HC-KAR
NC: 2026:KHC:64168
CRL.P No. 3324 of 2021
CNR: KAHC010170352021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3324 OF 2021

BETWEEN:

1. SRI ZAHEER ABBAS
S/O NAZEER ABBAS
AGED ABOUT 45 YEARS

2. SRI NAZEER ABBAS
S/O LATE HAJI ABDUL LATEEF
AGED ABOUT 74 YEARS

3. SMT. ALTAF BANU
D/O SRI NAZEER ABBAS
AGED ABOUT 64 YEARS

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Location: HIGH COURT OF KARNATAKA

4. SMT. ALMAS BEGUM
W/O ANDEEM BEGUM
AGED ABOUT 42 YEARS

5. SMT. HUSNA BANU
W/O RAFIKULLA SHERIEFF
AGED ABOUT 36 YEARS

PETITIONER NO.1 TO 4 ARE
R/AT NO.33/69
ANTHONY NICHOLAS STREET
ASHOK NAGAR
BANGALORE-560

6. SMT. SHAHIDA BANU @
SHAHIDA THANSIM
W/O FAROOQ SHARIEFF
R/T NO.180, KM NAGAR
ARABIC COLLEGE ROAD
VENKATESHPURAM
BANGALORE-560045

…PETITIONERS

(BY SRI. KAMALUDDIN AHMAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KADUGONDANAHALLI POLICE STATION
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560001

2. SMT. FOUZIYA SULTANA
W/O SRI ZAHEER ABBAS
AGED ABOUT 32 YEARS
R/AT NO.488/1
FARIDA MANZIL,
17TH 'A' CROSS ROAD
GOVINDPURA, K G HALLI
BANGALORE-560045

…RESPONDENTS

(BY SRI M DIVAKAR MADDUR, HCGP FOR R1;
SRI SRIRAM, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO 1. QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.54238/2020 PENDING ON THE FILE OF XI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BANGALORE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498A, 342, 504, 506 R/W 34 OF IPC AND ETC.

CNR: KAHC010170352021

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

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

ORAL ORDER

This petition is filed praying this Court to quash the entire proceedings in C.C.No.54238/2020 (Annexure-A) and charge sheet filed for the offences under Sections 498A, 342, 504, 506 read with Section 34 of IPC.

2. Heard the learned counsel appearing for the respective parties.

3. The main contention of the counsel appearing for the petitioners that all the family members have been roped. Admittedly, the complainant has married petitioner No.1 who is the son of petitioner Nos.2 and 3; petitioner Nos.4 and 5 are the sisters of petitioner No.1 and petitioner No.6 is the junior aunt of petitioner No.1. The counsel would vehemently contend that the complaint which is filed before the police does not disclose the ingredients of the offence punishable under Section 498A of IPC. In the complaint itself it is stated that husband of

the complainant used to work in Kuwait and he visits India only for a period of 15 days. The complainant has not produced any evidence to prove the allegations made in the complaint and only with a mala fide intention, maliciously instituted the proceedings roping all the family members. The complaint is filed only to settle her differences with her husband and false allegations are made that he is having an affair with Philippine lady and he was insisting to give divorce and family members have also insisted petitioner No.1 for subjecting her for physical and mental harassment. The allegation of assault made by petitioner No.1 is far away from the truth.

4. The counsel also brought to notice of this court that incident was taken place according to the complainant on 11.02.2020 and she was confined in a room and accused No.3 also abused her in a filthy language and all the petitioners have forced her to give a Talaq or otherwise they are going to take away her life and the same is a false allegation. The counsel also brought to notice of this court the spot mahazar which is produced before the court and the same was conducted subsequent to the filing of complaint. The counsel also would

submit that as against the sister-in-laws and also the aunt of petitioner No.1, there is no any material and only omnibus allegations are made against petitioner Nos.4 to 6. The counsel also vehemently contend that fact that in view of the cordiality between petitioner No.1 and the complainant, they are having 2 children and only with an malafide intention, the proceeding is initiated. Hence, it requires interference of this court.

5. Per contra, the counsel appearing for respondent No.2 submits that in the complaint, very specific allegations are made against the petitioners. The counsel appearing for the petitioners only reading three lines of the complaint dated 13.02.2020. But having read the entire complaint in toto, it discloses that how these petitioners have subjected the complainant for both mental and physical cruelty and they were treating her as a labour in the house since her husband was not staying along with her and he was staying at Kuwait. When petitioner No.1 came back from Kuwait also, he subjected the complainant for assault. Even specific allegations are made in the complaint that the children's school fee and everything was looked after by her father only and also narrated the incident

dated 11.02.2020 that in the night at 10.00 a.m., she was assaulted by all the petitioners i.e., husband, in-laws and sister-in-laws and complainant was also confined in a room and caused the life threat and she was allowed to come outside only in the early morning at 06:00 a.m. The specific allegations are made against each of the petitioners.

6. The counsel would vehemently contend the police have investigated the matter and during the course of investigation, apart from the complaint allegation, further statement of complainant was recorded on 14.02.2020. Even the witnesses have also made the similar line of statement during the course of investigation on 14.02.2020. When such material is available before the court and witnesses at CW2 to CW6 speak about the incident and in view of the accusation made in the charge sheet, it requires a trial.

7. The counsel appearing for the State also reiterates that during the course of investigation, statement of witnesses are recorded and matter requires a trial.

8. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that it is not in dispute that in terms of the contents of the complaint dated 13.02.2020, marriage of the complainant with petitioner No.1 was taken place on 09.12.2011. It is also clear that immediately after the marriage, she had joined the matrimonial home and husband also left to Kuwait and he used to visit India for a short period of 15 days. In the said wedlock, there are two children to them. But, the specific allegations are made that in the absence of husband, in the house, in-laws and sister in laws were abusing the complainant and treating her as a labour. It is also the specific accusation that all of them subjected her for both mental and physical cruelty including the husband on 11.02.2020 and all the members have assaulted with their hands and mother-in-law abused in a filthy language and all of them caused the life threat. But on perusal of the complaint, it discloses that except mentioning the name of junior aunt of husband i.e., petitioner No.6 - Smt. Shahida Thansim to take action against her, no specific overt act allegations are made

against her. During the course of investigation and at the time of the recording of statement also, an omnibus allegation is made against petitioner No.6. The only allegation against her that the complainant has to hear her words as she is the Mahila Sangha Judge or otherwise, she has to face the consequences. Except this omnibus statement, nothing is found against petitioner No.6 and so also, even during the course of statement of witnesses. The specific allegations are made against the other petitioners. The very contention of the counsel for the petitioners that mahazar is otherwise and the same is a defence to be used at the time of cross examination of witnesses. The specific allegations are made that all of them have assaulted her and confined her in a room and the same is a disputed fact and the same has to be considered during the course of trial. Having considered the material available on record, it is clear that it is a matter of trial and except petitioner No.6, the other petitioners have to face the trial. Hence, no ground is made out to exercise the powers under Section 482 of Cr.P.C.

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

ORDER

i. In respect of petitioner Nos.1 to 5 is concerned, the petition is rejected.

ii. In respect of petitioner No.6 is concerned, the petition is allowed. The proceedings initiated against petitioner No.6 is hereby quashed as sought in the petition.

iii. The observation made by this Court shall not influence the Trial Court while considering the matter on merits.

Sd/-
(H.P.SANDESH)
JUDGE

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