



NC: 2026:KHC:47414
CRL.P No. 1505 of 2020

CNR: KAHC010550972019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO. 1505 OF 2020

BETWEEN:

1. DEERAJ YADAV
S/O BRIJNANDAN YADAV,
AGED ABOUT 32 YEARS,
C-301, SUNDAR NAGAR,
BHESTAN, SONARI, SURAT,
GUJARAT - 395 023.
2. BRIJNANDAN YADAV
S/O RAMLAL,
AGED ABOUT 54 YEARS,
R/A NO.602, 6TH FLOOR,
SHUB-VATIKA, NEAR KARADWA,
MILLENIUM PARK, DINDSI, SURAT,
GUJARAT - 394 218.
3. NIRMALA DEVI @ NIRMALA YADAV
W/O BRIJNANDAN YADAV,
AGED ABOUT 48 YEARS,
R/A NO.602, 6TH FLOOR,
SHUB-VATIKA, NEAR KARADWA,
MILLENIUM PARK, DINDSI, SURAT,
GUJARAT - 394 218.
4. POOJA YADAV
W/O PRIYA RANJAN,
AGED ABOUT 36 YEARS,
NO.908, KRISHNAPURA,
NEAR LIFE LINE MEDICI,
CHUTIA, RANCHI,
JHARKAND - 834 001.

Digitally signed
by ANUSHA V
Location: High
Court of
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5. PUSHPA YADAV
W/O PARMANAND,
AGED ABOUT 26 YARS,
R/A NO.602, 6TH FLOOR,
SHUB-VATIKA, NEAR KARADWA,
MILLENIUM PARK,
DINDSI, SURAT,
GUJARAT - 394 218.
6. SUMITHRA DEVI
W/O BALMUKUND YADAV,
AGED ABOUT 52YEARS,
PARMACHAK VILALGE,
BANS GOPAL AMAWAM POST,
RAJAULI NAWAD,
BIHAR - 805 125.

...PETITIONERS

(BY SRI VISHWANATH M P., ADVOCATE)

AND:

1. THE STATE BY BASAVANAGUDI
WOMEN'S POLICE STATION,
BANGALORE CITY,
REP. BY PUBLIC PROSEUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SMT. POOJA YADAV
W/O DEERAJ YADAV,
D/O RAMDEEP KUMAR,
AGED ABOUT 29 YEARS,
NO.57/5, SRI VINOD NIVAS,
NAYANDAHALLI,
MYSORE ROAD,
BENGALURU - 560 039.

...RESPONDENTS

(BY SRI MAHESHA P., HCGP FOR R1;
SRI SHIVAKUMAR S.B., ADVOCATE FOR R2)



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THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE PROCEEDINGS AGAINST THE PETITIONERS ABOVE NAME IN C.C.NO.27315/2019 (CR.NO.79/2019) OF RESPONDENT BASAVANAGUDI WOMEN P.S., FILED FOR THE OFFENCE P/U/S 498A R/W 34 OF IPC PENDING ON THE FILE OF THE LEARNED 2ND A.C.M.M., AT BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging charge sheet and entire proceedings in CC no.27315/2019 arising out of Crime no.79/2019 by Basvanagudi Women Police Station, Bangalore for offences punishable under Section 498A read with Section 34 of Indian Penal Code, 1860 (**IPC**) presently stated to be pending on file of II Additional Chief Metropolitan Magistrate, Bangalore, this petition is filed.

2. Sri Vishwanath M.P., learned counsel appearing for petitioners submitted that petitioners were accused no.1 to 6 in a complaint dated 03.06.2019 filed by respondent no.2 (complainant) stating that she was married to Dheeraj Yadav - accused no.1 on 20.04.2008. For purpose of fixing of marriage,



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other accused namely accused no.2 and 3 - parents of accused no.1; accused no.4 and 5 - sisters of accused no.1 and accused no.6 - sister of accused no.3 had visited house of complainant's parents and demanded immediate payment of Rs.10,00,000/-. At that time, a sum of Rs.4,50,000/- was paid in cash and remaining amount of Rs.5,50,000/- was transferred through Bank. Thereafter at time of marriage, accused no.1 was given gold jewels etc. and marriage was celebrated in grand at her residence.

