



CNR: KAHC010492722022

NC: 2026:KHC:42455
CRL.P No. 10684 of 2022
C/W CRL.P No. 4829 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.10684 OF 2022

C/W

CRIMINAL PETITION NO.4829 OF 2022

IN CRL.P No.10684/2022:

BETWEEN:

1. SMT.NASEEMUNNISA
AGED ABOUT 56 YEARS
W/O LATE SRI ABDUL KHADER
R/A NO.1322, NEAR CLOCK TOWER
DARGAH SHAHI MOHALLA
KOLAR - 563 101.
2. SMT.ASMA ANJUM
AGED ABOUT 36 YEARS
W/O SRI SYED MATEEN ULLA BAJAJ
R/A NO.1322, NEAR CLOCK TOWER
DARGAH SHAHI MOHALLA
KOLAR - 563 101.
3. SRI SYED MATHIN ULLA BAJAJ
AGED ABOUT 41 YEARS
S/O SRI MEER GULAM
R/AT GAFFER KHAN MOHALLA
SRINIVASAPURA TALUK
KOLAR - 563 135.
4. SHAMA ANJUM
AGED ABOUT 30 YEARS
W/O SYED SHAHID AHMED
R/A NO.1322, NEAR CLOCK TOWER
DARGAH SHAHI MOHALLA

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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KOLAR - 563 101.

5. SRI TABREZ PASHA
AGED ABOUT 39 YEARS
S/O LATE SRI ABDUL KHADER
R/A NO.1322, NEAR CLOCK TOWER
DARGAH SHAHI MOHALLA
KOLAR - 563 101.
6. SRI PARVEZ JALEEL
AGED ABOUT 34 YEARS
S/O LATE SARI ABDUL KHADER
R/A NO.1322, NEAR CLOCK TOWER
DARGAH SHAHI MOHALLA
KOLAR - 563 101.
7. SRI SYED SHAM SHUDDIN
AGED ABOUT 28 YEARS
S/O SRI SYED AJJAZUDDIN
R/A WARD NO.16,
BESIDE ST.ANNES HIGH SCHOOL
SULTAN TIPPU SANDRA, M.B.ROAD
K.G.MYSASANDRA,
KOLAR - 563 101.
8. SRI SYED ALLABAKASH
AGED ABOUT 36 YEARS
S/O SRI SYED ABDUL HAKIM
R/A NO.550, SHAHINSHA NAGAR,
KOLAR - 563 101.
9. SRI IBRAHIM SAMIULLA KHAN
AGED ABOUT 36 YEARS
S/O KHADAR KHAN
R/AT KYALANURU VILLAGE
KOLAR - 563 101.

...PETITIONERS

(BY SRI TOMY SEBASTIAN, SR. COUNSEL FOR
SMT.RENY SEBASTIAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KOLAR WOMEN POLICE
KOLAR - 563 101.



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REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU 560 001.

2. SMT.SABIHA BEGUM M
W/O SRI SYED AZAGARLI K
AGED ABOUT 31 YEARS
NO 304, 3RD FLOOR
SSVR PRISHAYA
VARANASI MAIN ROAD
T C PALYA, BENGALURU NORTH
BENGALURU - 560 036.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP FOR R1;
SRI S. JAGAN BABU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE
FIR IN CR.NO.5/2022 FOR THE OFFENCE P/U/S 506, 504, 143, 147,
148, 323, 324 AND 354 R/W 149 OF IPC REGISTERED BEFORE THE
RESPONDENT NO.1 KOLAR WOMEN POLICE STATION, KOLAR AND
THE SAME IS PENDING BEFORE THE LEARNED III ADDITIONAL CIVIL
JUDGE AND J.M.F.C., KOLAR.

IN CRL.P NO.4829/2022:

BETWEEN:

1. SYED MUSHEER AHMED
S/O LATE SYED NAZEER AHMED
AGED ABOUT 62 YEARS,
R/AT NO.3097, SAIT COMPOUND
BANGARPETE
KOLAR - 563 114.
2. SABIHA BEGUM M
W/O SYED AZGARALI K
AGED ABOUT 31 YEARS,
3. SYED AZGARALI K
S/O SARVER SAHEB
AGED ABOUT 34 YEARS,



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BOTH ARE R/AT NO.34,
3RD FLOOR, SSVR FREESIA
VARANASI MAIN ROAD, T C PALYA
BENGALURU -560 036.

ALSO R/AT NO.3093
SAIT COMPOUND
BANGARPETE, KOLAR -563 114.

