



CNR: KAHC010450672024

NC: 2026:KHC:49929
CRL.P No. 7889 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7889 OF 2024

BETWEEN:

1. SMT SAROJINI NAIK
W/O. LATE SHANTHARAM NAIK,
AGED ABOUT 66 YEARS,
R/AT KOONDILU HOUSE,
KODIMBALA VILLAGE & POST,
KADABA TALUK,
DAKSHINA KANNADA-574 221.
2. SRI. DEERAJ KUMAR B
S/O. LATE SHANTHARAM NAIK,
AGED ABOUT 36 YEARS,
R/AT KOONDILU HOUSE,
KODIMBALA VILLAGE & POST,
KADABA TALUK,
DAKSHINA KANNADA-574 221.
3. SMT. DIVYA B
W/O. RAJESH NAIK,
AGED ABOUT 38 YEARS,
R/AT BEERANTHADKA HOUSE,
KUNTHOORU VILLAGE & POST,
KADABA TALUK,
DAKSHINA KANNADA-574 221.
4. SRI. RAJESH
S/O. LATE RAMANNA NAIK,
AGED ABOUT 46 YEARS,
R/AT BEERANTHADKA,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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PERABE POST
KUNTHOORU VILLAGE
KADABA TALUK,
DAKSHINA KANNADA-574 221.

...PETITIONERS

(BY SRI. ABISHEK MARLA M.J, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY WOMEN POLICE STATION PUTTUR, D.K.,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BENGALURU-560 001.
2. SMT. NISHVI D. NAIK
W/O. DILIP KUMAR,
AGED ABOUT 34 YEARS,
R/AT KOONDILU HOUSE,
KODIMBALA VILLAGE & POST,
KADABA TALUK,
DAKSHINA KANNADA -574 221.

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. SACHIN B.S, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THIS PETITIONERS (ACCUSED NO.2 TO 5) PENDING BEFORE PRL. CIVIL JUDGE AND JMFC COURT, PUTTUR D.K. IN C.C.NO.465/2022 FOR THE OFFENCE P/U/S 498A, 504, 506 R/W SEC. 34 OF IPC (CRIME NO.43/2021 REGISTERED BY THE WOMEN POLICE STATION PUTTUR) (ANNEXURE-A).

THIS PETITION, 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

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against petitioners/accused Nos.2 to 5 in C.C.No.465/2022 (arising out of Crime No.43/2021) registered by Dakshina Kannada Women Police, for the offences punishable under Sections 498A, 504, 506, r/w Section 34 of IPC, presently pending on the file of Principal Civil Judge and JMFC, Puttur, D.K.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 19.11.2021, alleging that her marriage was solemnized with one Mr. Dilip Kumar, accused No.1, on 03.02.2013. Thereafter, she completed her engineering degree in the year 2014. It is further alleged that, after the birth of their child, respondent No.2 shifted to Bengaluru along with her husband in the year 2015 and started residing with him there. During her stay at Bengaluru, accused No.1 allegedly suspected her character and subjected her to mental torture.



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3. It is further alleged that, in the year 2017, when the parents of accused No.1 were unwell, she went to her husband's native place and stayed at her matrimonial home situated at Kodimbala Village, Puttur Taluk. During the said period, the petitioners i.e. in-laws of respondent No.2 allegedly ill-treated her, treated her like a slave and made her perform all the household work. It is further alleged that accused No.1 had constructed a separate house at Bengaluru without informing respondent No.2 and without disclosing the address to her. Subsequently, she came to know about the said address and visited the house, where she came to know that her husband was having an affair with a bar dancer and also during her stay in the said house, accused No.1 subjected her to mental torture.

4. It is further alleged that, on 03.11.2021, accused No.1 went to his native place i.e. Kodimbala village without informing respondent No.2, as his grandmother had passed away. On 04.11.2021, respondent No.2 also went to the said place. However, accused No.1 did not receive her calls and refused to pick her up from the bus stop. Thereafter, she went



to the matrimonial home at Kodimbala Village and stayed there for five days and thereafter, she returned to Bengaluru.

5. It is further alleged that, on 14.11.2021, respondent No.2 again went to her matrimonial home to attend death ceremony of the grandmother of accused No.1. At that time, accused No.1 and the petitioners allegedly abused her and threatened her not to come to their house. In these circumstances, respondent No.2 lodged a complaint before respondent No.1-Police against the petitioners and her husband, accused No.1. On the basis of the said complaint, FIR came to be registered in Crime No.43/2021 dated 19.11.2021 against the petitioners and accused No.1 for the offences punishable under Sections 498A, 504 and 506 read with Section 34 of the IPC. Thereafter, respondent No.1-Police conducted investigation and laid the charge-sheet against the petitioners. The learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners have preferred the present petition.



