



CNR: KAHC010504022024

NC: 2026:KHC:52746
CRL.P No. 9149 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 9149 OF 2024

BETWEEN:

SMT. YASHODHA C
W/O. ASHOK,
AGED ABOUT 38 YEARS,
R/AT. NO.169, GROUND FLOOR,
NAGENHALLI VILLAGE,
SINGANAYAKANAHALLI POST,
AVALAHALLI,
YELAHANKA TALUK,
BENGALURU - 560 064.

AND ALSO, R/AT.
C/O. SRINIVAS BUILDING,
SRI. LAKSHMI VENKATESHWARA NILAYA,
AVALAHALLI, SINGANAYAKANAHALLI,
YELAHANKA HOBLI,
BENGALURU - 560 064.

...PETITIONER

(BY SRI. TEJAS N, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
YELAHANKA NEW TOWN POLICE,
BANGALORE - 560 064.

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HCK, BANGALORE - 01)

2. SMT. SUBBAMMA,
W/O. MUNIYAPPA G,
AGED ABOUT 68 YEARS,
R/AT. NO. 169, GROUND FLOOR,
NAGENHALLI VILLAGE,
SINGANAYAKANAHALLI POST,
AVALAHALLI,
YELAHANKA TALUK,
BENGALURU - 560 064.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K.R. NAGARAJA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528
BNNS) PRAYING TO QUASH THE PROCEEDINGS IN
C.C.NO.17566/2024 ON THE FILE OF THE HON'BLE VII A.C.M.M
BENGALURU AS AN ABUSE OF PROCESS OF LAW, WHICH IS
ARISING OUT OF CR.NO.158/2024 OF YELAHANKA NEW TOWN
P.S., BENGALURU FOR THE OFFENCE P/U/S 427, 448, 504, 506
OF IPC.

THIS PETITION, COMING ON FOR ADMISSION, 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 seeking to quash the proceedings against the petitioner - accused in C.C.No.17566/2024 (arising out of Crime No.158/2024 of Yelahanka New Town Police Station), for the offences punishable under Sections 427, 448, 504 and 506 of IPC, presently pending on the file of VII Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2-complainant lodged a private complaint against the petitioner before the learned Magistrate in PCR No.12382/2023, alleging that her son, namely, Sri. Ashok, married the petitioner herein in the year 2008. After the marriage, they resided together for a few years and, out of the wedlock, they have two children, presently aged about 17 and 11 years, respectively.



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3. It is further alleged that the petitioner developed an extra-marital relationship with one Prakash, who is a neighbour of respondent No.2. When respondent No.2 questioned the same, the petitioner lodged a complaint against her husband, i.e., the son of respondent No.2, which came to be registered in Crime No.432/2024. Thereafter, the son of respondent No.2 instituted proceedings against the petitioner before the Family Court seeking dissolution of the marriage and custody of the children.

4. It is the further allegation that on 10.11.2023, the petitioner trespassed into the house of respondent No.2 by forcibly breaking open the door and abused respondent No.2 and her son in filthy language and threatened them with dire consequences. Hence, respondent No.2 lodged the aforesaid private complaint before the learned Magistrate.

5. The learned Magistrate referred the complaint to the jurisdictional police under Section 156(3) of the Cr.P.C. Accordingly, the jurisdictional police registered the FIR and, after completion of investigation, laid the charge-sheet against the petitioner for the aforesaid offences. The learned Magistrate



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thereafter took cognizance of the offences against the petitioner. Aggrieved by the same, the petitioner has preferred the present petition.

6. Heard the learned counsel for the petitioner, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

7. The primary contention advanced by the learned counsel for the petitioner is that, prior to filing the present private complaint, the son of respondent No.2 had instituted M.C.No.7850/2023 seeking dissolution of marriage against the petitioner by making frivolous allegations. It is contended that, in order to lend support to the allegations made in the said matrimonial proceedings, respondent No.2, who is the mother-in-law of the petitioner, has lodged the present complaint against her.

8. It is further contended that, in fact, son of respondent No.2 had subjected the petitioner to physical and mental harassment demanding additional dowry, in respect of which the petitioner had lodged a complaint against the son of



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respondent No.2 in Crime No.432/2024 before Yelahanka New Town Police Station.

9. It is also contended that, though an allegation is made that the petitioner forcibly entered the house of respondent No.2 by breaking open the door, the charge-sheet does not contain any material to substantiate the said allegation. Except for omnibus allegations, there is no specific overt act attributed to the petitioner. Hence, it is contended that the present complaint has been lodged by respondent No.2, who is the mother-in-law of the petitioner, out of vengeance. Accordingly, learned counsel prays to allow the petition.

