HC-KAR

NC: 2026:KHC:60042
CRL.P No. 1140 of 2024

CNR: KAHC010067062024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1140 OF 2024

BETWEEN:

1. SMT SARASWATHAMMA @ SARASWATHI
W/O SIDDARAMAIAH,
AGED ABOUT 68 YEARS,
YADAGANAHALLI VILLAGE,
MADDUR TALUK, MANDYA DIST - 571 428.

2. SMT. S. JALAJAKSHI @ SMT. JALAJA
W/O H.M. MANJUNATHA,
AGED ABOUT 49 YEARS
ANNAPURNESWARINAGAR
MANDYA TOWN AND DIST-571428

3. SMT. RASHMILA Y.S. @ RASHMI,
D/O SIDDARAMAIAH,
AGED ABOUT 36 YEARS,
R/AT YADAGANAHALLI VILLAGE,
MADDUR TALUK, MANDYA DIST - 571 428.

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Location: HIGH COURT OF KARNATAKA

4. SMT. NAGALAKSHMI B.G @ CHANDANA @ SAKI
W/O GURUPRASAD B.C.,
AGED ABOUT 38 YEARS,
R/AT FLAT NO-L6-626,
SOWRPANIKA SWASTHIK APARTMENT,
SARJAPURA, ATTIBLE ROAD,
BANGALORE-560 098

5. SMT. S. SHASHIKALA,
W/O S.MAHESH,

AGED ABOUT 54 YEARS,
R/AT KAVERI NAGAR
MANDYA TOWN AND DIST-571401

6. SMT. MEENAKSHI Y.S @ MEENA
W/O S.T. SADASHIVA,
AGED ABOUT 49 YEARS,
R/AT NO:157, ANNAPURNESWARI NAGAR
MANDYA TOWN AND DIST-571 401

7. SMT. NAGAMANI S.,
W/O SHIVAPRAKASH H.M.,
AGED ABOUT 56 YEARS,
R/AT KL-952, III CROSS,
MARIGOWDA LAYOUT, MANDYA - 571 401

8. SRI. NANDEESH,
S/O SIDDARAMAIAH,
AGED ABOUT 38 YEARS,
R/AT YADAGANAHALLI VILLAGE,
MADDUR TALUK, MANDYA DIST - 571 428.

…PETITIONERS

(BY SRI. P MAHADEVASWAMY, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
WOMEN POLICE STATION,
MYSURU CITY,
REP. BY STATE PUBLIC PROSECUTOR,
ATTACHED HIGH COURT BUILDING,
AMBEDKAR VEEDI,
BANGALORE - 01

2. SMT. GAGANA SUNDARESHAN,
W/O MAHESHKUMAR Y.S.,
D/O M.C. SUNDARESHAN,
AGED ABOUT YEARS,
R/AT D.NO.630/K, 6TH CROSS,
ANIKETHANA ROAD,

KUVEMPUNAGARA,
MYSURU - 570023.

…RESPONDENTS

(BY SRI. MAHESHA P, HCPG FOR R1,
SRI. H. ARUNKUMAR, ADVOCATE - ABSENT)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDING IN C.C.NO.217/2021 (CR.NO.58/2020)PENDING ON THE FILE OF THE 7TH ADDL.SENIOR CIVIL JUDGE AND J.M.F.C AT MYSURU FOR THE OFFENCE P/U/S 498A,504,506 R/W 149 OF IPC AND SEC.4 OF D.P ACT AND REGISTERED BY THE WOMEN POLICE STATION MYSURU IN CR.NO.58/2020 AND TO QUASH THE ORDER OF ISSUANCE OF SUMMONS PASSED BY THE 7TH ADDL.SENIOR CIVIL JUDGE AND J.M.F.C AT MYSURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioners - accused Nos.2 to 8 and 12 in C.C.No.217/2021 (arising out of Crime No.58/2020 registered by Women Police Station, Mysuru), for the offences punishable under Sections 498A, 504, 506 r/w 149 of IPC and Section 4 of Dowry Prohibition Act, 1961 (for short, 'the DP Act'), presently pending on the file of VII Additional Senior Civil Judge and JMFC, Mysuru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 05.08.2020 alleging that, her marriage was solemnized with one Mahesh Kumar Y.S - accused No.1, on 11.11.2016 at Mysuru. It is alleged that, on the very next day of the marriage, her husband (accused No.1), along with his sister, subjected her to harassment by picking up a quarrel with her for not having been gifted a Jaguar car at the time of the marriage, as demanded by them. Thereafter, respondent No.2 joined the matrimonial home and started residing with her husband and other family members. During her stay therein, all the petitioners allegedly subjected her to demands for additional dowry in the form of gold ornaments and cash.

3. It is further alleged that her husband was addicted to bad vices and alcohol consumption and frequently suspected her fidelity. On such pretext, he is stated to have abused her in filthy language and subjected her to physical and mental cruelty, harassment and humiliation at the matrimonial home. It is the further allegation that, on 08.08.2017, the petitioners, along with accused No.1, forcibly drove her out of the

matrimonial home, compelling her to take shelter at her parental house. Even thereafter, the petitioners allegedly continued to subject her to harassment by demanding additional dowry of Rs.1 crore.

4. It is further stated that, having been left with no other alternative, respondent No.2 approached the Women Police Station, Bengaluru, on 11.12.2018, whereupon counselling was conducted and the parties were advised not to indulge in such acts. However, notwithstanding the intervention of the police, the petitioners, along with accused No.1, allegedly continued their acts of harassment. Left with no other alternative, respondent No.2 lodged the aforesaid complaint before respondent No.1-Police.

