HC-KAR

NC: 2026:KHC:64731
CRL.P No. 8062 of 2022

CNR: KAHC010378652022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.8062 OF 2022

BETWEEN:

1. AKBAR I. TALIKOTI,
   S/O IBRAHIMSAB,
   AGED ABOUT 41 YEARS.

2. PEERMA BEE,
   W/O IBRAHIMSAB,
   AGED ABOUT 85 YEARS.

3. MOINUDDIN I. TALIKOTI,
   S/O IBRAHIMSAB,
   AGED ABOUT 41 YEARS.

4. GULABJAN @ MOHAMMADBI,
   W/O MOINUDDIN,
   AGED ABOUT 44 YEARS.

5. MEHEBOOB I. TALIKOTI,
   S/O IBRAHIMSAB,
   AGED ABOUT 55 YEARS.

6. IMAMBI M. TALIKOTI,
   W/O MEHEBOOB,
   AGED ABOUT 42 YEARS.

7. GUDUSAB I. TALIKOTI,
   S/O IBRAHIMSAB,
   AGED ABOUT 42 YEARS.

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Location: HIGH COURT OF KARNATAKA

8. RAMAJANBI G. TALIKOTI,
W/O GUDUSAB,
AGED ABOUT 39 YEARS.

ALL ARE KODEKAL
HALIVASTHI AT KALAGI VILLAGE,
MUDDEBIHAL TALUK,
VIJAYAPURA DISTRICT-586213.

9. AMINABI B. NAIKODI,
W/O BAWASAB,
AGED ABOUT 76 YEARS,
RESIDENT OF KALAGI VILLAGE,
MUDDEBIHAL TALUK-586213,
VIJAYAPURA DISTRICT.

…PETITIONERS

(BY SRI. CHANDAN H.B. AND
SMT. JAYASHREE P., ADVOCATES)

AND:

1. STATE OF KARNATAKA,
BY EAST ZONE WOMEN POLICE STATION,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.

2. SMT. SHAFIA M. GURIKAR,
W/O AKBAR I. TALIKOTI,
AGED ABOUT 32 YEARS,
NO.25, 2ND 'A' CROSS,
11TH MAIN ROAD,
DODDA CHIKKANNA ROAD,
ANANTHAPUR,
SINGANAYAKANAHALLI POST,
YELAHANKA,
BANGALORE-560064.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. SYED KHALEEL PASHA, ADVOCATE FOR R2)

CNR: KAHC010378652022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THESE PETITIONERS IN CR.NO.77/2022 OF EAST ZONE WOMEN POLICE STATION, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 498(A), 323, 504 AND 506 R/W SECTION 34 OF IPC, PENDING ON THE FILE OF VI ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU BY ALLOWING THE PETITION.

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

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

ORAL ORDER

Heard the learned counsel for the petitioners/accused, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. The prayer sought in the petition is to quash the FIR in Crime No.77/2022, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of IPC.

3. The contents of the complaint filed by the complainant is that her marriage was taken place in 2012 with accused No.1 and at the time of marriage, the accused persons demanded the dowry and accordingly the payment of Rs.1,00,000/- was made and also gave 25 grams gold

jewellery, household articles, furniture and other things and also complied their demand. The marriage was also performed by spending an amount of Rs.20,00,000/-. It is stated in the complaint that after the marriage, the complainant started her marital life with her husband and in-laws. Few months after the marriage, the accused persons started harassing her in one way or the other. In spite of demand was complied, they started assaulting, humiliating, torturing, threatening and harassing her day by day. Her husband and in-laws never took her to the doctor or hospital for treatment when she fell sick and her husband made her to sleep without food every now and then. Her husband and in-laws ill-treated and abused her in front of her family members. On all such occasion, her father used to take care of her and even used to take her to the doctor and her husband was not taking her to the doctor even during pregnancy also and subsequently when the child was born, they did not take any care. It is also an allegation that all the accused persons harassed her mentally stating that if she failed to give birth to a male child, they are going to give divorce. It is also an allegation that they started neglecting her

and treating her as a stranger, assaulting and torturing her. It is also an allegation in the complaint that the accused persons threatened her that if she fails to give education or bring lakhs of rupees in the name of the child, she has no place at home. Her daughter is studying in Euro Kids Pre-School at Ananthapura Gate, Bengaluru and she has pledged her gold ornaments with the pawnbroker for a sum of Rs.1,50,000/- and also borrowed a sum of Rs.1,50,000/- from her relatives and friends to pay school expenses of her daughter. It is an allegation against the husband that he has not met the expenses and her husband never enquired about her and child and started disliking them.

