



CNR: KAHC010689682023

NC: 2026:KHC:48670
CRL.P No. 101 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 101 OF 2024

BETWEEN:

1. MR ASHFAQ AHMED FAIROZ,
S/O KHALIM AHMED,
AGED ABOUT 40 YEARS,

2. MRS. SHAMEEM KHANUM,
W/O KHALIM AHMED,
AGED ABOUT 73 YEAS,

3. MRS. TASNEEM KAUSER,
W/O LATE. REHAMATHULLA,
AGED ABOUT 48 YEAS,

ALL ARE RESIDING AT NO.266,
M.S.PALYA, NEAR KOYA FACTORY,
BANGALORE.

4. MRS. FARHATH KAUSAR,
W/O P.IBRAHIM,
AGED ABOUT 46 YEARS,
R/AT NO.267/1, DODDA
BETTAHALLI LAYOUT, BANGALORE.

5. MRS. ASIYA KAUSAR,
W/O EHSANUR REHAMAN,
AGED ABOUT 43 YEARS,

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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R/AT 553/26, 14TH MAIN,
1ST PHASE, GOKULA, 1ST STAGE,
BANGALORE 54.

6. MR. IBRAHIM
S/O M.THAJUDEEN,
AGED ABOUT 48 YEARS,
R/AT NO.4/2, DODDA BETTAHALLI LAYOUT,
BANGALORE.
7. MRS. NUSRATH KAUSAR,
W/O IMTIAZ AHMED,
AGED ABOUT 45 YEARS,
R/AT NO.17, M.S.PALYA,
V.PURA POST, BANGALORE - 13.
8. MR. EHANUR REHAMAN,
S/O DR. K.R.ABDUL GAFFAR,
AGED ABOUT 49 YEARS,
R/AT 553/26, 14TH MAIN,
1ST PHASE, GOKULA 1ST STAGE,
BANGALORE 54.
9. MR. AKMAL KHAN R.,
S/O RASOL KHAN,
AGED ABOUT 50 YEARS,
R/AT 147, 10TH 'B' CROSS,
VINAYAKANAGARA,
BANGALORE 97.

...PETITIONERS

(BY SRI. RAJU C., ADVOCATE)



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AND:

1. THE STATE OF KARNATAKA
REP. BY INSPECTOR OF POLICE,
WOMEN POLICE STATION,
EAST ZONE,
PULAKESHINAGAR SUB DIVISION,
BANGALORE,
REP. BY S.P.P.
HIGH COURT, BANGALORE.
2. MRS. UMME JAVERIA,
D/O LATE FAYAZ AHAMED,
AGED 38 YEARS,
R/AT NO.3, 10TH CROSS,
SOMESHWARA NAGAR,
1ST BLOCK, JAYANAGAR,
B'LORE.

...RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SRI.LOKESHA K., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONERS IN C.C.NO.18610/2019 ARISING OUT OF THE FIR IN CR.NO.19/2019 REGISTERED FOR THE OFFENCE P/U/S 498A,323,504,506 R/W 34 OF IPC AND SEC.3,4 OF D.P ACT PENDING ON THE FILE OF THE VI A.C.M.M COURT, AT BENGALURU AND FURTHER PROCEEDINGS IN THE SAID CASE, AND ETC.

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

Learned counsel for the petitioners filed a memo to withdraw the petition against petitioner Nos.1 to 3 / Accused Nos.1 to 3.

The memo is taken on record

Placing reliance on the memo, petition is ***dismissed*** against petitioner Nos.1 to 3 / accused Nos.1 to 3

AS REGARDS PETITIONER NOS.4 to 9/ACCUSED NOS.4 to 9,
THE MATTER IS TAKEN UP FOR CONSIDERATION.

This petition is filed under Section 482 of Cr.P.C. to quash the proceedings in CC No.18610/2019 arising out of Crime No.19/2019 dated 23.02.2019 filed by the East Zone Women Police Station, Bengaluru City, against the petitioners for the offences punishable under Section 504, 498A, 506, 323 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 currently pending on the file of VI ACMM Bengaluru.