3. It was submitted, thereafter she went to Surat, where her husband was residing along with his parents and sister and accused no.6 was a frequent visitor. She stayed in that house for about 3 to 4 years during which accused used to force her to toil for long hours and treating her as a slave without proper food, nourishment or care. They also harassed her with demand for dowry. They frequently informed her that amount given was insufficient and required her to get a further sum of Rs.50,00,000/-; a Car and more jewellery. She somehow managed and after 5 years, when she got pregnant also she was not given proper food, nourishment or medical care. She was harassed with demand for additional dowry and



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when she told them about difficulties faced by her father, she was assaulted. Her husband and parents-in-law punched and kicked on stomach, ignoring that she was 5 to 6 months pregnant. Due to merciless assault, her pregnancy aborted.

4. Even subsequently she stayed with them for about 2 years during which ill-treatment, harassment and verbal abuses continued. In month of May 2015, she was thrown out of house after purchasing a ticket and sent back to her parents. In May 2015, accused no.1 used to frequently call her and informed her that in case she did not bring Rs.50,00,000/-, she would not be allowed to return. During November 2016, when she went along with her parents to husband's house, she was not allowed to enter and they were in fact threatened and sent back. She further alleged that in March 2017, her husband sent Short Message Service (**SMS**) demanding Rs.50,00,000/- as additional dowry. He also informed her that he was having an affair with a girl in same apartment and if she came back without money, he would be able to prove that complainant was mad etc. There was also a threat to use morphed photo of complainant and her sister to prepare Multimedia Messaging Service (**MMS**) and spread amongst relatives to blackmail her



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to bring Rs.50,00,000/-. And on 30.04.2019, when complainant along with her parents and relatives went to house of accused, they were manhandled by accused. She further stated that on 30.04.2019, accused no.1 had called her over mobile and asked her to come back. When she went there, she was assaulted alleging that same amounted to offences, complaint was filed. Based on same, Crime no.79/2019 was registered for offence under Section 498A read with Section 34 of IPC.

5. It was submitted that after investigation, charge sheet was filed arraigning accused for offences under Section 498A read with Section 34 of IPC. It was submitted, entire complaint which was in a typed format appeared to be drafted. It was submitted that allegations in complaint were insurmountably vague, without particulars as to date, time or place and therefore, liable for quashing.

6. Relying upon decision of Hon'ble Supreme Court in case of **Ghanshyam Soni v. State (NCT of Delhi)**, reported in **2025 SCC OnLine SC 1301**; **Preeti Gupta v. State of Jharkhand**, reported in **(2010) 7 SCC 667** and **Charul Shukla v. State of Uttar Pradesh and Ors.**, reported in



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2026 SCC OnLine SC 476 as well as decision of this Court in Crl.P.no.12989/2024 disposed of on 25.03.2026 (**Sumithra's** case), it was submitted based on vague allegations without particulars there could be no conviction and Hon'ble Supreme Court had quashed proceedings.

7. It was submitted that marriage was celebrated on 20.04.2008, whereas complaint was filed on 03.06.2019 when marriage had endured for more than 11 years rendering above vague allegations as untrustworthy and initiation of proceedings not only against husband but also against his family members was abuse of process. Relying upon decision in case of **Ritaben Sunilbhai Pathak v. State of Gujarat**, reported in **2019 SCC OnLine Guj 613**, it was submitted that even as per complaint averments, incidents occurred at Surat i.e., at place of residence of accused without any accrual cause of action within Karnataka, registration of complaint and initiation of proceedings would be without jurisdiction. It was further submitted that allegations in any case were uncorroborated by documentary evidence which would also indicate that they were made only to implicate petitioners - accused for offences. On above grounds sought for quashing.



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8. On other hand, Sri Mahesha P., learned HCGP for respondent no.1 – State opposed petition. It was submitted that complaint contained not only clear allegations of demand and dowry, but also subsequent harassment with demand for additional dowry. And allegations were supported/corroborated by SMS. It was submitted, there was specific allegation about transfer of dowry amount into account of accused no.2. Apart from above, statements of CWs-2 to 5 i.e., complainant, her parents, brother and uncle was in tune with complaint averments. Under above circumstances *prima facie* case was established and at stage considering to quashing petition, Court was only to verify whether there was *prima facie* material against accused and analysis of inconsistencies or veracity of statements was barred. On said grounds sought for dismissal.

9. Sri S.B. Shivakumar, learned counsel for respondent no.2 (complainant) also opposed petition. In addition to adopting submission of learned HCGP, it was submitted that there was clear allegations about demand as well as receipt of dowry by accused no.2 - father of accused no.1. It was submitted that charge sheet material included printout of SMSs sent by accused no.1 and Certificate under



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Section 65B of Indian Evidence Act, 1872, could be produced even at stage of trial and same would not be a fatal defect at this stage.

10. Heard learned counsel and perused material on record.

11. This petition is by accused no.1 to 6 challenging charge sheet as well as entire proceedings for offences punishable under Section 498A read with Section 34 of IPC.

