



CNR: KAHC010628852025

NC: 2026:KHC:45341
CRL.P No. 13419 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 13419 OF 2025

BETWEEN:

SRI SACHIN M S
S/O LATE SATYANARAYANA K M
AGED ABOUT 27 YEARS,
R/AT. NO.1309, NEELAVARNA NILAYA,
2ND CROSS, LAKSHMISHANAGARA,
KADURU,
CHIKKAMAGALURU DISTRICT - 577 548.

...PETITIONER

(BY SRI. K.N. PHHANINDRA, SENIOR COUNSEL FOR
SMT. LEELA P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KADUR POLICE STATION,
REPRESENTED BY SPP OFFICE,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. SMT. DIKSHITHA D.,
W/O.SANJAY MS,
AGED ABOUT 22 YEARS,
R/AT. INNERWHEEL ROAD, 2ND CROSS
LAKSHMISHA NAGARA, KADUR TOWN, CHIKKAMAGALURU
DISTRICT - 577 548.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1
SRI. ASHOKA T., ADVOCATE FOR R2)

Digitally
signed by
CHETAN B C
Location:
High Court of
Karnataka



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THIS CRL.P IS FILED U/S. 482 (FILED U/S.528 BNSS) CR.P.C. BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CRIME NO.229/2025 DATED 08.08.2025 REGISTERED BY THE Ist RESPONDENT KADUR POLICE PURSUANT TO THE COMPLAINT DATED 08.08.2025, FOR THE OFFENCE P/U/S/ 85,351(2),352 R/W SEC.3(5) OF BNS AND SEC.3,4 OF DP ACT PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (Jr.Dn.) AND JMFC KADUR, CHIKKAMAGALURU DISTRICT 1961.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner/accused No.3 stands at the doors of the Court calling in question registration of a crime in Crime No.229/2025 for the offences punishable under Sections 85, 351(2), 352 r/w Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard learned senior counsel Sri. K.N. Phanindra appearing for the petitioner, Smt. Rashmi Patel, learned High



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Court Government Pleader for respondent No.1 - police and Sri. Ashoka T, learned counsel appearing for respondent No.2 - complainant.

3. Facts, in brief, germane are as follows:

The petitioner/accused No.3 is the brother of the 1st accused. Accused No.1 is the husband of the complainant. Accused No.1 - husband is said to be residing in Dubai. The brother/accused No.3 was staying in India. It is the allegation that on a particular day, the petitioner locked up the complainant in a room when the complainant wanted her jewels for the purpose of attending the marriage of the present petitioner as his date of marriage was fixed. On the said score a complaint comes to be registered, which becomes a crime in Crime No.229/2025. The petitioner who is hauled as an accused in the said proceeding has now suffered loss of employment on the score of the pendency of the subject crime.

4. Learned senior counsel appearing for the petitioner would take this Court through the documents appended to the petition and the complaint in particular, seeking to demonstrate



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that there is nothing that would become the ingredients of the offences so alleged against the petitioner for investigation to be conducted against him. Therefore, he would seek quashment of the crime.

5. Sri.Ashok T, learned counsel appearing for the respondent - complainant, would however, refute the submission of learned senior counsel to contend that the petitioner had indeed locked up and harassed the complainant. Therefore, the matter is to be investigated in the least, as the petitioner- accused No.3 has connived with accused No.1 - the husband and indulged in the acts that are now alleged against him. Therefore, learned counsel for the respondent would seek dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and perused the material on record.

7. The afore-narrated facts *qua* the petitioner would lie in a narrow compass. The relationship of the petitioner with the complainant is that, he is the brother-in-law of the



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complainant, and the younger brother of accused No.1. Insofar as he is concerned, the complaint comes to be registered on 08.08.2025, which reads as follows:

"ಗೆ,
ಪೊಲೀಸ್ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್
ಆರಕ್ಷಕ ರಾಣಿ
ಕಡೂರು
ಇಂದ,
ಶ್ರೀಮತಿ ದೀಕ್ಷಾ ವೈಫ್ ಆಫ್ ಸಂಜಯ್ ಎಂ.ಎಸ್.
ಕುರುಬರ ಜಾತಿ, ಇನ್ನರ್ ವೀಲ್ ರಸ್ತೆ,
ಲಕ್ಷ್ಮೀಶನಗರ, 2ನೇ ಕ್ರಾಸ್, ಕಡೂರು,