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6. The primary contention advanced by the learned counsel for the petitioners is that, the petitioners have never resided with respondent No.2 and accused No.1 after their marriage and have no connection with their matrimonial life. Petitioner No.1, being the mother-in-law of respondent No.2, is residing at Kadaba, Dakshina Kannada; petitioner No.2, being the brother-in-law of respondent No.2, has been residing and working at Bengaluru since 2009; and petitioner No.3, being the sister-in-law of respondent No.2, is married to petitioner No.4 and was residing separately at Karkala till 2022 and is presently residing at Bengaluru. Thus, the petitioners have never lived under the same roof with respondent No.2 and accused No.1.

7. It is further contended that, except certain omnibus allegations in the complaint, no prima facie material or specific allegation is forthcoming against the petitioners. In such circumstances, continuation of the proceedings against petitioners Nos.1 to 4, who are arrayed as accused Nos.2 to 5, would amount to abuse of process of law. Accordingly, he prays



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to allow the petition and quash the proceedings against the petitioners.

7. *Per contra*, the learned HCGP opposed the aforesaid prayer contending that, since the police have already filed the charge sheet and the statements of the witnesses have been recorded, the proceedings against the petitioners cannot be quashed at this stage. Accordingly, he prays to dismiss the petition.

8. I have given my anxious consideration to the submissions made by the learned counsel for respective parties and perused the documents available on record.

9. As could be gathered from the records, respondent No.2 married accused No.1-Dilip Kumar on 03.02.2013 and, after the marriage, resided with him at her matrimonial home in Kodimbala village for about 10 days, thereafter proceeding to Udupi to complete her engineering. She completed her engineering in 2014 and, after the birth of a male child in 2015, joined accused No.1 at Bengaluru, where they resided together till 2021.



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10. The allegations against the petitioners is that, in 2017, when the parents of accused No.1 were unwell, respondent No.2 went to her matrimonial home at Kodimbala Village, Puttur Taluk, where the petitioners, being her in-laws, allegedly ill-treated her and made her perform all the household work. Further, on 14.11.2021, the petitioners and accused No.1 abused and threatened respondent No.2 not to come to their house. However, the charge-sheet materials disclose that the petitioners are residing separately at their respective places in Dakshina Kannada and Bengaluru.

11. Moreover, on perusal of the charge-sheet materials and the statements of the witnesses, except certain omnibus allegations made against petitioners - accused Nos.2 to 5, there are no specific allegations indicating the date, time or manner in which they allegedly subjected respondent No.2 to harassment. Admittedly, from the year 2015 till 2021, respondent No.2 resided along with her husband at Bengaluru. In such circumstances, there was no occasion for the petitioners to subject her to any harassment. In the absence of specific and cogent allegations connecting them with the



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alleged offences, their implication in the present proceedings requires careful consideration.

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 law. 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



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criminal charge, more particularly, when a prosecution arise from a matrimonial dispute.

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 para 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.



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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."*

15. In the instant case, a bare perusal of charge sheet materials clearly disclose that the allegations made by the complainant/respondent No.2 against petitioners - accused Nos.2 to 5 are vague and omnibus. There is no such allegation that the petitioners harassed the complainant. The complainant has not provided any specific details or described any particular



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instance of harassment by the petitioners. She has not mentioned the time, date, place or a manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the charge sheet lacks concrete and precise allegations against petitioners. The term "cruelty" cannot be established without specific instance. The same weakens the case of the complainant 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.

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 law.

17. Hence, even if the entire allegations in the charge sheet are taken on its face value, there is no such *prima facie* case made out against petitioners. As such, continuation of



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proceedings against petitioners - accused Nos.2 to 5 is nothing but abuse of process of law. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against petitioners/accused Nos.2 to 5 in C.C.No.465/2022 (arising out of Crime No.43/2021) registered by Dakshina Kannada Women Police, for the offences punishable under Sections 498A, 504, 506, r/w Section 34 of IPC, presently pending on the file of Principal Civil Judge and JMFC, Puttur, D.K, are hereby quashed.

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

PKS/List No.: 1 Sl No.: 31