HC-KAR

NC: 2026:KHC:60044
CRL.P No. 2914 of 2024
C/W CRL.P No. 4920 of 2024

CNR: KAHC010161102024

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. 2914 OF 2024

C/W

CRIMINAL PETITION NO. 4920 OF 2024

IN CRL.P.NO.2914 OF 2024

BETWEEN:

1. SRI. SUBRAMANYAM. T
S/O T NADHAMUNI,
AGED ABOUT 66 YEARS,
RESIDING AT FLAT NO. 501,
PADMAVATHI PURAM,
SRI SAI TOWER,
THIRUCHANOOR ROAD,
THIRUPATHI,
ANDRAPRADESH - 517 501.

2. SMT RAJESHWARI T
W/O SUBRAMANYAM T
AGED ABOUT 56 YEARS,
RESIDING AT FLAT NO. 501,
PADMAVATHI PURAM,
SRI SAI TOWER,
THIRUCHANOOR ROAD,
THIRUPATHI,
ANDRAPRADESH - 517501.

3. SRI JYOTHISH KUMAR T.S
S/O SUBRAMANYAM T,

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AGED ABOUT 36 YEARS,
RESIDING AT FLAT NO. 501,
PADMAVATHI PURAM,
SRI SAI TOWER, THIRUCHANOOR ROAD,
THIRUPATHI, ANDRAPRADESH - 517 501

PRESENTLY RESIDING AT,
HOUSE NO.V2A OF "VAATSALYA",
NO.45 & 46, 4TH MAIN, 3RD BLOCK,
AYYAPPANAGAR, BENGALURU-560 036..

4. SMT SARANYA PRIYA
W/O JOYTHISH KUMAR T S.
AGED ABOUT 31 YEARS,
RESIDING AT FLAT NO. 501,
PADMAVATHI PURAM,
SRI SAI TOWER, THIRUCHANOOR ROAD,
THIRUPATHI, ANDRAPRADESH - 517 501.

PRESENTLY RESIDING AT,
HOUSE NO. V2A OF "VAATSALYA",
NO.45 & 46, 4TH MAIN, 3RD BLOCK,
AYYAPPANAGAR, BENGALURU - 560036.

…PETITIONERS

(BY SRI. PARAMESHWARAPPA C.T, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
SURYANAGARA POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BANGALURU-560 001

2. SMT RACHITHA.B
D/O A.N BASAVANNA,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 240,

KB RESIDENCY, R.K TOWNSHIP,
YARANDAHALLI, JIGANI HOBLI,
ANEKAL TALUK-560 105

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K. RAM SING, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.26980/2023 IN CR.NO.384/2023 FOR THE OFFENCES P/U/S 498A, 323, 504, 506, 120B, 34 OF IPC AND SEC. 3 AND 4 OF D.P. ACT INITIATED BY THE RESPONDENT NO.1, WHICH IS PENDING ON THE FILE OF IV ADDITIONAL CIVIL JUDGE AND J.M.F.C., ANEKAL.

IN CRL.P.NO.4920 OF 2024

BETWEEN:

SRI. MUNISHEKAR T.S
S/O SUBRAMANYAM T
AGED ABOUT 45 YEARS
RESIDING AT FLAT NO.501
PADMAVATHI PURAM
SRI SAI TOWER, THIRUVHANOOR ROAD
THIRUPATHI, ANDRAPRADESH-517 501.

…PETITIONERS

(BY SRI. PARAMESHWARAPPA C.T, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA BY
SURYANAGARA POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BANGALURU-560 001

HC-KAR

NC: 2026:KHC:60044
CRL.P No. 2914 of 2024
C/W CRL.P No. 4920 of 2024

CNR: KAHC010161102024

2. SMT RACHITHA
D/O A.N BASAVANNA,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 240,
KB RESIDENCY, R.K TOWNSHIP,
YARANDAHALLI, JIGANI HOBLI,
ANEKAL TALUK-560 105

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. K. RAM SING, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.26980/2023 IN CR.NO.384/2023 FOR COMPOUNDING THE OFFENCES P/U/S 498A, 323, 504, 506, 120B, 34 OF IPC AND SEC. 3 AND 4 OF DOWRY PROHIBITION ACT, INITIATED BY THE RESPONDENT NO.1, WHICH IS PENDING ON THE FILE OF IV ADDITIONAL CIVIL JUDGE AND J.M.F.C., ANEKAL.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

Crl.P.No.4920/2024 is by accused No.1 and Crl.P.No.2914/2024 is by accused Nos.2 to 5 seeking to quash the proceedings in C.C.No.26980/2023 arising out of Crime No.384/2023 pending on the file of learned IV Addl. Civil Judge & JMFC, Anekal, against accused No.1 for the offences punishable under Sections 498-A, 504, 506 of IPC read with Sections 3 and 4 of Dowry Prohibition Act and against accused

Nos.2 to 5 for the offences punishable under Sections 498-A, 323, 504, 506, 120B, 34 of IPC read with Sections 3 and 4 of Dowry Prohibition Act.

