC010410412019

wanted to use her jewellery for Deepawali and Karva Chauth, her brother-in-law denied having them. Only on insistence, jewelleries gifted to her by her parents were returned. In reconciliation meeting, she was advised to run household with her salary and thereafter she rejoined her husband, but once again ill-treatment resumed.

5. She alleged that her husband did not allow her financial freedom and did not involve her in any decision making. He took away all her credentials such as identity cards, rental agreements, gas papers etc. and abandoned her. Attempt for reconciliation in March/April 2015 also failed. When suggested to seek divorce, her husband threatened that he would destroy her life. After waiting for some time, she filed for divorce. Divorce took place in February, 2016. She alleged that her husband had jeopardized her career by disruption and she could only earn through odd jobs and when she requested her husband to send money, there was no response. Alleging that above acts were cruel, she filed complaint. Same was registered as Crime no.46/2019 by East Zone Women Police Station, Bangalore.



CNR: KAHC010410412019

6. On 22.01.2020, learned Magistrate passed an order of taking cognizance. It was submitted that entire proceedings were illegal and abuse of process. It was submitted, as stated by complainant herself that her petition for divorce was filed on 09.02.2016 in MAT Suit no.110/2016. Perusal of averments of said petition did not include any of allegations in complaint and there was substantial improvement substantiating abuse of process.

7. Relying upon decision in **Achin Gupta v. State of Haryana and Anr.**, reported in **(2025) 3 SCC 756**, it was submitted Hon'ble Supreme Court took note of fact that FIR was filed nearly 2 years after filing of petition for divorce based on vague, general and sweeping allegations without any specific instance of criminal conduct, would be abuse of process and quashed same. He also relied upon decision in case of **Digambar and Anr. v. State of Maharashtra and Anr.**, reported in **2024 SCC OnLine SC 3836**, where complaint was lodged after receipt of notice of divorce without any whisper of allegation or cruelty etc. was considered as abuse of process and proceedings quashed.



CNR: KAHC010410412019

8. Learned counsel further relied upon decision in **Suman Mishra and Ors. v. State of Uttar Pradesh and Anr.**, reported in **2025 SCC OnLine SC 295**, where complaint was filed after petition for divorce was quashed as abuse of process. It was also contended that allegations insofar as Sections 3 and 4 of DP Act, were vague, omnibus and bereft of any material particulars and in **Rajesh Chaddha v. State of Uttar Pradesh**, reported in **2025 SCC OnLine SC 1094**, Hon'ble Supreme Court had quashed proceedings. Based on above ratio and in facts and circumstances of case, learned counsel submitted that continuation of proceedings would amount to abuse of process and sought for quashing.

9. Sri Mahesha P., learned HCGP for respondent no.1 - State opposed petition. It was submitted, complaint as well as charge sheet contained specific imputations of allegations of cruel treatment of complainant by her husband. Statements of parents of complainant and other relatives corroborated same and since there was sufficient material to sustain prosecution, charge sheet was filed. Based on material collected during investigation, learned Magistrate had rightly taken cognizance



CNR: KAHC010410412019

and there was no merit in challenge and on above ground sought for dismissal.

10. Complainant is arrayed as respondent no.2, is served unrepresented.

11. Heard learned counsel and perused impugned order and material on record.

12. This petition is by accused no.1, 2 and 4 challenging charge sheet and entire proceedings against them on a complaint filed by respondent no.2.

13. Main ground of challenge is that filing of complaint in year 2019, nearly 3 years after filing of petition for divorce by wife - respondent no.2 without mentioning any of present allegations in petition for divorce, would be abuse of process. Contention is also urged that prosecution material would not contain essential ingredients for offences alleged.

14. First contention about petition being afterthought and based on improvisation/embellishment would require reference to petition filed by respondent no.2 for divorce



CNR: KAHC010410412019

(Annexure-D). Perusal and comparison with complaint/ statement of imputations in charge sheet would reveal that entire allegations based on which complaint is filed is about incidents that occurred from date of marriage till filing of divorce petition on 09.02.2016. As per complainant, she was residing separately from her husband even prior to date of filing of divorce petition. But, complaint is filed on 11.05.2019, more than 3 years after petition for divorce, which would render it gravely suspect. Hon'ble Supreme Court in **Achin Gupta, Digambar** and **Suman Mishra's** cases (supra) held that delay in filing of complaint especially after filing of divorce petition or other proceedings/dispute between husband and wife would amount to abuse of process and quashed proceedings. There is also substantial embellishment or improvement in allegations which fritter away charge under Section 498A of IPC, for want of particulars about who, when and where made demand for dowry and received same. Thus, neither allegation of demand for dowry nor cruelty or harassment would sustain.



NC: 2026:KHC:45812
CRL.P No. 5790 of 2019

CNR: KAHC010410412019

15. Consequently, petition **succeeds**, proceedings in in CC no.14651/2020 on file of 29th Additional Chief Judicial Magistrate, Mayohall, Bangalore for offences punishable under Section 498A of Indian Penal Code, 1860 read with Sections 3 and 4 of Dowry Prohibition Act, 1961, (**DP Act**) in pursuance of Crime no.46/2019 by East Zone Women Police Station, Bangalore, stands **quashed**.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 9