ವಯಸ್ಸು: 22 ವರ್ಷ

ಫೋನ್: 7624881935

ಮಾನ್ಯರೇ,

ವಿಷಯ: ನನ್ನ ಗಂಡ, ಅತ್ತೆ ಮತ್ತು ಮೈದುವರಿಂದ ರದಕ್ಷಿಣೆ ಕಿರುಕುಳ ನೀಡಿ ಮಾನಸಿಕ ಹಾಗೂ ದೈಹಿಕವಾಗಿ ಚಿತ್ರಹಿಂಸೆ ನೀಡುತ್ತಿರುವ ಬಗ್ಗೆ.

*** ***** ***

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಶ್ರೀಮತಿ ದೀಕ್ಷಿತಾ.ಡಿ. ಆದ ನಾನು ಕಡೂರು ಪಟ್‌ಟಣದ ಸಂಜಯ್ ಎಂ.ಎಸ್. ಸನ್ ಆಫ್ ಕೆ.ಎಂ.ಸತ್ಯನಾರಾಯಣ ಎಂಬಾತನನ್ನು ದಿ:31-07-2022 ರಂದು ವಿವಾಹವಾಗಿದ್ದು ಸರಿಯಷ್ಟೆ. ನನ್ನ ಗಂಡ & ಅವರ ಮನೆಯವರು ಆಸ್ಪ್ರೀಲಿಯಾದಲ್ಲಿ ಇಂಜಿನಿಯರ್ ಆಗಿ ಕೆಲಸಮಾಡುತ್ತಿರುವುದಾಗಿ ನಂಬಿಸಿ ಸುಳ್ಳು ಹೇಳಿ, ಸುಮಾರು 300ಗ್ರಾಂ ಬಂಗಾರ 20 ಲಕ್ಷ ಹಣವನ್ನು ವರದಕ್ಷಿಣೆಯಾಗಿ ಪಡೆದು ಮದುವೆ ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ಮದುವೆ ಆದ ಮೇಲೆ ಮೊದಲ ತಿಂಗಳಿಂದಲೇ ನನ್ನ ಎಲ್ಲಾ ಒಡವೆಗಳನ್ನು ಒಂದೊಂದಾಗಿ ಕಸಿದುಕೊಂಡಿದ್ದಲ್ಲದೇ ಪ್ರತಿದಿವಸ ಕುಡಿದು ಬಂದು ದೈಹಿಕವಾಗಿ ಹಲ್ಲೆ ಮಡುತ್ತಾ ನಿಮ್ಮ ಅಪ್ಪನಿಂದ ಹಣ ತೆಗೆದುಕೊಂಡು ಬಾ, ಅವರ ಬಳಿ ಇರುವ ಸೈಟನ್ನು ನನ್ನ ಹೆಸರಿಗೆ ಮಾಡಿಸಿಕೊಡು ಎಂದು ಚಿತ್ರ ಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದರು. ಅಲ್ಲದೇ ನನ್ನ ಅತ್ತೆ ಸವಿತ ಮೈದುವ ಸಚಿನ್ ಅವರುಗಳು ಸಹ ನನ್ನ ಗಂಡನ ಜೊತೆ ಸೇರಿಕೊಂಡು ಪ್ರತಿದಿನ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈಯುತ್ತಾ ಮದುವೆಗೆ ಮುಂಚೆ ದೈಹಿಕವಾಗಿ