4. FASIHA BEGUM
W/O ARIF ULLA KHAN
AGED ABOUT 39 YEARS,
R/AT 14TH CROSS
NEAR AL KAREEM MASJID
FATHIMA LAYOUT, GOVINDAPURA
BENGALURU -560 045.

ALSO R/AT NO.3093
SAIT COMPOUND
BANGARPETE
KOLAR - 563 114.

5. SYED SHAKEEL AHMED
S/O SYED MUNEER AHMED
AGED ABOUT 38 YEARS,
6. SYED AKBER
S/O SYED KHASIM
AGED ABOUT 52 YEARS
BOTH ARE R/AT NO.3093
SAIT COMPOUND
BANGARPET
KOLAR-563 114.

...PETITIONERS

(BY SRI S JAGAN BABU, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KOLAR WOMEN POLICE
REP BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.



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2. SHAMA ANJUM
W/O SYED SHAHID AHMED
AGED ABOUT 29 YEARS
R/AT MAHALAXMI LAYOUT
BANGARPET
KOLAR - 563 114.

...RESPONDENTS

(BY SMT.SOWMYA R., HCGP FOR R1;
SRI TOMY SEBASTIAN, SR. COUNSEL FOR
SMT. RENY SEBASTIAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE CASE IN CR.NO.4/2022 FOR THE OFFENCE P/U/S 498A, 504, 315, 324 R/W 34 OF IPC AND SECTIONS 3 AND 4 OF D.P ACT OF RESPONDENT NO.1 KOLAR WOMEN P.S., KOLAR DISTRICT NOW PENDING ON THE FILE OF THE III ADDL.CIVIL JUDGE AND J.M.F.C, AT KOLAR.

THESE PETITIONS ARE COMING ON FOR *HEARING ON I.A.*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR, these two petitions are filed. Since they are between same parties and arise out of same incident, they are clubbed together.

In Crl.P. no.4829/2022:

2. Sri S. Jagan Babu, learned counsel for petitioners submitted that this petition is filed challenging FIR in Crime no.4/2022 by Kolar Women Police Station for offences



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punishable under Sections 498A, 504, 315, 324 read with Section 34 of Indian Penal Code 1860, (**IPC**) and Sections 3 and 4 of Dowry Prohibition Act, 1961 (**DP Act**) presently pending before III Addl.Civil Judge and JMFC, Kolar. It was submitted that petitioners were accused no.2 to 7 in complaint filed by Shama Anjum (complainant) at 11:00 a.m. on 20.02.2022 stating that she was married to accused no.1 on 05.08.2021. That prior to wedding, there was demand for dowry of Rs.10 Lakhs in cash, which was paid three days prior to marriage. And even at time of marriage, accused no.1 was given 4 Gold rings, 1 Gold bracelet, a Rado watch and about 430 grams of gold jewellery was given to complainant. For 15 days after marriage, when she went to her matrimonial home, she was treated well. Her parents also gifted a Toyota Glanza Car.

3. However, accused no.2 to 7, who were her husband's father, sister and brother-in-law, her husband's nephew and niece and uncle joined together and mocked her by stated that they were expecting Car worth Rs.40 Lakhs. She was also harassed on said reason apart from insisting on



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her fetching Rs.10 Lakhs for business of her husband. In meanwhile, when she was 1½ months pregnant, her husband and other accused teased on ground that she got pregnant even before her husband found employment. She alleged that when accused no.1 kicked on her stomach and beat her, pregnancy aborted and she went to her parents. Thereafter, on 19.02.2022, when accused arrived late on invitation for mediation, her brothers had left after waiting for several hours. During discussion her father-in-law (accused no.2) scorned her for speaking up and smashed her head against wall. At that time, accused no.1 attempted to assault her on neck with knife. She saved herself by blocking it with her hands, she sustained bleeding injuries on her hands, fainted and regained consciousness only in hospital, where she took in-patient treatment. She sought for taking legal action. Based on complaint, Crime no.4/2022 was registered by Kolar Women Police Station, leading to this petition.

4. It was submitted that other accused were relatives of accused no.1. Accused no.2 was his father, accused no.3 his sister, accused no.4 his brother-in-law, accused no.5 and 6 -



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niece and nephew and accused no.7 was his uncle, who were residing at different places, but made accused only to exert pressure and harass family members of complainant's spouse.

