HC-KAR

NC: 2026:KHC:63547
CRL.P No. 2153 of 2024

CNR: KAHC010132402024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.2153 OF 2024

BETWEEN:

1. SRI. VEEREGOWDA G.R.
   S/O LATE RAMESH GOWDA,
   AGED ABOUT 73 YEARS,

2. SMT. GOWRAMMA,
   W/O VEEREGWODA
   AGED ABOUT 57 YEARS

   PETITIONER NOS.1 AND 2 ARE R/AT
   MALASAVARA VILLAGE,
   BELUR TALUK
   HASSAN 573101.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. SMT. MANJULA
   W/O H.S. SRIKANTH
   AGED ABOUT 36 YEARS,
   R/AT ANAGONDANAHALLI VILALGE,
   TIPTUR TALUK,
   TUMAKURU 572 201.

4. SMT. SAKAMMA,
   W/O BASAPPA,
   AGED ABOUT 45 YEARS,

5. SRI. BASAVANNA,
S/O CHANNABASAPPA,
AGED ABOUT 49 YEARS

PETITIONER NOS.4 AND 5 ARE R/AT
SARAGUR VILLAGE,
KOLLEGALA TALUK,
CHAMARAJANAGARA DIST.

…PETITIONERS

(BY SRI. RAMESHA H.E., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
K.R. PURAM POLICE STATION,
REP. BY SPP,
HIGH COURT,
BENGALURU - 560 001.

2. SMT. MANASA. S
D/O LATE NAGENDRA,
AGED ABOUT 32 YEARS
R/AT KUNAGALLI VILLAGE,
KOLLEGALA ATALUK,
CHAMARAJANAGAR - 571 442.

…RESPONDENTS

(BY SRI. MAHESHA P., HCGP FOR R-1;
SRI.B.N. MAHESH CHANDRA, ADVOCATE FOR
SRI. MANIKANTH H.B., ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CR.NO.945/2023 PENDING ON THE FILE OF X ADDL.C.M.M., MAYO HALL, BENGALURU.

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. to quash the FIR against the petitioners/accused Nos.2 to 6 in Crime No.945/2023 dated 26.11.2023 registered by K.R.Puram Police Station for the offences punishable under Sections 498A, 506, 504 of IPC, Sections 3 and 4 of Dowry Prohibition Act, 1961, on the file of X Additional CMM Court, Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 26.11.2023, alleging that her marriage was solemnized with one Thungaraj, i.e., accused No.1, on 24.02.2023 at Mysuru. At the time of marriage, accused No.1 and his parents demanded dowry in the form of both cash and gold, and the said demand was fulfilled by the parents of respondent No.2. It is further alleged that, for the first few months after the marriage, the marital relationship between respondent No.2 and her husband was cordial. However, thereafter, her husband started subjecting her to physical and mental harassment demanding additional dowry and gold. It is specifically stated in the

complaint that petitioner Nos.1 and 2 are the parents-in-law of respondent No.2, petitioner No.3 is her sister-in-law, petitioner No.4 is the sister of petitioner No.2, and petitioner No.5 is the husband of petitioner No.4. It is alleged that petitioner Nos.3 to 5 instigated accused No.1 to subject respondent No.2 to harassment. It is further alleged that petitioner No.2, who is the mother-in-law of respondent No.2, along with her son, i.e., accused No.1, subjected respondent No.2 to humiliation and harassment for various reasons and also insisted her to bring additional dowry. Due to the alleged intolerable harassment, respondent No.2 left the matrimonial home and started residing at her parental house. It is also alleged that, on account of the said harassment, the father of respondent No.2 committed suicide. On the basis of the aforesaid complaint, respondent No.1-Police registered an FIR against the petitioners and the husband of respondent No.2 in Crime No.945/2023 dated 26.11.2023 for the aforementioned offences. Aggrieved by the registration of the FIR and the initiation of criminal proceedings, the petitioners are before this Court.

3. Heard the learned counsel for the respective parties.

4. The primary contention of the learned counsel for the petitioners is that, except for certain bald and omnibus allegations made in the complaint, no specific overt acts or allegations are attributed to the petitioners, who are the relatives of the husband of respondent No.2. He further contends that respondent No.2 and her husband, i.e., accused No.1, were residing separately in a rented house at Bengaluru. Under such circumstances, there is no basis to implicate the petitioners in the alleged acts of harassment. Accordingly, he prays to allow the petition.

