HC-KAR
NC: 2026:KHC:63681
CRL.P No. 704 of 2021
CNR: KAHC010029532021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.704 OF 2021

BETWEEN:

1. AVINASH K.,
S/O JAGADEESH K,
AGED ABOUT 36 YEARS,
OCC: BUSINESS,
R/O NO.51, KVT NAGAR,
BEHIND DATTA SCHOOL,
WARD NO.19,
BALLARI-583101.

2. JAGADEESH @ JAGADEESHWARA K.,
S/O SHARANAPPA K,
AGED ABOUT 61 YEARS,
OCC: RETIRED BANK EMPLOYEE,
R/O NO.51, KVT NAGAR,
BEHIND DATTA SCHOOL,
WARD NO.19, BALLARI-583101.

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Location: HIGH COURT OF KARNATAKA

3. SMT. CHANNAMMA @ CHANDANA K.,
W/O JAGADEESH @ JAGADEESHWARA K,
AGED ABOUT 58 YEARS,
OCC: HOUSEWIFE,
R/O NO.51, KVT NAGAR,
BEHIND DATTA SCHOOL,
WARD NO.19, BALLARI-583101.

4. ABHILASH K.,
S/O JAGADEESH @ JAGADEESHWARA K,
AGED ABOUT 30 YEARS,

OCC: HOME LOAN SALES OFFICER,
RLPC, REGIONAL OFFICE,
KARNATAKA BANK LTD.,
R/O.003, 1ST FLOOR,
VINYAS ARUNODAY,
NEAR GRILLS AND ROLLS,
5TH PAHSE, J.P. NAGAR,
BENGALURU-560078.

5. SMT. SAMYUKTHA,
W/O ABHILASH K,
AGED ABOUT 28 YEARS,
OCC: BANK EMPLOYEE,
RLPC, REGINAL OFFICE,
KARNATAKA BANK LTD,
R/O.003, 1ST FLOOR,
VINYAS ARUNODAY,
NEAR GRILLS AND ROLLS,
5TH PHASE, J.P.NAGAR,
BENGALURU-560078.

(PETITIONERS NO.1 TO 5 ARE DELETED
VIDE ORDER DATED 05.11.2026)

6. CHIDANANDAPPA,
S/O C. MAHANTHAPPA,
AGED ABOUT 60 YEARS,
OCC: BUSINESS,
R/O 357/716, 8TH WARD,
OPP: TO SBM BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

7. BASAVA @ C. VEERESH,
S/O C. MAHANTHAPPA,
AGED ABOUT 52 YEARS,
OCC: BUSINESS,
R/O 357/716, 8TH WARD,
OPP: TO SBM BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

8. SMT. NAYANA,
D/O CHIDNANDAPPA,
W/O R. SANTOSH KUMAR,
AGED ABOUT 27 YEARS,
OCC: HOUSEWIFE,
R/O. 355/716, 8TH WARD,
OPP: TO SBM BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

9. BHAVANA C.,
D/O C.V. VEERESH,
AGED ABOUT 22 YEAR,
OCC: STUDENT,
R/O 357/716, 8TH WARD,
OPP: TO SBM BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

10. SUDEEP,
S/O C. VEERESH,
AGED ABOUT 18 YEARS,
OCC: STUDENT,
R/O 357/716, 8TH WARD,
OPP: TO SMT BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

11. CHETANKUMAR,
S/O C. CHIDANDAPPA,
AGED ABOUT 29 YEARS,
OCC: BUSINESS,
R/O 357/716, 8TH WARD,
OPP: TO SBM BANK COLONY,
BALLARI ROAD, SIRUGUPPA,
DISTRICT: BALLARI-583121.

12. MADAN MOHAN,
S/O H. LAKSHMAN,
AGED ABOUT 36 YEARS,

OCC: BUSINESS,
R/O 120/F, 17TH WARD,
ANANTHAPURA ROAD, OPP: TO BSRM,
VENKATESHWARANAGAR 3RD CROSS,
BALLARI-583101.

…PETITIONERS

(BY SRI. SHIVARAJ PATIL, ADVOCATE FOR
PETITIONERS NO.6 TO 11;
SRI. K.N. JAYAPRAKASH, ADVOCATE FOR PETITIONER NO.12;
VIDE ORDER DATED 05.11.2026,
PETITIONERS NO.1 TO 5 ARE DELETED)

AND:

1. THE STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
WOMEN POLICE STATION,
DAVANAGERE
REPRESENTED BY SPP,
HIGH COURT BUILDING,
BENGALURU-560001.

