HC-KAR

NC: 2026:KHC:64659
CRL.P No. 2673 of 2024

CNR: KAHC010167802024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2673 OF 2024

BETWEEN:

1. SRI SYED HABEEB ULLA
S./O SYED YOUSUF
AGED ABOUT 65 YEARS

2. SMT. NAZEEMA BEGUM N
W/O SYED HABEEB ULLA
AGED ABOUT 45 YEARS

PETITIONER NO.1 AND 2 ARE
R/AT WARD NO. 29, C.P ROAD,
INNM MASJID,
PRASHANTH NAGAR
KOLAR- 563 101

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. SMT. FATHIMA ZEHRA
W/O ABDUL JAVEED
AGED ABOUT 39 YEARS
R/AT INDRA ASHRIYA LAYOUT
BANGARPET POST
BANGARPET TALUK,
KOLAR-563 114

4. SMT. HAJIRA BEGUM
W/O SYED MUJEEBUR RAHMAN
AGED ABOUT 38 YEARS
R/AT NO.30, 4TH MAIN
NEAR AQSA MASJID

RAHAMATH NAGAR,
KOLAR 563 101

…PETITIONERS

(BY SRI. NANJUNDA GOWDA M.R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
KOLAR WOMEN POLICE STATION
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU-560 001

2. SMT. NAGMANAZ
W/O SYED NADEEM
AGED ABOUT 26 YEARS
R/AT NO.472
MAHALAKSHMI LAYOUT
KOLAR TOWN
KOLAR DISTRICT-563 101

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. SREEDHARA G.R, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN C.C.NO.933/2023 FOR THE OFFENCE P/U/S 498-A R/W SEC.34 OF IPC NOW WHICH IS PENDING ON THE FILE OF THE III ADDITIONAL CIVIL JUDGE AND JMFC KOLAR.

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 5 in C.C.No.933/2023 (arising out of Crime No.10/2022 registered by Kolar Women Police Station), for the offences punishable under Sections 498A r/w Section 34 of IPC, pending on the file of III Additional Civil Judge and JMFC, Kolar (for short, 'the learned Sessions Judge').

2. The brief facts of the case are that, respondent No.2 lodged a complaint before respondent No.1-Police on 28.03.2022, alleging that her marriage was solemnized with accused No.1-Syed Nadeem on 28.04.2019 at Kolar. After the marriage, she resided in her matrimonial home along with accused No.1 and the petitioners, who are her in-laws. According to her, the marital relationship was cordial only for a few months. Thereafter, her mother-in-law having died prior to the marriage, her father-in-law contracted a second marriage, which resulted in disputes in the family. It is alleged that accused No.1, her father-in-law, mother-in-law and others

subjected her to physical and mental harassment on trivial issues.

3. It is further alleged that, with the intervention of family members and well-wishers, a panchayat was convened, wherein it was decided that respondent No.2 and accused No.1 should reside separately at Kolar. Accordingly, they started residing in a rented house at Kolar from February 2021. Despite the same, accused No.1 allegedly continued to subject respondent No.2 to physical and mental harassment and was also allegedly having an extra-marital affair. It is further alleged that accused No.1 left the house on 01.08.2021 and thereafter did not return. Hence, respondent No.2 lodged the complaint against the accused.

4. On the strength of the said complaint, the FIR came to be registered against accused No.1 and these petitioners for the aforementioned offence. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against accused No.1 and these petitioners for the aforementioned offence by arraying these petitioners as accused Nos.2 to 5. Accordingly, the learned Magistrate took cognizance of the

offence. Aggrieved by the same, the petitioners preferred this petition.

5. Heard the learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

6. The primary contention of learned counsel for the petitioners is that the petitioners, being the in-laws of respondent No.2, have no connection with the matrimonial dispute between respondent No.2 and her husband-accused No.1. Though respondent No.2 initially resided in a joint family along with the petitioners, subsequently, she and accused No.1 set up a separate rented house and resided therein from February 2021 till the lodging of the complaint. In such circumstances, it was contended that the allegation that the petitioners subjected respondent No.2 to physical and mental harassment is untenable and the ingredients of the offence under Section 498-A of IPC are not made out against them. Accordingly, learned counsel prays to allow the petition.

7. *Per contra,* learned counsel for respondent No.2 and learned HCGP opposed the prayer of the petitioners contending that the charge sheet has already been filed against them and the statements of the material witnesses disclose their involvement in the alleged offence. It was contended that the petitioners had instigated accused No.1 to subject respondent No.2 to harassment and had themselves subjected her to harassment while she was residing with them in the joint family. Accordingly, they sought dismissal of the petition.

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

9. On careful perusal of the complaint averments, it is not in dispute that, after the marriage, respondent No.2 resided for a few months in the joint family along with the petitioners. It is alleged that her mother-in-law had died prior to her marriage and thereafter, her father-in-law-petitioner No.1 contracted a second marriage, which resulted in matrimonial disputes. Subsequently, pursuant to a panchayat, respondent No.2 and accused No.1 started residing separately in a rented

house. The subsequent allegations of harassment are primarily against accused No.1, husband of respondent No.2, alleging that he subjected her to harassment on account of his extramarital affair and eventually left the matrimonial home. In such circumstances, insofar as the petitioners, who are the in-laws of respondent No.2, are concerned, except for bald and omnibus allegations, there are no specific averments attributing any act of cruelty to them, much less specifying the date, time or manner in which they allegedly subjected respondent No.2 to harassment.

10. In such circumstance, 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.

11. 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.

12. 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."*

13. 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 present case, I am of the considered view that the materials on

record do not disclose the commission of any offence by the petitioners-accused Nos.2 to 5. Therefore, continuation of the proceedings against them would amount to an abuse of the process of law. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The proceedings against the petitioners - accused Nos.2 to 5 in C.C.No.933/2023 (arising out of Crime No.10/2022 registered by Kolar Women Police Station), for the offences punishable under Sections 498A r/w Section 34 of IPC, pending on the file of III Additional Civil Judge and JMFC, Kolar, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 18