5. The said prayer is opposed by learned HCGP and learned counsel for respondent No.2, contending that the investigation is at a nascent stage and the Investigating Officer is yet to record the statements of material witnesses to ascertain the veracity of the allegations made in the complaint. Accordingly, they prays to dismiss the petition.

6. I have given my anxious consideration both on the submission and perused the FIR and complainant averments.

7. As could be gathered from the records, the relationship between the petitioners and respondent No.2 is not in dispute. Petitioner Nos.1 and 2 are the father-in-law and mother-in-law of respondent No.2, respectively; petitioner No.3 is her sister-in-law; petitioner No.4 is the sister of petitioner No.2; and petitioner No.5 is the husband of petitioner No.4. On careful scrutiny of the averments made in the complaint, no specific allegations are forthcoming against petitioner Nos.3 to 5. Admittedly, these petitioners were residing separately with their respective families. Except for certain bald and omnibus allegations, there is no specific allegation indicating their direct involvement in the alleged acts of harassment. Even according to the complaint, the allegation against them is that they instigated accused No.1 to harass respondent No.2. Further, on perusal of the entire charge-sheet, it is evident that only bald and omnibus allegations have been made against these petitioners, without specifying any particular date, time or manner in which they allegedly subjected respondent No.2 to harassment. 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. 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 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."*

8. On applying the principles laid down by the Hon'ble Apex Court to the facts and circumstances of the present case, I am of the considered view that no *prima facie* case is made out against petitioner Nos.3 to 5. As such, continuation of the proceedings against petitioner Nos.3 to 5 would amount to an abuse of the process of the Court.

9. Insofar as petitioner Nos.1 and 2 are concerned, the complaint discloses *prima facie* allegations against them. Further, the investigation is still at a nascent stage. At this juncture, it cannot be concluded that no *prima facie* case is made out against petitioner Nos.1 and 2 for the offences alleged in the FIR. However, learned counsel for the petitioners contends that petitioner No.1, who is the father-in-law of respondent No.2, has been bedridden even prior to the marriage of respondent No.2 with accused No.1 and is suffering from the following ailments:

> *i. Mid lumbar dextroscoliosis impression;*
>
> *ii. Status post L4 and L5 bilateral lamihectomy;*
>
> *iii. L4/L5: 4 mm disc bulge with right paracentral T2 hyperintensity abutting traversing L5 nerve root in lateral recess, post-operative granulation versus recurrent disc. Suggest contrast study to differentiate between the two. There is moderate bilateral neural foraminal stenosis.*
>
> *iv. L5/S1: 3 mm disc bulge with left foraminal annular tear. There is mild left neural forminal stenosis.*

10. In such circumstances, it cannot be said that petitioner No.1 had actively participated in subjecting respondent No.2 to harassment along with accused No.1 and accused No.3, i.e., petitioner No.2. Having regard to the ailments suffered by petitioner No.1 and the medical records placed before this Court by learned counsel for the petitioners, I am of the considered view that continuation of the proceedings against petitioner No.1 would also amount to an abuse of the process of the Court.

11. However, insofar as accused No.3, i.e., petitioner No.2, is concerned, as discussed *supra*, *prima facie* allegations of harassment are forthcoming against her. Accordingly, I proceed to pass the following:

ORDER

i. The criminal petition is ***allowed*** in respect of petitioner Nos.1, 3 to 5/accused Nos.2, 4 to 6 and ***dismissed*** in respect of petitioner No.2/accused No.3.

ii. The proceedings against petitioner Nos.1, 3 to 5/accused Nos.2, 4 to 6 in Crime No.945/2023

dated 26.11.2023 registered by K.R.Puram Police Station for the offences punishable under Sections 506, 498A, 504 of IPC, Sections 3 and 4 of Dowry Prohibition Act, 1961, on the file of X Additional CMM Court, Bengaluru, is hereby quashed.

iii. However, it is made clear that proceedings shall continue against petitioner No.2/accused No.3 and accused No.1.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 23