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ಹಲ್ಲೆ ಮಾಡುತ್ತಿದ್ದರು. ನನ್ನ ಮದುವೆಗೆ ಮುಂಚೆ ಆಸ್ಪ್ರೇಲಿಯಾದಲ್ಲಿ ಇದ್ದೆನೆ, ನನ್ನ ಬಳಿ ಆಸ್ಪ್ರೇಲಿಯಾದಲ್ಲಿ ಮನೆ ಕಾರು ಇದೆ ಎಂದು ಸುಳ್ಳು ಹೇಳಿ ನಂಬಿಸಿ ಮದುವೆಯಾದ ನಂತರ ಆಸ್ಪ್ರೇಲಿಯಾಕ್ಕೆ ಹೋಗುವುದಾಗಿ ಸುಳ್ಳು ಹೇಳಿ ಫ್ಲೈಟ್ ಟಿಕೆಟ್‌ಗಾಗಿ ನನ್ನ ಮತ್ತು ನನ್ನ ತಂದೆಯವರಿಂದ ಸುಮಾರು 5-6 ಬಾರಿಯೂ ಟಿಕೆಟ್ ಬುಕ್ ಮಾಡಿ ನಂತರ ಕ್ಯಾನ್ಸಲ್ ಮಾಡಿಸಿ ಬೇರೆ-ಬೇರೆ ಸಬೂಬು ಹೇಳಿ ಮುಂದೂಡುತ್ತಾ ಬಂದಿರುತ್ತಾರೆ. ನಮ್ಮಿಂದ ಪಡೆದ ಹಣವನ್ನು ಮೋಜು ಮಸ್ತಿ ಮಾಡಿ ಕಳೆದಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ ಆಗಾಗ್ಗೆ ದುಬೈ, ಬಾಂಬೆ, ಬೆಂಗಳೂರು ಹೋಗುತ್ತೇನೆಂದು ಹೇಳಿ ಹಲವಾರು ಹೆಣ್ಣು ಮಕ್ಕಳ ಜೊತೆ ಅಕ್ರಮ ಸಂಬಂಧ ಇಟ್ಟುಕೊಂಡು ನನಗೆ ಮೋಸ ಮಾಡಿರುತ್ತಾರೆ. ಈ ವಿಷಯವಾಗಿ ತಂದೆ-ತಾಯಿಯವರು ವಿಚಾರಿಸಿದಾಗ ಆಸ್ಪ್ರೇಲಿಯಾದಲ್ಲಿ ಕೆಲಸಮಾಡಲು ಹೊರಟಿರುವುದು ಸುಳ್ಳು ಎಂದು ಮನವರಿಕೆಯಾಗಿರುತ್ತದೆ. ಈ ವಿಷಯವಾಗಿ ಮನನೊಂದು ದಿ:11-09-2024 ರಂದು ಕಡೂರು ಠಾಣೆಗೆ ದೂರು ನೀಡಿರುತ್ತಾರೆ. ಆ ಸಮಯದಲ್ಲಿ ನನ್ನ ತಂದೆ ತಾಯಿ, ಸಂಬಂಧಿಕರು ಸೇರಿ ಕುಳಿತು ಮಾತನಾಡಿ ಬುದ್ಧಿವಾದ ಹೇಳಿದ ನಂತರ ಸ್ವತಃ ನನ್ನ ಗಂಡ, ಅತ್ತೆ & ಮೈದುನರು ತಾವು ಮಾಡಿದ ವಂಚನೆ, ಮೋಸದ ಬಗ್ಗೆ ಒಪ್ಪಿಕೊಂಡು, ನಿಮ್ಮಿಂದ ಬಲವಂತವಾಗಿ ಸುಳ್ಳು ಹೇಳಿ ಮೋಸ ಮಾಡಿ ಪಡೆದಿರುವ ಒಡವೆ & ಹಣವನ್ನು ಹಿಂದಿರುಗಿಸುತ್ತೇವೆ ಮತ್ತು ಇನ್ನು ಮುಂದೆ ನಾನು ಬೆಂಗಳೂರಿನಲ್ಲಿ ಉದ್ಯೋಗ ಮಾಡುತ್ತಾ ನಿಮ್ಮ ಮಗಳನ್ನು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆಂದು ಮುಚ್ಚಳಿಕೆ ಪತ್ರವನ್ನು ಠಾಣೆಯಲ್ಲಿ ಬರೆದುಕೊಟ್ಟಿರುತ್ತಾರೆ. ನಂತರ ನನಗೆ ಅವರೊಟ್ಟಿಗೆ ಬಾಳಲು ಒಂದು ಅವಕಾಶವನ್ನು ನೀಡಿದ್ದರು. ಕೆಲವು ದಿನಗಳು ಚೆನ್ನಾಗಿ ಇರುವುದಾಗಿ ನಾಟಕ ಮಾಡಿ ಪುನಃ ಹಿಂದಿನಂತೆ ದೈಹಿಕವಾಗಿ ಹಲ್ಲೆ ಮಾಡುತ್ತಿದ್ದರು. ನಾನು ಮರ್ಯಾದೆಗೆ ಅಂಜಿ ಯಾರ ಬಳಿಯೂ ಹೇಳದೆ ಒಬ್ಬಳೇ ನೋವು ಅನುಭವಿಸುತ್ತಾ ಬಂದಿರುತ್ತೇನೆ. ಕಳೆದ ಒಂದು ತಿಂಗಳಿಂದಲೂ ನನ್ನ ಮೈದುನನ ಮದುವೆಗೆ ಹಾಕಿಕೊಳ್ಳಲು ಅಡವಿಟ್ಟಿರುವ ನನ್ನ ಒಡವೆಗಳನ್ನು ಬಿಡಿಸಿಕೊಡಿ ಎಂದು ಕೇಳಿದಾಗಿನಿಂದ ಒಡವೆ ಬಿಡಿಸಲು ನನಗೆ 5 ಲಕ್ಷ ಹಣ ಬೇಕು. ನೀನು ನಿಮ್ಮಪ್ಪನ ಹತ್ತಿರ ತೆಗೆದುಕೊಂಡು ಬಾ ಎಂದಾಗ ನಾನು ಈಗಾಗಲೇ ಲಕ್ಷಾಂತರ ರೂಪಾಯಿಗಳನ್ನು & ಒಡವೆಗಳನ್ನು ನಿಮಗೆ ಕೊಟ್ಟಿದ್ದೇನೆ. ನಮ್ಮ ಅಪ್ಪನ ಬಳಿ ಹಣ ಇಲ್ಲ. ಸಾಲದ್ದಕ್ಕೆ ಅವರಿಗೆ ಹಾರ್ಟ್ ಆಪರೇಷನ್ ಆಗಿದೆ ಎಂದಾಗ ನೀನು ನನ್ನ ಮನೆಯಲ್ಲಿ ಬದುಕುವ ಆಸೆ ಇದ್ದರೆ ಹಣ ತೆಗೆದುಕೊಂಡು ಬಾ ಇಲ್ಲ ಅಂದರೆ ನಿನ್ನನ್ನು ಮುಗಿಸಿಬಿಡುತ್ತೇನೆ ಎಂದು ಭಯ ಬೀಳಿಸಿದ್ದಲ್ಲದೆ ನನ್ನ ಗಂಡ, ಮೈದುನ & ಅತ್ತೆ ಸವಿತಾ ರವರು ಸೇರಿಕೊಂಡು ನನ್ನ ಮನೆಯಲ್ಲಿ ಮದುವೆ ತಯಾರಿ ಮಾಡುತ್ತಿದ್ದೇವೆ. ನಿನ್ನಂಥಹ ದರಿದ್ರ ಹೆಂಗಸು ಇರಬಾರದು ಎಂದು ನಿಂದಿಸಿ ದೈಹಿಕವಾಗಿ ಹಲ್ಲೆ ಮಾಡಿ ಒಂದು ರಾತ್ರಿ ಒಂದು ಹಗಲು ಉಟ, ನೀರು ನೀಡದೆ ರೂಮಿನಲ್ಲಿ ಕೂಡಿಹಾಕಿದ್ದರು. ಇಂದು ದಿ:30.7.25 ಬೆಳಿಗ್ಗೆ ನನ್ನನ್ನು ರೂಮಿನಿಂದ ಹೊರಹಾಕಿದಾಗ ನಾನು ಸಾಕಷ್ಟು ನೋವಿನಿಂದ ತಮ್ಮ ಬಳಿ ಬಂದು ದೂರು ನೀಡುತ್ತಿದ್ದೇನೆ. ನನಗೆ ಜೀವ ಬೆದರಿಕೆ ಇರುವುದರಿಂದ ಜೀವ ರಕ್ಷಣೆ ನೀಡುವುದರ ಜೊತೆಗೆ ನನ್ನ ಗಂಡ, ಅತ್ತೆ & ಮೈದುನರ ಮೇಲೆ ಕಾನೂನು ಕ್ರಿಯೆ ಜರುಗಿಸಿ ನನಗೆ ನ್ಯಾಯ ಕೊಡಿಸಿಕೊಡಬೇಕಾಗಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ.



