HC-KAR
NC: 2026:KHC:64032
CRL.P No. 6395 of 2024
CNR: KAHC010342382024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 6395 OF 2024

BETWEEN:

1. ABDUL AZEEZ
AGE 72 YEARS,
S/O PALLIABBA,
NO.3-474(7A), ZEENATH MANZIL,
DEKKARU SUBHASH NAGAR,
MUNNOOR VILLAGE & POST,
MANGALURU TALUK, PIN-574 227.

2. MOHAMMED RIZWAN,
AGE 40 YEARS,
S/O ABDUL AZEEZ,
NO.3-474(7A), ZEENATH MANZIL,
DEKKARU SUBHASH NAGAR,
MUNNOOR VILLAGE & POST,
MANGALURU TALUK, PIN-574 227.

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Location: HIGH COURT OF KARNATAKA

3. SMT. RAIHAN,
AGE 40 YEARS,
W/O ABDUL KAREEM,
NO.2-76 (A 1), KUNDUR HOUSE,
MADAKA, MALADYA AMBALMOGURU POST &
VILLAGE, PRESENTLY RESIDING AT
SUBHASHNAGAR,
BEHIND SUBHASHNAGAR BAZAAR,
MUNNOOR VILLAGE & POST,
MANGALURU TALUK, PIN-574 227.

4. SMT. NOOR JAHAN,
AGE 34 YEARS,
W/O IBRAHIM, NO.3-472(7A),
DEKKADU, SUBHASH NAGAR,
MUNNOOR VILLAGE & POST,
MANGALURU TALUK, PIN-574 227

5. SMT.ZEENATH,
AGE 43 YEARS,
W/O ISMAIL K.B, NO.22-89/7,
AJVEENA MANZIL, ULLALA BAILU, ULLALA,
MANGALURU TALUK, PIN-574 227.

6. SMT. HALEEMA
AGE MAJOR,
W/O ABDUL LETHIF,
NO.6-376, AYESHA COTTAGE,
GURUPURA MULURU VILLAGE,
ADDURU POST,
MANGALURU TALUK,
PIN-574 227.

…PETITIONERS

(BY SRI. M.E NAGESH, ADVOCATE)

AND:

1. KATHIJAMMA THOUSIYA
W/O MOHAMMED MUSTAFA,
D/O K.MUSTAFA
AGE 27 YEARS
KOTEBAGILU, MOODABIDRI,
SHANTHI COLONY
PRANTHYA VILLAGE
D.K.DISTRICT.

2. THE STATE BY PSI,
MOODABIDRI POLICE STATION.
D.K.DISTRICT.
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING

DR.B.R.AMBEDKAR ROAD
BANGALORE-01

…RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R2,
SRI. MAHAMMAD ASFAK, ADVOCATE FOR
SRI. ABUBACKER SHAFI, ADVOCATE FO R1)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR AND COMPLAINT DATED 06.10.2018 AND THE PROCEEDINGS IN C.C.NO.734/2019 (CR.NO.335/2018) AT THE INSTANCE OF THE 1ST RESPONDENT BY THE MOODABIDRI POLICE STATION FOR THE OFFENCE P/U/S 498A, 504, 506, 323, 34 OF IPC AND SEC. 3 AND 4 OF D.P. ACT, 1961 AS AGAINST THE PETITIONERS WHO ARE ACCUSED NO.2 TO 7 PENDING ON THE FILE OF THE CIVIL JUDGE AND JMFC, MOODABIDRI, D.K. DISTRICT VIDE ANNEXURES-A AND D.

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 7 in C.C.No.734/2019 (arising out of Crime No.335/2018 registered by Moodabidre Police Station), for the offences punishable under Sections 498(A), 504, 506, 323 r/w Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 (for short, 'the DP Act'), presently pending on the file of Civil

Judge and JMFC, Moodabidre, D.K. District (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.1 lodged a private complaint before the learned Magistrate in PCR No.85/2018 on 28.09.2018, alleging that her marriage was solemnized with accused No.1-Mohammed Mustaq on 05.07.2009. After the marriage, she started residing with accused No.1 in the matrimonial home. In the year 2010, she and accused No.1 went to Muscat, where accused No.1 was employed, and resided there till 2016. In the meantime, she gave birth to three children and alleges that accused No.1 subjected her to physical and mental harassment. Consequently, she returned to India in the year 2016 along with her children and started residing separately in a house provided by her father. Subsequently, accused No.1 also returned to India.

3. On 08.07.2018, the accused persons came near the house of respondent No.1 at Kotebagilu and, when the first daughter of respondent No.1 was watching television, abused the respondent No.2 and her daughter in filthy and indecent

language. On 01.08.2018, the respondent No.1 locked her house and went to Bailur. During her absence, the accused persons removed the lock put by her, broke open the lock of the cupboard inside the house and took away cash amounting to Rs.4,50,000/-, three gold chains belonging to her children, three rings belonging to the respondent No.1, the marriage certificate and other documents kept therein. It is further alleged that they also took away several other articles and cash and subjected the respondent No.2 to physical cruelty.