5. It was submitted, Hon'ble Supreme Court in **Dara Lakshmi Narayana and Ors. v. State of Telangana and Anr.**, reported in **(2025) 3 SCC 735**; **Kahkashan Kausar @ Sonam and Ors. v. State of Bihar and Ors.**, reported in **(2022) 6 SCC 599** and **Achin Gupta v. State of Haryana and Anr.**, reported in **(2025) 3 SCC 756** cases, it was held, arraigning all family members of spouse in matrimonial disputes to wreak vengeance without specific allegations against each of them would be abuse of process and quashed FIR. In present case also, there were no specific allegations against each accused, except vague, omnibus and general statement that all accused together harassed complainant with demand for dowry. To reinforce submission, learned counsel referred to copies of Aadhar cards of accused, which showed that they were residing elsewhere. Based on above, learned counsel sought for quashing of complaint.



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6. In reply, Smt.Sowmya, learned HC GP for respondent no.1 - State as well as Sri Tomy Sebastian, learned Senior Counsel appearing for Smt.Reny Sebastian, advocate for complainant, opposed petition. It was submitted, there were specific allegations about presence of all accused during demand of dowry, harassment as well as on date of assault. And as proceedings were at initial stage and contentions urged were in nature of defence, same would be matter for investigation/trial and sought for dismissal.

In Crl.P. no.10684/2022:

7. Challenging registration of FIR in Crime no.5/2022 by Kolar Women Police Station for offences punishable under Sections 143, 147, 148, 149, 323, 324, 354, 504 and 506 of IPC, this petition is filed.

8. Sri Tomy Sebastian, learned Senior Counsel appearing for Smt.Reny Sebastian, advocate for petitioners submitted that this petition was by accused no.1 to 7, 9 and 10 in complaint filed by respondent no.2 (complainant) at 1:30 p.m. on 22.02.2022 alleging that complainant - Sabiha Begum



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along with her brother - Syed Shahid Ahamed, father - Syed Musheer Ahamad and nephew - Syed Shakeel Ahamed visited house of accused at 6:30 p.m. on 19.02.2022 on invitation to resolve matrimonial dispute between her younger brother and his wife, mother-in-law of her brother picked up quarrel, caught hold of his hair and assaulted him with her hands. And when she tried to protect her brother, other accused joined together and assaulted them with clubs causing grievous injuries. It was also specifically alleged that Tabrez and Parvez pulled hair of complainant and touched various parts of her body and all accused had together abused complainant etc., and also threatened to kill them. Hence, complaint was registered as Crime no.5/2022 for offences punishable under Sections 143, 147, 148, 149, 323, 324, 354, 504 and 506 of IPC.

9. Assailing said complaint, it was submitted, impugned complaint/FIR was an outright abuse of process. It was filed as counterblast to earlier complaint filed against complainant herein, her husband, father, brother etc. It was contended that there were no specific overt acts alleged



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against each of accused and arraigning them all was only for harassment even though they were residing separately.

10. In reply, Smt.Sowmya R., learned HCGP for respondent no.1 - State and Sri S. Jagan Babu, learned counsel for respondent no.2 (complainant) submitted that there was admission about complainant accompanied her brother, father and nephew to house of accused no.4, where her brother's mother-in-law picked up quarrel with him, caught hold of his hair and assaulted him. And when she tried to protect him, they were assaulted by all accused joining together, with clubs etc. It was submitted, there was specific allegation against Tabrez and Parvez about assaulting and outraging modesty of complainant. Since complaint disclosed cognizable offence, FIR was registered and same was justified. On said ground sought for dismissal.

11. Heard learned counsel and perused material on record.

12. Both these petitions are filed challenging registration of FIR on similar grounds for challenge, namely



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arraigning family members of accused, which would be abuse of process.

13. It is seen that complaint in Crime no.4/2022 was filed at 11:00 a.m. on 20.02.2022. Shama Anjum - complainant states that she was married to accused no.1 - Syed Shahid Ahmad on 05.08.2021. In her complaint, she alleged that there was demand for dowry and Rs.10 Lakhs was paid three days prior to marriage albeit without specifying who had made demand and to whom money was paid. However, there is allegation against her husband, father-in-law, husband's sister, brother-in-law, niece, nephew and uncle together harassed her physically and mentally on ground that they were expecting Car worth Rs.40 Lakhs, which was not given and insisted that she bring Rs.10 Lakhs for her husband's business. Apart from above, there is specific allegation against her husband that he kicked on her pregnant belly and beat her up, while other accused mocked her for becoming pregnant during her husband's unemployment, which caused abortion.



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14. Insofar as incident at her parent's house on 19.02.2022, she alleges that her father-in-law caught her by hair and smashed her head against wall, while her husband assaulting her with knife and caused injuries on her hands. Thus, specific overt acts are confined against her husband (accused no.1) and her father-in-law (accused no.2), while there are general allegations of dowry harassment made against other accused, which are omnibus and vague in nature. This complaint is by wife making allegations against husband and his family members.