5. On the basis of the aforesaid complaint, respondent No.1-Police registered a case in Crime No.58/2020 against the petitioners and others for the offences punishable under Sections 498A, 504 and 506 read with Section 34 of IPC and Section 4 of the DP Act. Upon completion of the investigation, respondent No.1-Police filed the charge sheet against the

petitioners and another, arraying the petitioners as accused Nos.2 to 8 and 12, for the offences punishable under Sections 498A, 504 and 506 read with Section 149 of IPC and Section 4 of the DP Act. Pursuant thereto, the learned Magistrate took cognizance of the aforesaid offences. Being aggrieved by the same the petitioners preferred this petition.

6. Heard the learned counsel for the petitioners and learned HCGP. There is no representation for respondent No. 2.

7. The primary contention urged by the learned counsel for the petitioners is that respondent No.2 has foisted a false complaint against the petitioners, who are none other than her mother-in-law, sisters-in-law and their relatives. It is contended that the petitioners have no manner of connection with the alleged matrimonial dispute between respondent No.2 and accused No.1. According to the learned counsel, except for making vague, omnibus and bald allegations in the complaint and the materials collected during the course of investigation, no specific overt acts or individual allegations are attributed to any of the petitioners so as to implicate them in the alleged offences. It is further contended that petitioner No.1, being an

aged lady and suffering from age-related ailments, has been falsely implicated in the crime. He would further submit that except petitioner No.1, all other petitioners are residing separately and are not residing in the matrimonial home of respondent No.2. In the aforesaid circumstances, the learned counsel seeks to allow the petition and quash the proceedings initiated against the petitioners.

8. Per contra, the learned HCGP opposes the petition, contending that the investigation has culminated in the filing of the charge sheet and that the statements of the material witnesses, particularly CWs.2 to 8, *prima facie* disclose the involvement of the petitioners in the commission of the alleged offences. He would therefore submit that the materials available on record warrant continuation of the proceedings against the petitioners and, accordingly, seeks dismissal of the petition.

9. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the entire documents on record.

10. As could be gathered from the complaint and charge sheet averments, the relationship between the parties is not in dispute. On a careful examination of the allegations made in the complaint, it is evident that respondent No.2 has specifically alleged that, subsequent to her marriage with accused No.1, at the instigation of petitioner No.1, who is her mother-in-law, accused No.1 insisted that she purchase a house by borrowing money from her parents and, on her failure to comply with the said demand, she was subjected to repeated harassment. It is further alleged that, after the marriage, respondent No.2 resided in the matrimonial home along with her husband and petitioner No.1. A perusal of the statements of the witnesses, particularly CWs.2 to 8, *prima facie* discloses the involvement of accused No.1 and petitioner No.1 in the alleged acts of harassment.

11. However, insofar as the other petitioners are concerned, they are admittedly the sisters and relatives of accused No.1 and are residing separately with their respective families. The specific allegation made against them in the complaint is that they used to instigate accused No.1 over

telephone to subject respondent No.2 to harassment on account of demands for additional dowry and a residential site. However, such allegations are general, vague and omnibus in nature. A perusal of the charge sheet materials does not disclose any specific particulars as to the date, time, place or manner in which petitioner Nos.2 to 8, who are arrayed as accused Nos.3 to 8 and 12, allegedly subjected respondent No.2 to harassment. Except for the aforesaid general allegations of telephonic instigation, no specific overt acts or individual role are attributed to these petitioners in the alleged commission of the offences.

12. Such being the position, the Hon'ble Apex Court in the case of ***K. Subba Rao vs. State of Telangana represented by its Secretary, Department of Home and Others*** reported in ***2024 INSC 960***, has held that the Court 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 of omnibus allegations unless specific instance of their involvement in the crime are made out.

13. It is also settled position of law that if a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of process of the Court. The Courts pose a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, whether there is any gain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arise from a matrimonial dispute.

14. Further, the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan vs. State of Telangana*** reported in ***2025 3 SCC 735***, held in para 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 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."*

15. On careful consideration of the principles laid down by the Hon'ble Apex Court in the aforesaid judgment and upon applying the same to the facts and circumstances of the instant case, I am of the considered view that the materials on record

do not disclose the commission of any offence by petitioner Nos.2 to 8 i.e., accused Nos.3 to 8 and 12. Therefore, continuation of the proceedings against them would amount to an abuse of the process of law.

16. However, as discussed supra, the charge-sheet materials, *prima facie* allegations are forthcoming against accused No.1 and petitioner No.1 - accused No.2. The complaint specifically alleges that, from the inception of the marriage, petitioner No.1 i.e., accused No.2, along with her son i.e. the husband of respondent No.2, subjected respondent No.2 to physical and mental harassment in connection with the demand for additional dowry. Hence, the allegations against accused No.1 and petitioner No.1 - accused No.2 require to be tested in a full-fledged trial. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed in part***.

ii. The petition in respect of petitioner Nos.2 to 8/accused Nos.3 to 8 and 12 is ***allowed***.

iii. The petition in respect of petitioner No.1 /accused No.2 is ***dismissed*** and the proceedings shall continue against her.

iv. The proceedings against the petitioner Nos.2 to 8/accused Nos.3 to 8 and 12 in C.C.No.217/2021 (arising out of Crime No.58/2020 registered by Women Police Station, Mysuru), for the offences punishable under Sections 498A, 504, 506 r/w 149 of IPC and Section 4 of Dowry Prohibition Act, 1961 (for short, 'the DP Act'), presently pending on the file of VII Additional Senior Civil Judge and JMFC, Mysuru is hereby quashed.

v. It is made clear that the observation made in this petition shall not come in the way while deciding the matter by the learned Magistrate.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 18