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ದಿ:08-08-2025

ಸ್ಥಳ: ಕಡೂರು

ತಮ್ಮ ನಂಬುಗೆಯ

ಸಹಿ/-

ದಿನಾಂಕ: 8/8/2025 ರಂದು ಮಧ್ಯಾಹ್ನ 12:30 ಗಂಟೆಗೆ, ಪಿಯಾದಿ ರಾಣಿಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ
ಲಿಖಿತ ದೂರನ್ನು ಸ್ವೀಕರಿಸಿ, ..229/2025 500 85, 351(2), 352, 3(5) ಬಿ.ಎನ್.ಎಸ್. ಮತ್ತು 3
& 4 ಡಿ.ಪಿ. ಆಕ್ಟ್ ರೀತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತೇನೆ.

ಸಹಿ/-"

In the entire complaint, the allegation against the petitioner is that he did not hand over the jewels that the complainant wanted to wear on his wedding and her husband and the petitioner together locked the complainant up and harassed her.

8. Learned senior counsel has produced the stamping of immigration and the passport of the husband - accused No.1 which shows that prior to that date and after that date the husband has never visited India, as he is residing in Dubai. Be that as it may. The allegations against the petitioner are on the face of it farther from truth as the complainant is wanting to settle scores against the husband through the shoulders of the petitioner.



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9. The Apex Court in a plethora of cases has held that the family members of the husband cannot be drawn into the web of crime on the basis of bald and omnibus allegations.

9.1. The Apex Court in the case of **KAHKASHAN KAUSAR v. STATE OF BIHAR**¹ has observed as follows:

"

Issue involved

10. Having perused the relevant facts and contentions made by the appellants and respondents, in our considered opinion, the foremost issue which requires determination in the instant case is whether allegations made against the appellant in-laws are in the nature of general omnibus allegations and therefore liable to be quashed?

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-AIPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-AIPC as instruments to settle personal scores against the husband and his relatives.

¹ (2022) 6 SCC 599



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12. This Court in its judgment in *Rajesh Sharma v. State of U.P.* [Rajesh Sharma v. State of U.P., (2018) 10 SCC 472 : (2019) 1 SCC (Cri) 301], has observed : (SCC pp. 478-79, para 14)

"14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression "cruelty" in Section 498-A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. [Explanation to Section 498-A.] It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement."

13. Previously, in the landmark judgment of this Court in *Arnesh Kumar v. State of Bihar* [Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449], it was also observed : (SCC p. 276, para 4)

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in



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this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in *Preeti Gupta v. State of Jharkhand* [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473], it has also been observed : (SCC pp. 676-77, paras 32-36)

"32. It is a matter of common experience that most of these complaints under Section 498-AIPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The



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members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful."

15. In Geeta Mehrotra v. State of U.P. [Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741 : (2013) 1 SCC (Civ) 212 : (2013) 1 SCC (Cri) 120] it was observed : (SCC p. 749, para 21)

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V. Rao v. L.H.V. Prasad [G.V. Rao v.



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L.H.V. Prasad, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12)

'12. ... There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their cases in different courts.'

The view taken by the Judges in this matter was that the courts would not encourage such disputes."

16. Recently, in *K. Subba Rao v. State of Telangana* [K. Subba Rao v. State of Telangana, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605] , it was also observed that : (SCC p. 454, para 6)

"6. ... The courts 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



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of omnibus allegations unless specific instances of their involvement in the crime are made out."