15. Other complaint is by sister-in-law of complainant in Crime no.4/2022 (supra) making allegations against *her* family members. It is seen that complaint in Crime no.5/2022, registered at 1:30 p.m. on 22.02.2022 and is confined to incident of 19.02.2022 only.

16. Complainant states that she along with her brother - Syed Shahid Ahamed, father - Syed Musheer Ahamad, nephew - Syed Shakeel Ahamed went to house of her brother's wife on 19.02.2022 at 7:15 p.m. for mediation of matrimonial dispute between her brother and his wife. During



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same, there is specific over act alleged against her brother's mother-in-law that she assaulted him. And while protecting him, all accused assaulted them with clubs causing grievous injuries. There are also specific overt acts against Tabrez and Pervez about pulling complainant's hair and touching various parts of her body and against all accused threatening to kill complainant etc.

17. Thus, specific overt acts against her brother's mother-in-law is of assault, against Tabrez and Pervez about assault and outraging modesty of complainant, while there are general, vague and omnibus allegations of assault, abuse and threat to kill against all accused.

18. In **Dara Lakshmi Narayana's** case (supra), it is held:

"27. *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 particularised allegations cannot form the basis for criminal prosecution. Courts must*



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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, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 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. *In fact, in the instant case, the first appellant and his wife i.e. the second respondent herein resided at Jollarpeta, Tamil Nadu where he was working in Southern Railways. They were married in the year 2015 and soon thereafter in the years 2016 and 2017, the second respondent gave birth to two children. Therefore, it cannot be believed that there was any harassment for dowry during the said period or that there was any matrimonial discord. Further, the second respondent in response to the missing complaint filed by the first appellant herein on 5-10-2021 addressed a letter dated 11-11-2021 to the Deputy Superintendent of Police, Thirupathur Sub-Division requesting for closure of the said complaint as she had stated that she had left the matrimonial home on her own accord owing to a quarrel with Appellant 1 because of one Govindan with whom the second respondent was in contact over telephone for a period of ten days. She had also admitted that she would not repeat such acts in future. In the above conspectus of facts, we find that the allegations of the second respondent against the appellants herein are too far-fetched and are not believable."*

19. In **Kahkashan Kausar's** case (supra), it is held:

"17. The abovementioned decisions clearly demonstrate that this Court has at numerous



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instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

20. Distillate of above decisions is that Courts have to take judicial notice of abuse of process in proceedings arising out of matrimonial disputes by arraigning all relatives of spouse based on omnibus and vague allegations in order to wreak vengeance or cause harassment and nip such attempts in bud. By producing copies of Aadhar cards of accused, it is contended that they were residing separately.

21. Though main ground urged in petition filed by husband's relatives is about arraignment to harass them even though they are residing separately and were not present at scene of incident, unfortunately same cannot be considered at this stage. In complaint filed by sister of husband, she states that she had accompanied her brother, father and nephew to



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house of wife for mediation. Therefore, insofar as said persons, ground urged would be matter for investigation and evidence. Therefore, only accused no.4, 5 and 7 in Crime no.4/2022 would be entitled to succeed.

22. As noted above, in Crime no.5/2022, only specific overt acts alleged are against accused no.1, 5 and 6, while allegations against others are vague and omnibus. Hence, only remaining accused would succeed even though there is allegation of said complaint to be counterblast referring to delay in filing, it is settled law that mere delay cannot be a ground for quashing FIR.

23. For aforesaid, following:

ORDER

- (i) Crl.P. no.4829/2022 is ***allowed-in-part*** and FIR in Crime No.4/2022 registered by Kolar Women Police Station pending before III Addl.Civil Judge and JMFC, Kolar is quashed only insofar as petitioners no.3, 4 and 6 **(Accused no.4, 5 and 7).**



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- (ii) Crl.P. no.10684/2022 is ***allowed-in-part*** and FIR in Crime No.5/2022 registered by Kolar Women Police Station pending before III Addl.Civil Judge and JMFC, Kolar is quashed only insofar as petitioners no.2, 3, 4 and 7 to 9 (**Accused no.2, 3, 4, 7, 9 and 10**).
- (iii) Liberty is reserved to others to approach this Court in case they are aggrieved by Charge sheet as and when filed.
- (iv) It is also clarified that observations made herein are purely *prima facie* and would not bind further stage in proceedings.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD/AV
List No.: 1 SI No.: 6