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2. The abridged facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police alleging that she married accused No.1-Ashfaq Ahmed Fairoz on 22.04.2013 as per Islamic rituals. Thereafter, she started residing in the matrimonial home along with her mother-in-law and sister-in-law, i.e., accused Nos.2 and 3. It is further alleged that her marriage with accused No.1 was his second marriage and that, for about three years after the marriage, their relationship remained cordial. However, thereafter, accused Nos.1 to 3, along with the petitioners, allegedly subjected respondent No.2/complainant to harassment demanding additional dowry.

3. It is further averred in the complaint that accused No.1 renewed his acquaintance with his first wife and started residing with her, thereby completely neglecting respondent No.2. It is also alleged that the first wife of accused No.1 was financially sound and, on that account, he continued his relationship with her and subjected respondent No.2 to harassment. On the strength of the said complaint, respondent No.1-Police registered the case as stated *supra*, arraying the petitioners as accused Nos.4 to 9. Subsequently, the Police filed



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the charge-sheet against the petitioners for the aforementioned offences, and the learned Magistrate took cognizance of the offences. Being aggrieved by the same, the petitioners have preferred the present petition seeking to quash the proceedings.

4. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned High Court Government Pleader for the respondent No.1 - State

5. The primary contention of the learned counsel for the petitioners is that the petitioners, being the in-laws of respondent No.2, are residing separately from her matrimonial home and have no connection whatsoever with the alleged harassment meted out to respondent No.2 by accused No.1. He further contended that, in the charge-sheet, except for the omnibus allegations made by the witnesses, there is no credible material placed on record against the petitioners to substantiate their involvement in the alleged offences. Accordingly, he prayed to allow the petition.



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6. *Per contra*, the prayer is opposed by the learned counsel for respondent No.2 on the ground that the Police have already filed the charge-sheet after recording the statements of the material witnesses. Hence, at this stage, the proceedings cannot be quashed.

7. The learned HCGP also opposed the prayer contending that the petitioners had shared a common intention with accused Nos.1 to 3 in committing the alleged offences. Accordingly, he prayed for dismissal of the petition.

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

9. As could be gathered from the records, the marriage of respondent No.2 with accused No.1 was his second marriage and, as per the averments in the complaint, their relationship remained cordial for a period of about six months. It is specifically alleged that thereafter accused No.1 started harassing respondent No.2 demanding additional dowry. The other principal allegation in the complaint is that, though



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accused No.1 had divorced his first wife, he subsequently renewed his acquaintance with her after about six months on the ground that she was financially sound.

10. Accused Nos.2 and 3, being the mother-in-law and sister-in-law of respondent No.2, respectively, were residing in the same house along with accused No.1. However, insofar as the present petitioners are concerned, they are the married sisters-in-law and brothers-in-law of respondent No.2 and are residing in their respective matrimonial homes. Petitioner No.9/accused No.9 is the uncle of accused No.1.

11. On perusal of the entire charge-sheet, it is evident that only omnibus allegations have been made against these petitioners, without specifying any particular date, time or manner in which the alleged harassment was committed by them. In such circumstances, the Hon'ble Apex Court, in the case of ***K. Subba Rao v. State of Telangana, represented by its Secretary, Department of Home and Others***, reported in ***2024 INSC 960***, and ***Dara Lakshmi Narayan v.***



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State of Telangana, reported in (2025) 3 SCC 735, held, in paragraph Nos.25 and 28, as under:

"25. *A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*

28. *The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within*



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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."

12. The aforesaid judgment clearly lays down the principle that, in matrimonial disputes, all the relatives of the husband cannot be prosecuted in the absence of specific and distinct allegations against them. In the present case, the allegations made against these petitioners are omnibus in nature and are not supported by any reliable material available in the charge-sheet. Hence, I am of the considered opinion that continuation of the proceedings against these petitioners would amount to an abuse of the process of the Court.



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13. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The proceedings in CC No.18610/2019 arising out of Crime No.19/2019 dated 23.02.2019 filed by the East Zone Women Police Station against the petitioners and others for the offences punishable under Section 504, 498A, 506, 323 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 is hereby quashed.
- iii. However it is made clear that the proceedings shall continue against accused Nos.1 to 3.

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