4. The learned counsel for the petitioners would vehemently contend that in order to rope all the family members, omnibus allegations are made in the complaint and no specific accusation is made against petitioner Nos.3 to 9. The learned counsel also brought to the notice of this Court that notices are exchanged in the year 2018 itself i.e., on 28.07.2018 notice was given to the complainant and reply was given on 14.08.2018 and suit was filed in O.S.No.5/2019.

Apart from that, the complainant filed a petition in Criminal Miscellaneous No.194/2018 invoking Section 12 of the Protection of Women from Domestic Violence Act, 2005. The present complaint is filed in 2022 afterthought only with an intention to wreak vengeance and settle the score by arraying all the family members of her husband i.e., brothers, their wives and also distant relatives. Hence, it is very clear that with an oblique motive, only with an intention to harass all the family members, private complaint is filed.

5. Per contra, the learned counsel for respondent No.2/complainant brought to the notice of this Court that specific accusation is made in the complaint. Though marriage was taken place in 2012, but differences were arisen in the year 2018. But expecting that the accused is going to take her back, the complaint was not given and the complaint was given in 2022. The learned counsel would submit that when specific accusation is made that she was subjected to assault and also harassment at the hands of the accused persons, the police have to investigate the matter.

6. The learned High Court Government Pleader appearing for respondent No.1/State would submit that though complaint is filed belatedly after initiation of the proceedings against each other in 2018, but police have to probe the matter and unearth the truth.

7. Having heard the learned counsel for the respective parties, it is settled law that the Court cannot intervene when the complaint is filed and FIR is registered, unless the complaint does not disclose committing of any cognizable offence. The Apex Court in its judgment in the case of **DINESHBHAI CHANDUBHAI PATEL v. THE STATE OF GUJARAT** reported in **2018 (3) SCC 104,** has held that if a complaint does not disclose the averments, then only the Court can exercise the powers or otherwise the Court cannot venture to interfere with the investigation to be conducted by the Investigating Officer.

8. Having considered the said principles and also the contents of the complaint, it is very clear that allegations are made against the husband and also against the in-law and in-law is only the mother of the husband. The brothers of the

husband are living separately and they and their respective wives are also made as accused in the complaint and even the relative i.e., petitioner No.9 is also made as an accused. Having considered the entire contents of the complaint, no specific allegations are made against petitioner Nos.3 to 9 and only general omnibus allegations are made that they subjected her for cruelty and the fact that petitioner Nos.3 to 9 are not residing along with the husband and mother-in-law is not in dispute. When such being the case and when the complaint does not disclose any committing of offence by petitioner Nos.3 to 9, it is nothing but an abuse of process by roping all the family members in a case of marital dispute between the husband and wife. The allegations made in the complaint are omnibus as contended by the learned counsel for the petitioners. No specific allegations are made on what date the incident was taken place and also that they are part of assault, abuse and causing of life threat along with husband. The specific accusation is made against the husband and mother-in-law and hence, there cannot be any criminal prosecution against petitioner Nos.3 to 9. Hence, it is a fit case to exercise

the power under Section 482 of Cr.P.C. in respect of petitioner Nos.3 to 9.

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

ORDER

(i) The petition is allowed in respect of petitioner Nos.3 to 9 and the proceedings initiated against petitioner Nos.3 to 9 in Crime No.77/2022 is quashed.

(ii) The petition in respect of petitioner Nos.1 and 2 is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 31