2. SMT. CHAITRA
W/O AVINASH K,
AGED ABOUT 28 YEARS,
OCC: HOUSEWIFE,
R/O NO.350/20, GURUKRUPA,
2ND MAIN, 2ND CROSS,
DEEKHEETH ROAD,
DAVANGERE-577003.

…RESPONDENTS

(BY SRI. MOHAMMAD AYUB ALI, ADDL. SPP FOR R1;
SRI. SHUBANKAR C., ADVOCATE FOR
SRI. CHANDRAKANTH R. GOULAY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH FIR AND COMPLAINT IN CRIME NO.139/2020 DATED 12.12.2020 ON THE FILE OF THE WOMEN

POLICE STATION, DAVANAGERE, FOR OFFENCES PUNISHABLE UNDER SECTIONS 3 AND 4 OF THE DOWRY PROHIBITION ACT, 1961 AND 323, 417, 420, 498(A), 504 AND 506 R/W SECTION 34 OF IPC, PENDING ON THE FILE OF THE LEARNED 2ND ADDITIONAL CIVIL JUDGE (SR.DN.) AND JMFC AT DAVANAGERE.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioners, the learned Additional SPP appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. The prayer sought in the petition is to quash the FIR and complaint in Crime No.139/2020, for the offences punishable under Sections 3 and 4 of the Dowry Prohibition Act and Sections 323, 417, 420, 498A, 504, 506 read with Section 34 of IPC.

3. The factual matrix of the case of the complainant is that petitioner Nos.6 and 7 are the

maternal uncles of the husband of the complainant, petitioner No.8 is the daughter of petitioner No.6, petitioner Nos.9 and 10 are the children of petitioner No.7, petitioner No.11 is the son of petitioner No.6 and petitioner No.12 is the friend of accused No.1 and he is no more as per the further statement of the complainant. The accusation made in the complaint is that all of them have instigated accused No.1 and his family members.

4. The learned counsel for the petitioners would vehemently contend that this Court did not grant any stay in respect of petitioner Nos.1 to 5 is concerned and hence, the police have investigated the matter and filed the charge-sheet in respect of petitioner Nos.1 to 5. The learned counsel would contend that there cannot be any criminal prosecution roping the relatives of accused No.1 as held by the Apex Court in several judgments and there must be an involvement of the petitioners in subjecting for

cruelty and for any other offences invoked against the husband and family members.

5. The learned counsel for respondent No.2/complainant would submit that in the complaint an allegation is made against these petitioners that they instigated accused No.1 and hence, invoked the offence under Section 114 of IPC while registering the case, but while issuing the FIR, offence under Section 114 of IPC is not invoked.

6. The learned Additional SPP appearing for respondent No.1/State would submit that in view of stay granted by this Court in respect of petitioner Nos.6 to 12, the police could not investigate the matter and only filed the charge-sheet against petitioner Nos.1 to 5.

7. Having heard the learned counsel appearing for the respective parties, while seeking for quashing of the FIR, the Court has to look into the contents of the

complaint. The law is settled with regard to the same in view of the judgment of the Apex Court in the case of **DINESHBHAI CHANDUBHAI PATEL v. THE STATE OF GUJARAT** reported in **2018 (3) SCC 104.** wherein in paragraph No.20, an observation is made that if the complaint does disclose the ingredients of the offences, then the Court should not venture to entertain the petition.

8. In the case on hand, petitioner No.12/accused No.12 who is the friend accused No.1, is no more as per the statement of the complainant recorded during the course of investigation in respect of accused Nos.1 to 5. Now, the petition remains only insofar as petitioner Nos.6 to 11 are concerned. These petitioners are the distant relatives of accused No.1 i.e., maternal uncles and their children. The specific allegation made against them is that they instigated accused No.1. Except this allegation, the complaint does not disclose any specific overt act

allegation against them. The complaint does not disclose the ingredients of the offences invoked under Sections 498A, 323, 504 and 506 of IPC and causing of any threat or assault or cruelty and nothing is stated against these petitioners even to invoke Sections 417 and 420 of IPC. Under the circumstances, petitioner Nos.6 to 11 have made out the ground to quash the proceedings against them.

9. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed in respect of petitioner Nos.6 to 11 and the proceedings initiated against them in Crime No.139/2020 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 17