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

18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy". Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

19. Furthermore, regarding similar allegations of harassment and demand for car as dowry made in a



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previous FIR Respondent 1 i.e. the State of Bihar, contends that the present FIR pertained to offences committed in the year 2019, after assurance was given by the husband Md. Ikram before the learned Principal Judge, Purnea, to not harass the respondent wife herein for dowry, and treat her properly. However, despite the assurances, all accused continued their demands and harassment. It is thereby contended that the acts constitute a fresh cause of action and therefore the FIR in question herein dated 1-4-2019, is distinct and independent, and cannot be termed as a repetition of an earlier FIR dated 11-12-2017.

20. Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate transactions, the present complaint fails to establish specific allegations against the in-laws of the respondent wife. Allowing prosecution in the absence of clear allegations against the appellant in-laws would simply result in an abuse of the process of law.

21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the appellant-accused, it would be unjust if the appellants are forced to go through the tribulations of a trial i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged."

The Apex Court has delineated the principles of drawing the other members of the family, who have nothing to do with the offences.



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9.2. The Apex Court in the latest judgment rendered in the case of **CHARUL SHUKLA v. STATE OF U.P.**², has held as follows:

" "

20. Having heard the learned counsel appearing for the respective parties and upon a careful perusal of the material placed on record, we note that the allegations contained in the Chargesheet are under Sections 498A, 323 and 354 of the IPC and under Sections 3 and 4 of the DP Act. In order to understand the nature of the offences and to correlate the same with the allegations contained in the FIR, the relevant provisions under the IPC as well as the DP Act are extracted as hereunder:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure

² 2026 SCC OnLine SC 476



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by her or any person related to her to meet such demand."

Section 323 of the IPC provides for punishment for voluntary causing hurt as defined under Section 321 of the IPC. The relevant provisions are extracted as hereunder:

"321. Voluntarily causing hurt.— Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt".

323. Punishment for voluntarily causing hurt.— Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both."

Section 354 of the IPC provides for definition and punishment of assault or criminal force to woman with intent to outrage her modesty. The relevant provision is extracted as hereunder:

"354. Assault or criminal force to woman with intent to outrage her modesty.— Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine."

Further, Sections 3 and 4 of the DP Act provide the penalty for giving or taking dowry as well as for demanding dowry. The said provisions are reproduced as follows:

"3. Penalty for giving or taking dowry.—
(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which



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shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more:

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to,—

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.—If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be



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mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."

Upon a plain reading of Section 498A of the IPC, it can be understood that an offence is punishable under the said provision when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of the said provision to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

21. At the outset, we find it important to underline and highlight that the husband is not a party in the present appeals and therefore we have been mindful of the fact that the said allegations have to be viewed from the standpoint of only the accused/appellants herein who are the sister-in-law and parents-in-law of the complainant. From a perusal of the instant FIR it is apparent that the complainant has alleged that at the time of her marriage with the accused/husband, her family had given gifts as per the status of his family. Despite that from the very first day after the marriage on 16.04.2017, when the complainant started residing at her matrimonial home, the husband along with the



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accused/appellants started harassing the complainant and demanded Rs. 8,50,000/- (Rupees Eight lakhs Fifty Thousand) along with a car as additional dowry. Furthermore, the allegations against the sister-in-law of the complainant is that she instigated the husband of the complainant by making false accusations about the complainant having an illicit affair outside the marriage. **Firstly, with reference to the allegations of dowry demand and related harassment of the complainant, it is noted by us that the complainant and the prosecution have failed to put forth any material evidence or substance which support the allegations contained in the FIR and the chargesheet. A mere statement stating that the accused/appellants herein frequently demanded dowry and harassed the complainant for the same is not sufficient to initiate criminal proceedings against them when the same are not corroborated or bolstered by other materials placed on record.** At the same time, the said allegations also have to be juxtaposed with the fact that the complaint was registered by the complainant only on 15.11.2023 i.e. after a delay of more than six years and seven months from the alleged dowry demand. The prosecution has failed to put forth any sufficient cause for such delay and this casts aspersions on their story. At this juncture, we find it apposite to underline the importance of taking an early recourse to pursue and prosecute criminal complaints. We find that the citizens who allege commission of an offence should not dawdle on their rights but should rather pursue them in real time in order to achieve the ends of justice as *vigilantibus non dormientibus jura subveniunt* meaning, law protects those who are vigilant about their rights. The delay or lack thereof assumes greater importance in the matrimonial cases or criminal cases between the spouses as due to the personal nature of the allegations and relationship shared between the parties, there is already an insufficiency and inadequacy of evidence to support or rebut the claims and counterclaims. A delay of nearly seven years can therefore be fatal to the prosecution's case especially when the same has not been properly explained.



