HC-KAR

NC: 2026:KHC:64017
WP No. 13483 of 2025

CNR: KAHC010309662025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 13483 OF 2025 (GM-RES)

BETWEEN:

1. SURENDRA,
   SON OF RAMU,
   AGED ABOUT 31 YEARS.

2. MANJULA,
   WIFE OF RAMU,
   AGED ABOUT 53 YEARS.

3. RAMYA,
   DAUGHTER OF RAMU,
   AGED ABOUT 35 YEARS.

4. RAMU,
   SON OF NARASAPPA,
   AGED ABOUT 63 YEARS.

   PETITIONER NO. 1 TO 4 ARE
   R/AT NO.126, SRINIDHI NILAYA,
   4TH A CROSS, NEAR HULIYURAMMA TEMPLE,
   MOOKAMBIKA NAGARA, BANASHANKARI
   3RD STAGE, HOSAKEREHALLI,
   BANGALORE-560085.

5. SHIVARATHNAMA,
   WIFE OF SHIVALINGA,
   AGED ABOUT 52 YEARS.

6. SUNIL,
   SON OF SHIVALINGA,

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AGED ABOUT 36 YEARS.

7. GOVINDA,
SON OF MANCHSHETTY,
AGED ABOUT 55 YEARS.

8. GEETHA,
WIFE OF SHIVALINGAIAH,
AGED ABOUT 49 YEARS.

PETITIONER NO.5 TO 8
ARE R/AT MOOKAMBIKA NAGARA,
BANASHANKARI 3RD STAGE,
HOSAKEREHALLI, BANGALORE-560085.

...PETITIONERS

(BY SRI. ALLAH BAKASH M, ADVOCATE;
V/O DATED 18.11.2026, PETITION AGAINST
PETITIONERS 1, 2 & 4 ARE DISMISSED)

AND:

1. STATE OF KARNATAKA,
STATE BY GIRINAGAR POLICE STATION,
GIRINAGAR, BANGALORE,
REP. BY SPP, HIGH COURT OF KARNATAKA,
BANGALORE-560 001..

2. SMT. RADHIKA,
WIFE OF SURENDRA,
AGED ABOUT 24 YEARS,
R/AT NO.10, 6TH CROSS,
GAYATHRI LAYOUT, RAMASANDRA,
SULIKERE POST, KENGERI,
BANGALORE-560060.

...RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R-1;
SMT. NAZEEFA M MULLA, ADVOCATE FOR
SRI. HITESH C.S, ADVOCATE FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE FIR COMPLAINT N CRIME.NO.105/2025, DATED: 25.04.2025, FOR THE ALLEGED OFFENCES PUNISHABLE U/S. 85, 133, 115(2), 352, 351(2), 49 READ WITH 3(5) OF BNS ACT, AND UNDER SECTION 3, 4 OF DOWRY PROHIBITION ACT 1961, LODGED BY THE 2ND RESPONDENT RADHIKA IN COMPLAINT DATED: 25.04.2025 BEFORE THE GIRINAGAR POLICE STATION, SO AS AGAINST THE PETITIONERS (ACCUSE NO.2-3) VIZ-ANNEXURE-A, A1.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Allah Bakash M, learned counsel for the petitioners, Smt.Waheeda M.M., learned High Court Government Pleader for respondent No.1 and Smt.Nazeefa M Mulla for learned counsel for Sri.Hitesh C.S., learned counsel for respondent No.2.

2. Learned counsel for the petitioners has filed a Memo, which reads as under:

"The petitioner No.1, 2, 4 humbly submits as follows:

The petitioner No.1, 2, 4 humbly pray that this Hon'ble Court may kindly be pleased to dismiss the above petition against them as not pressed. Hence memo may be taken on record in the interest of justice & equity."

3. Placing the Memo on record, petition insofar as petitioner Nos.1, 2 and 4 is dismissed.

4. Petition under Article 226 of the Constitution of India is filed by the petitioners with the following prayers:

"*a. Issue a writ, order, direction or writ of certiorari quashing the FIR Complaint in Crime.No.105/2025, dated: 25.04.2025, for the alleged offences punishable U/s. 85, 133, 115(2), 352, 351(2), 49 read with 3(5) of BNS Act, and under section 3, 4 of Dowry Prohibition Act 1961, Lodged by the 2nd respondent Radhika in Complaint Dated: 25.04.2025 before the Girinagar police station, so far as against the petitioners (accuse no.2-3) Viz-Annexure-A, A1.*

b. Such other reliefs as this Hon'ble court deems fit in the interest of justice and equity."

5. Facts of the case are as under:

(a) Respondent No.2 married petitioner No.1 as per the Hindu Rites and Customs. However, there is a strained matrimonial relationship resulting in filing the complaint by respondent No.2 against the petitioners herein with Girinagar Police Station which was registered in Crime No.105/2025 on 25.04.2025 for offences under Sections 85, 133, 115(2), 352, 351(2), 49 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and under Sections 3, 4 of Dowry Prohibition Act, 1961.

6. Learned counsel for the petitioners Sri.M.Allah Bakash, would contend that except petitioner Nos.1, 2 and 4, the other petitioners had no role whatsoever in the alleged incident as they are far relatives and so far as petitioner No.3 is concerned, she is married and living separately in her husband's house and none of these petitioners have shared the common residence and therefore, case against them needs to be quashed.

7. *Per contra,* Smt.Nazeefa M Mulla, in unison would contend that matter requires to be investigated and appropriate

report needs to be filed and it is too premature for this Court to form an opinion that the other petitioners did not have any role in the alleged incident and sought for dismissal of the petition.

8. Having heard the arguments of both sides, this Court perused the material on record meticulously.

9. On such perusal of the material on record, it is noticed that omnibus allegations are leveled against the remaining petitioners. Insofar as petitioner No.3 is concerned, it is the contention of the respondents that at the time of the alleged incident, she was unmarried and she had also shared the common roof. Therefore, petition against her needs to be dismissed.

10. However, on perusal of the material on record, there is no specific instances which would warrant this Court to continue the criminal case in respect of petitioner No.3 as well. Since the petitioners' counsel has sought for dismissal of the petition in so far as petitioner Nos.1, 2 and 4, following the

dictum of the Hon'ble Apex Court in the case of ***KAHKASHAN KAUSAR @ SONAM AND OTHERS vs. STATE OF BIHAR,*** reported in ***(2022) 6 SCC 599***, this Court is of the considered opinion that the pending criminal case against the other petitioners need to be quashed, as they did not share the common roof nor there is any specific allegations against them and the allegations leveled against them are omnibus in nature.

11. Further expressing any opinion on merits would definitely impair the rights of the remaining petitioners as well as respondent No.2 who is the *de facto* complainant and therefore, without holding the mini trial, the following order is passed.

12. Accordingly, the following:

O R D E R

[I] Placing the memo on record, petition insofar as petitioner Nos.1, 2 and 4 is ***dismissed***.

[II] Petition is ***allowed*** in respect of petitioner Nos.3 and 5 to 8. Consequently, Crime No.105/2025 insofar as petitioner Nos.3 and 5 to 8, pending on the file of 37th Additional Chief Metropolitan Magistrate, Bengaluru City and investigation thereof is hereby quashed.

Sd/-
(V SRISHANANDA)
JUDGE

CBC
List No.: 1 Sl No.: 39