4. It is further alleged that these petitioners, who are arraigned as accused Nos.2 to 7 are the in-laws of respondent No.1, instigated accused No.1 to harass her. Accordingly, accused No.1 allegedly demanded dowry and gold ornaments, abused her in filthy language and threatened to pronounce talaq. Unable to bear the harassment meted out to her, the parents of respondent No.1 allegedly paid Lakhs together to accused No.1 and also gave gold ornaments. Despite the same, it is alleged that accused No.1 and the petitioners continued to subject respondent No.1 to physical and mental harassment.

Hence, respondent No.1 lodged the complaint against her husband and In-laws.

5. On the strength of the private complaint, the learned Magistrate referred the matter to the jurisdictional police under Section 156(3) of Cr.P.C. for investigation. Accordingly, respondent No.2-Police registered the FIR in Crime No.335/2018 dated 06.10.2018 against the accused No.1 and these petitioners for the offences punishable under Sections 323, 380, 504, 498A of IPC and Sections 3 and 4 of DP Act. Subsequently, respondent No.2-Police investigated the case and laid charge sheet against the accused No.1 and these petitioners for the offences punishable under Sections 323, 506, 504, 498A of IPC and Sections 3 and 4 of the DP Act, by arraying the petitioners as accused Nos.2 to 7. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition.

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

7. The primary contention of learned counsel for the petitioners is that the petitioners, namely, petitioner No.1 being the father-in-law, petitioner No.2 being the brother-in-law and petitioner Nos.3 to 6 being the sisters-in-law of respondent No.1, are in no way connected with the alleged incident. He contended that, from the date of marriage, respondent No.1 was residing with accused No.1, her husband, in Muscat till 2016 and had given birth to three children during the said period. Thereafter, she returned to India. It is further contended that, except for certain bald and omnibus allegations, the complaint does not contain any specific allegation against these petitioners. Hence, the ingredients of Section 498A of IPC or any other offences under the IPC and the DP Act for which the petitioners have been charge-sheeted are not attracted against them.

8. Learned counsel further contended that all the petitioners have been residing separately with their respective families, in support of which he has produced the Aadhaar Cards of the petitioners. In view of the aforesaid circumstances, he sought to allow the petition.

9. *Per contra,* learned counsel for respondent No.1 and learned HCGP opposed the prayer of the petitioners, contending that the charge sheet has already been filed and the statements of the material witnesses disclose the involvement of these petitioners in the alleged incident. They further contended that, after returning from Muscat, respondent No.1 stayed separately in the house provided by her father, during which period these petitioners instigated accused No.1 to harass respondent No.1. Hence, they submit that the petitioners are also involved in the alleged harassment meted out to respondent No.1. In view of the same, it is contended that the proceedings cannot be quashed at this stage. Accordingly, they sought for dismissal of the petition.

10. 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.

11. As could be gathered from the records, the relationship between the petitioners and respondent No.1 is not in dispute. Petitioner No.1 is the father-in-law, petitioner No.2 is the brother-in-law and petitioner Nos.3 to 6 are the sisters-

in-law of respondent No.1. The complaint averments clearly disclose that, due to the unbearable harassment allegedly meted out to respondent No.1 by her husband-accused No.1, she returned to India along with her children and started residing separately in a house provided by her father. Learned counsel for the petitioners has also produced the Aadhaar Cards and other documents to substantiate that the petitioners are residing separately with their respective families.

12. On perusal of the charge-sheet materials, it is undisputed that, after the marriage, accused No.1 and respondent No.1 travelled to a Gulf country, as accused No.1 was employed there, and resided there for nearly six years, from 2011 to 2016, during which period respondent No.1 gave birth to three children. On a careful consideration of the allegations made in the complaint and the charge-sheet materials, the only allegation against these petitioners is that they insisted accused No.1 to harass respondent No.1. Except for such bald and omnibus allegations, there are no specific averments disclosing the particular overt acts committed by these petitioners or the date, time or manner in which they

allegedly subjected respondent No.1 to harassment. Therefore, the allegations against the petitioners lack the requisite specificity to attribute any individual role to them in the alleged offences.

13. 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.

14. 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.

15. 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."*

16. Collocating the above findings of the Hon'ble Apex Court with the facts and circumstances of the present case, I am of the considered view that these petitioners have been implicated in the private complaint by respondent No.1, apparently on account of their relationship with accused No.1. No doubt, the allegations in the complaint *prima facie* disclose a case against accused No.1. However, as discussed supra, in the absence of any specific allegations against these petitioners and having regard to the bald and omnibus nature of the allegations made against them, the continuation of the proceedings against

these petitioners would amount to abuse of the process of the Court. Accordingly, I proceed to pass the following:

ORDER

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

ii. The proceedings against the petitioners - accused Nos.2 to 7 in C.C.No.734/2019 (arising out of Crime No.335/2018 registered by Moodabidre Police Station), for the offences punishable under Sections 498(A), 504, 506, 323 r/w Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 (for short, 'the DP Act'), presently pending on the file of Civil Judge and JMFC, Moodabidre, D.K. District, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

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List No.: 1 Sl No.: 1