HC-KAR
NC: 2026:KHC:62413
CRL.P No. 2654 of 2021
CNR: KAHC010132202021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 2654 OF 2021 (482(Cr.PC) / 528(BNSS))

BETWEEN:

1. NIRMALA DEVI
W/O SURESH KUMAR,
AGED ABOUT 73 YEARS,
R/A NO.486 MUBARAK MEHAL COLONY,
STREET NUMBER 1, SANGRUR,
PUNJAB-148001.

2. SURESH KUMAR
S/O MR. PRAKASH,
AGED ABOUT 70 YEARS,
R/A HOUSE NUMBER 3/486,
STREET NUMBER 1, NEAR CIVIL HOSPITAL,
MEHAL MUBARAK COLONY,
SANGRUR (PUNJAB)-148001.

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Location: HIGH COURT OF KARNATAKA

3. AMANDEEP GUPTA
S/O SURESH KUMAR GUPTA,
AGED ABOUT 37 YEARS,
R/A NO.486 WARD NUMBER 3,
MEHAL MUBARAK COLONY,
SANGRUR, (PUNJAB)-148001.

4. AMITA
W/O AMANDEEP GUPTA,
AGED ABOUT 37 YEARS,
R/A #3/486,STREET NUMBER 1,
MUBARAK MEHAL COLONY,
NEAR CIVIL HOSPITAL, SANGRUR,

PUNJAB-148001.

5. POOJA
W/O SANDEEP SINGLA,
AGED ABOUT 41 YEARS,
R/A KOTHI NUMBER 2,
NEW GRAIN MARKIT,
VILLAGE SULARGHARAT,
SULLAR, SANGRUR (PUNJAB)-148035.

6. SANDEEP
S/O SURINDER SINGLA,
AGED ABOUT 40 YEARS,
R/A KOTHI NUMBER 2,
NEW GRAIN MARKIT,
VILLAGE SULARGHARAT, SULLAR,
SULARGHARAT,
SANGRUR (PUNJAB)-148035.

…PETITIONERS

(BY SRI. ABHISHEK M.R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY H.A.LP.S,
BENGALURU CITY,
BENGALURU-560037,
REP. BY SPP, HIGH COURT OF KARNATAKA,
BENGALURU-560001.

2. SMT. ASHU GUPTA
W/O RAJESH KUMAR,
AGED ABOUT 38 YEARS,
R/AT NO C-904,
ROHAN VASANTHA APT
NEAR MARATHAHALLI BRIDGE,
BENGALURU CITY-560037
KARNATAKA.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;

CNR: KAHC010132202021

MS. VIRATHI, ADVOCATE FOR
SRI. KAPIL DIXIT, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.54970/2020 PENDING BEFORE THE III ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN RESPECT OF THE PETITIONER ANNEXURE-D AND ETC.

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

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

ORAL ORDER

Heard learned counsel for the petitioner and also learned counsel for respondent/State.

2. Learned counsel for the petitioners submits that these petitioners are accused nos.2 to 6 and all the family members are roped in a criminal case, when there is dispute between the husband and wife. MC No.3431/2019 is against the son of the petitioner now seeking restitution of conjugal rights and parallelly on 27.05.2019, the son of the petitioner No.1 had also filed a petition for divorce, under Section 13 of the Hindu Marriage Act, for dissolution of marriage and for a decree

of divorce, which came to be registered in MC No.455/2019. This complaint is filed after that i.e. on 05.09.2019 and learned counsel submits that only an omnibus allegation is made, even though complaint runs about 5 pages and nowhere there is any specific allegations are made. Learned counsel also brought to notice of this court that in the charge sheet specific allegations are made that when the CW1 went to the village of the husband, at that time, all of them with the common intention, abused her in a filthy language. Hence, charge sheet is filed against all of them and no such specific incident is also mentioned in the complaint and even in the statement of witnesses also, except a general omnibus statement, nothing is made against the petitioners. Hence, it is a fit case to exercise the power under Section 482 of CrPC.

3. Per contra, learned counsel appearing for the State would contend that when specific allegations are

made in the complaint, it is a matter of trial and the matter requires for the trial.

4. Having taken note of the factual aspects, particularly the complaint, complaint is omnibus in nature, no specific allegations against these petitioners are made, those allegations are made against the husband and specific allegations are made against accused no.1, only even in column no.7 of the charge sheet also, specific allegations are made against the accused no.1. The only accusations made in the charge sheet that all of them with the common intention abused, but in the charge sheet also not mentioned the specific date of incident of making abuse. Even on perusal of the charge sheet material also, no specific allegations are made except mentioning the date that on 20.10.2005 she gave birth to a baby girl and allegation is made that no one came to see the child. When such being the case, the allegations against these petitioners that they indulged in abusing the filthy language, it will not attract the offence under Section

498A of IPC and at the most, it attracts Section 506 of IPC and the same is also not invoked while filing the charge sheet. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C and it is nothing but a classic example of roping of all the family members in a dispute between the husband and wife. Hence, it is a fit case to exercise the power under Section 482 or otherwise it amounts to abuse of process, which leads to miscarriage of justice. In view of the discussions made above, I proceed to pass the following,

This petition is ***allowed*** and the proceedings against the petitioners are hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

AKV
CT:SM
List No.: 1 Sl No.: 25