12. Main grounds urged are that allegations are vague, omnibus and made with a view to harass accused, devoid of any necessary particulars such as date, time and place of incident. It is also contended that there was no accrual of cause of action for registration of proceedings in Bangalore.

13. Hon'ble Supreme Court in case of **Ghanshyam Soni's** case (supra) while considering an order passed on application for discharge in case of offences punishable under Sections 498A, 406 read with Section 34 of IPC held as follows:

"11. As regards the Appellant, the purportedly specific allegations levelled against him are also obscure in nature. Even if the allegations and the case of the prosecution is taken at its face



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value, apart from the bald allegations without any specifics of time, date or place, there is no incriminating material found by the prosecution or rather produced by the complainant to substantiate the ingredients of "cruelty" under section 498A IPC, as recently observed in the case of Jaydedeepsinh Pravinsinh Chavda v. State of Gujarat and Rajesh Chaddha v. State of Uttar Pradesh. The Complainant has admittedly failed to produce any medical records or injury reports, x-ray reports, or any witnesses to substantiate her allegations. We cannot ignore the fact that the Complainant even withdrew her second Complaint dt. 06.12.1999 six days later on 12.12.1999. There is also no evidence to substantiate the purported demand for dowry allegedly made by the Appellant or his family and the investigative agencies in their own prudence have not added sections 3 & 4 of the Dowry Prohibition Act, 1961 to the chargesheet."

14. Referring to said decision and **Maram Nirmala v. State of Telangana**, reported in **2025 SCC OnLine SC 2913**, this Court in **Sumithra's** case has held initiation of proceedings for offence under Section 498A of IPC on bald or vague allegations without particulars or corroborative material implication of entire family members of spouse in matrimonial disputes would be abuse of process and quashed proceedings. Likewise in **Charul Shukla's** case, where complaint for offence punishable under Section 498A of IPC was based on mere statements that accused had frequently demanded dowry and



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harassed complainant were held insufficient and quashed. Ratio of above decisions would reveal that ratio would apply only if allegations are not supported by other material on record.

15. Complaint in question contains various incidents of harassment or cruel treatment that occurred over an enormous length of time (nearly more than a decade) appear to be without specifying date and time. However, there is mention about month and year in which incidents occurred and place of occurrence. But, allegations do not mention specific overt acts of each of accused, but reference to all acts of accused is in common. Hon'ble Supreme Court has time and again cautioned against tendency of complainant in case of matrimonial dispute to implicate all family members of spouse as abuse of process and cast a burden on Courts to verify from contents of allegations and in case of vague and omnibus allegations, quash proceedings insofar as family members of spouse.

16. In instant case, corroborative material insofar as complaint allegations is in form of statements of complainant, her family members as well as printouts of SMS message/conversation between complainant and her husband -



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accused no.1. Printout would provide particulars of date and time, while complaint indicate place. Thus, material on record insofar as accused no.1 cannot be stated to fall within ambit of ratio laid down in **Charul Shukla, Ghanshyam Soni** and **Sumithra** cases. Demand for dowry and harassment with demand for dowry, *prima facie* attract offence under Section 498A of IPC insofar as accused no.1.

17. As rightly submitted by counsel for respondents, corroborative material namely SMS could be supported by a Certificate under Section 65B of Evidence Act, even at stage of trial. Insofar as contention about cause of action not accruing within Bangalore and accruing at Surat, reading of complaint averments as well as charge sheet imputations would reveal that though majority of incidents alleged appear to have occurred while complainant was residing with accused at Surat, incidence of harassment stated to have continued even after complainant was sent to her parents' house at Bangalore. It is specific allegation that during said period, complainant had received SMS containing threats and dowry harassment, which would constitute ingredients for offence under Section 498 of IPC. Messages were obviously received by complainant while



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she was residing at Bangalore. Thus, offence of cruel treatment being in nature of continuing offence and some part of cause of action having accrued within jurisdiction, challenge on lack of cause of action would not sustain.

18. For aforesaid reasons, petition is ***partly allowed*** only insofar as petitioners no.2 to 6 (accused no.2 to 6) and proceedings in CC no.27315/2019 pending before II Additional Chief Metropolitan Magistrate, Bangalore, stands ***quashed***. While petition is ***dismissed*** insofar as petitioner no.1 (accused no.1) is concerned. But by reserving liberty to petitioner no.1 to urge contentions before trial Court at appropriate stage.

Sd/-
(RAVI V HOSMANI)
JUDGE

GRD
List No.: 1 Sl No.: 13