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22. Furthermore, with respect to the allegations against the sister-in-law regarding the incitement of the complainant's husband in relation to the alleged extra-marital affair, the prosecution has failed to provide any specific detail and has not been able to elaborate upon the nature of the relationship or how those accusations purportedly affected complainant's relationship with her husband. **It is apposite to note that upon the perusal of the records of the case, nothing material has been put forth to advance or substantiate the said allegations. Time and again, this Court has observed that merely stating certain vague and omnibus allegations without any cogent material evidence to support the same should not become a fillip to jump-start the criminal machinery of the State. At this juncture, we find it appropriate to quote the observations of this Court in *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 which is extracted as under:**

"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 exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. ...

x xx

30. 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



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years, as there have been a notable rise Page 22 of 26 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.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

....

26. Finally, it has also been contended by the complainant that after the day of Diwali, i.e. on



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12.11.2023, when the complainant was at her matrimonial home at Kanpur, her husband, along with the accused/appellants herein, acting in concert, assaulted the complainant, forcibly took away her jewellery and drove her out of the matrimonial home. However, no evidence, documentary or otherwise has been provided by either the prosecution or the complainant with respect to the jewellery taken from her, the manner in which the assault took place or in what circumstances she was compelled to leave her matrimonial home. A statement making bald allegations are fatal to the case of the prosecution when the same are not supported by material facts and circumstances. At this juncture, it is pertinent to point out that although the Allahabad High Court, through its impugned judgment dated 18.12.2023 has taken due cognizance of the fact that the allegations prima facie make out a cognizable offences, but upon perusal of the material on record, it is apparent that the High Court has failed to take note of the fact that the said allegations are made without any evidentiary backing or material support for the same and hence the ingredients of the sections invoked are not fulfilled.

27. Keeping the aforesaid observations and judicial dicta laid down by this Court in mind, coupled with the delay in lodging of the FIR makes the allegations against the accused/appellants highly improbable and implausible and therefore it is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and consequent Criminal Case No. 634/2025. In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("*Bhajan Lal*") with particular reference to paragraph 102 therein, where this Court observed as under:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law



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enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power Under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(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 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



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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.

(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."

28. On a careful consideration of the aforementioned judicial dictum, we find that the offence alleged against the accused/appellants herein is not made out and therefore, the judgment of this Court in the case of *Bhajan Lal* squarely applies to the facts of this case having regard to sub-paragraphs 1, 2, 3, 5, and 7. It is further noted that the parents-in-law are senior citizens. Similarly, the other accused, sister-in-law, is a well educated woman who has completed her M.Tech and B.Tech and is gainfully employed as a professor in college. In such circumstances keeping the age of the said accused persons and the future career prospects of the accused/sister-in-law in mind, this Court, is of the opinion that it is neither expedient nor in the interest of justice to permit the continuation of the present prosecution emanating from the FIR No. 758/2023 and consequent Criminal Case No. 634/2025 to continue *qua* the appellants."

(Emphasis supplied at each instance)



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In the light of the law laid down by the Apex Court, permitting further investigation against the petitioner/accused No.3/brother-in-law of the complainant would be putting a premium on the act of the complainant in wanting to settle scores through the shoulders of the petitioner against her husband - accused No.1.

10. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition is **allowed**.
- (ii) The impugned crime in Crime No.229/2025 registered by Kadur Police Station, Chikkamagaluru, pending on the file of the Principal Civil Judge (Jr.Dn.) & JMFC, Kadur, Chikkamagaluru District stands quashed *qua* the petitioner.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

GH
List No.: 2 Sl No.: 7