10. Learned counsel for respondent No.2 opposed the prayer of the petitioner. He contended that the present complaint was lodged by respondent No.2 prior to the complaint lodged by the petitioner against her son. It is further contended that respondent No.2 and her son are residing in their own house and that the petitioner, having no right, title or interest therein, attempted to forcibly enter the said house.



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11. It is further contended that there are serious allegations against the petitioner that she had developed an extra-marital relationship with one Prakash and that, in the said circumstances, the incident occurred on 10.11.2023, as narrated by respondent No.2. Since the police failed to register the case, respondent No.2 was constrained to lodge a private complaint before the learned Magistrate. Pursuant thereto, the jurisdictional police i.e. respondent No.1 conducted investigation and laid the charge-sheet against the petitioner. The materials collected during the investigation disclose the commission of cognizable offences by the petitioner. Hence, it is contended that, at this stage, the proceedings against the petitioner cannot be quashed. Accordingly, learned counsel prays for dismissal of the petition.

12. Learned HCGP for respondent No.1-state also opposed the prayer of the petitioner and prays to dismiss the petition.

13. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused entire materials on record.



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14. As could be gathered from records, admittedly, the petitioner is none other than the daughter-in-law of respondent No.2. It is further not in dispute that the son of respondent No.2 instituted M.C.No.7850/2023 before the Family Court in December 2023, seeking dissolution of his marriage with the petitioner, and the same is pending for consideration. Subsequently, respondent No.2 lodged the present private complaint against the petitioner.

15. On careful perusal of the averments made in the private complaint and the charge-sheet materials, it is alleged that the petitioner forcibly entered the house of respondent No.2 by breaking open the door. However, the entire charge-sheet does not contain any material to substantiate the said allegation or to establish that the petitioner had broke open the door of the house.

16. Further, the allegation that the petitioner was having an extra-marital affair with one Prakash is a bald assertion, without there being any supporting statement or material to substantiate the same. In any event, such an



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allegation is a matter which has to be tested in the matrimonial proceedings instituted by the son of respondent No.2.

17. The allegation that the petitioner forcibly entered the house of respondent No.2 and abused her and her son is also omnibus in nature. Having regard to the pendency of the matrimonial proceedings instituted by the son of respondent No.2 against the petitioner and the case filed by the petitioner against the son of respondent No.2 for the offence punishable under Section 498-A of the IPC, the circumstances indicate that the present private complaint lodged by respondent No.2, who is the mother-in-law of the petitioner, is out of vengeance. In such circumstances, the averments made in the private complaint, on the face of it, reveal that the same has been lodged as a counterblast to the matrimonial dispute and out of vengeance.

18. The Hon'ble Apex Court in the case of **MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488** in paragraph No.11 to 14 held as under:



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"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any



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offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.



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(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.” We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the



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necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance,



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thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

"5. ...Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these



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proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do



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*not constitute the offence
alleged;*

*(iii) where the allegations
constitute an offence, but there is
no legal evidence adduced or the
evidence adduced clearly or
manifestly fails to prove the
charge.*

*7. In dealing with the last category, it is
important to bear in mind the distinction
between a case where there is no legal
evidence or where there is evidence
which is clearly inconsistent with the
accusations made, and a case where
there is legal evidence which, on
appreciation, may or may not support the
accusations. When exercising jurisdiction
under Section 482 of the Code, the High
Court would not ordinarily embark upon
an enquiry whether the evidence in
question is reliable or not or whether on a
reasonable appreciation of it accusation
would not be sustained. That is the
function of the trial Judge. Judicial
process, no doubt should not be an*



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instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death....." (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

19. Further, it could be gathered that, even in the matrimonial proceedings, the son of respondent No.2 has made an allegation regarding the alleged extra-marital affair of the



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petitioner. The present complaint lodged by the mother-in-law of the petitioner contains similar allegations, apparently to lend support to the assertions made in the matrimonial proceedings.

20. As discussed supra, the charge-sheet materials do not disclose any material or authenticated document to substantiate the allegation that the petitioner forcibly entered the house of respondent No.2 by breaking open the door. In the absence of such material, continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioner-accused in C.C.No.17566/2024 (arising out of Crime No.158/2024 of Yelahanka New Town Police Station), for the offences punishable under Sections 427, 448, 504 and 506 of IPC, presently pending on the file of VII Additional Chief Metropolitan Magistrate, Bengaluru is hereby quashed.



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iii. It is made clear that the observations made in this petition shall not come in the way while disposing the MC petition before the Family Court.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 13