2. Accused No.1 is the husband, accused No.2 is the father-in-law, accused No.3 is the mother-in-law and accused No.4 is the brother-in-law of respondent No.2; and accused No.5 is the wife of accused No.4.

3. Brief facts of the case are that respondent no.2 lodged a complaint against the petitioners alleging that her marriage was solemnized with accused no.1 and after the marriage, accused No.1 resided with respondent No.2 at her parental home along with her mother and her daughter from the first marriage. After 10 days from the date of marriage, accused No.1 started to harass respondent No.2 for silly reasons and also demanded additional dowry and gold ornaments. Thereafter, on 19.08.2022 when respondent No.2 went to UK on her duty, accused No.1 also joined her, for which respondent No.2 spent nearly 40 to 45 lakh and later when they came back from UK, accused No.1 started to harass

respondent No.2, her mother and her daughter and the other accused asked respondent No.2 to leave her mother and daughter and further asked her to reside separately with accused No.1. Thereafter, accused No.1 filed a matrimonial case seeking divorce at Tirupathi Court. Since respondent No.2 opposed the same, accused persons harassed respondent No.2, her mother and her daughter both physically and mentally and abused them in filthy language and threatened them with dire consequences. Hence, left with no other option, she lodged a complaint before the 1st respondent - police. The police after investigation laid charge sheet against the accused persons. The learned Magistrate took cognizance of the offence against the petitioners. Aggrieved by the same, the petitioners are before this Court.

4. Heard the learned counsel for the petitioners, learned HCGP and the learned counsel for respondent No.2.

5. The primary contention of the learned counsel for the petitioners in both the petitions is that, the Family Court in the petition filed by accused No.1 seeking dissolution of

marriage with respondent, granted the decree of divorce by dissolving the marriage of accused No.1 with respondent No.2. Subsequently, out of vengeance, a false complaint has been filed by her. He also contended that the petitioners in Crl.P.No.2914/2024 are concerned, they being the mother-in-law, father-in-law, sister-in-law and brother-in-law, are no way connected to the alleged offence. In the complaint itself, it is specifically stated by respondent No.2 that ever since from the date of marriage she was residing with accused No.1 along with her mother and daughter separately and these petitioners were residing separately. In such circumstances, except the bald and omnibus allegation, no such specific allegations are forthcoming against these petitioners. Accordingly, he prays to allow both the petitions.

6. Learned HCGP as well as learned counsel for respondent No.2 opposed the aforesaid prayer and contended that since the charge sheet has been filed by the Police and the statement of witnesses reveals the involvement of these petitioners in the alleged crime, the proceedings against the

petitioners cannot be quashed, at this stage. Accordingly, they pray to dismiss the petitions.

7. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and perused the documents available on record.

8. As could be gathered from records, the relationship between the parties are not in dispute. It is also not in dispute that immediately after marriage of respondent No.2 with accused No.1, they were residing separately along with the mother and daughter of respondent No.2. The complaint averments is supported by the statement of material witnesses. On careful scrutiny of entire charge sheet material, prima facie case has been made out against accused No.1. However, as regards accused Nos.2 to 5 are concerned, except some bald and omnibus allegations, there is no specific date, time and the manner in which they harassed respondent No.2. Moreover, admittedly, accused Nos.2 to 5 were residing separately.

9. 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 - ***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.

10. 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 allegation 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.

11. Further, the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan vs. State of Telangana*** - ***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."

12. In the instant case, a bare perusal of charge sheet materials clearly disclose that the allegations made by the complainant/respondent No.2 against petitioner Nos.1 to 4 in Crl.P.No.2914/2024 i.e., accused Nos.2 to 5 are vague and omnibus. There is no such allegation that the family members harassed the complainant. The complainant has not provided any specific details or described any particular instance of harassment. She has not mentioned the time, date, place or a manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the charge sheet lacks concrete and precise allegations against accused Nos.2 to 5. The mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person. Further respondent No.2 herself has stated in the complaint that these petitioners were residing separately.

13. It is settled position of law that, Courts have to be careful and cautious in dealing with complaint and must take pragmatic realities into consideration while dealing with matrimonial disputes, where the allegations have to be scrutinized with great care and circumspection in order to prevent miscarriage of justice and abuse of process of Court.

14. Hence, even if the entire allegations in the charge sheet are taken on its face value, there is no such *prima facie* case made out against petitioner Nos.1 to 4 in Crl.P.No.2914/2024. As such, continuation of proceedings against them i.e., accused Nos.2 to 5 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

i. ***Crl.P.No.4920/2024 filed by the petitioner - accused No.1 is dismissed*** and proceedings against him shall continue.

ii. ***Crl.P.No.2914/2024 filed by the petitioners/accused Nos.2 to 5 is allowed in part.*** The proceedings against them in C.C.No.26980/2023 arising out of Crime No.384/2023 registered by the 1st respondent - Police for the offences

punishable under Sections 498-A, 323, 504, 506, 120B, 34 of IPC read with Sections 3 and 4 of Dowry Prohibition Act, presently pending on the file of learned IV Addl. Civil Judge & JMFC, Anekal, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 20