HC-KAR

NC: 2026:KHC:59593
CRL.P No. 7725 of 2024

CNR: KAHC010432102024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 7725 OF 2024

BETWEEN:

1. DR MADHUNIRANJANA SWAMY M.
S/O. SHIVAIAH,
AGED ABOUT 38 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

2. SMT. MAHALAKSHMAMMA
W/O. SHIVAIAH. P,
AGED ABOUT 65 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

3. SRI. SHIVAIAH
S/O. LATE POOJAIAH,
AGED ABOUT 77 YEARS,
R/AT HOUSE NO. 48,

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

4. SMT. SOWMYA
W/O. KUMARA SWAMY,
AGED ABOUT 42 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

5. SRI. KUMARA SWAMY
LATE KARIYANNA,
AGED ABOUT 52 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

6. SMT. ASHWINI
W/O. MOHANKUMAR,
AGED ABOUT 38 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,

AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

7. SRI. MOHAN KUMAR
AGED ABOUT 40 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

8. SMT. VASUDHA
W/O. KEERTHI MITHRA. D,
AGED ABOUT 29 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

9. SRI. KEERTHI MITHRA
S/O. DURGAIAH K.B
AGED ABOUT 38 YEARS,
R/AT HOUSE NO. 48,
VINAYAKA KRUPA,
MAHAVEERA NILAYA,
KUNIGAL ROAD,
IN FRONT OF SIDDARUDA MATT,
AMARAJYOTHINAGARA,
TUMAKURU TOWN,
PIN-572 101.

…PETITIONERS

(BY SRI. MADHUSUDHAN M.N, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY WOMEN POLICE STATION,
   TUMAKURU, PIN-572 101,

   REPRESENTED BY STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   BENGALURU, PIN-560 001.

2. SMT. PRIYANKA. V. R.
   W/O. MADHUNIRANJANA SWAMY. M. S.,
   AGED ABOUT 29 YEARS,
   R/AT HOUSE NO. 48,
   VINAYAKA KRUPA,
   MAHAVEERA NILAYA,
   KUNIGAL ROAD,
   IN FRONT OF SIDDARUDA MATT,
   AMARAJYOTHINAGARA,
   TUMAKURU TOWN,
   PIN-572 101.

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. KRISHNAKUMAR K.K, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO.126/2024 REGISTERED BY THE FIRST RESPONDENT POLICE/WOMEN POLICE TUMAKURU AGAINST THE PETITIONERS, NOW PENDING BEFORE THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC AT TUMAKURU, FOR OFFENSES P/U/S 498-A,342,417,109,506 R/W 34 OF IPC, SEC. 3 AND 4 OF DP ACT, ON THE COMPLAINT BY THE SECOND RESPONDENT IN SO FAR AS PETITIONERS ARE CONCERNED, BY ALLOWING THIS MEMORANDUM OF CRL.P.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C seeking to quash the entire proceedings in CC.No.126/2024 arising out of Crime No.20/2024 registered by the 1st respondent police/women police station, Tumakuru, against the petitioners, pending on the file of the learned II Additional Senior Civil Judge and JMFC, Tumakuru, for offences punishable under Sections 498-A, 342, 417, 109, 506 r/w 34 of IPC, Sections 3 and 4 of Dowry Prohibition Act.

2. Petitioner No.1 - accused No.1 is the husband of respondent No.2 - complainant. Petitioner Nos.2 and 3 - accused Nos.2 and 3 are the mother-in-law and father-in-law of respondent No.2. Petitioner No.4 - accused No.4 is the sister-in-law of respondent No.2 and petitioner No.5 - accused No.5 is the husband of accused No.4. Petitioner No.6 - accused No.6 is also the sister-in-law of respondent No.2 and petitioner No.7 - accused No.7 is the husband of accused No.6 and petitioner No.8 - accused No.8 is also the sister in law of respondent No.2

and petitioner No.9 - accused No.9 is the husband of accused No.8.

3. The brief facts of the case are that respondent No.2 lodged a complaint against the petitioners on 30.01.2024 before the 1st respondent - police alleging that her marriage was solemnized with accused No.1, who was a Dentist at Malaysia. After marriage, accused No.1 received Rs.5 lakh cash from the father of respondent No.2 and thereafter, left India and settled in Malaysia and did not return to India. Thereafter, it was revealed that accused No.1 had contracted second marriage at Malaysia. However, respondent No.2 continued to reside at her matrimonial home along with accused Nos.2 and 3 i.e., her in-laws and other accused. During her stay in matrimonial home, petitioners harassed respondent No.2 both physically and mentally without even providing her proper food and they also demanded Rs.5 lakh additional dowry and asked for 150 gms gold. As such, respondent No.2 started to reside with her parents at her parental home. As such, she lodged a complaint before the respondent-police against the petitioners. On the strength of the said complaint, FIR came to be

registered in Crime No.20/2024 dated 30.01.2024 against the petitioners for the aforementioned offences. After the registration of FIR, respondent No.1-police conducted investigation and laid charge-sheet against the petitioners and the learned Magistrate took cognizance of the case. Aggrieved by the same, the petitioners preferred this petition.

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

5. The primary contention advanced by the learned counsel for the petitioners is that soon after the marriage, accused No.1 - husband of respondent No.2 left India and settled in Malaysia. However, respondent No.2 was residing along with accused Nos.2 and 3 i.e., her in-laws. Even though respondent No.2 was taken care of, she lodged a complaint on mere suspicion that accused No.1 contracted second marriage at Malaysia without any proof or authentic document to the said effect. Nonetheless, as far as other petitioners i.e., accused Nos.4 to 9 are concerned, they were residing separately in their respective houses and except bald and omnibus allegations, there are no

such specific averments in the complaint or in the charge sheet in respect of their involvement in the aforesaid offences. As such, continuation of proceedings against them is nothing but abuse of process of Court. Accordingly, he prays to allow the petition.

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 petition.

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 accused No.1 after marriage left respondent No.2 at the matrimonial home and went to Malayasia and thereafter, did

not return to India. As such, respondent No.2 was residing along with accused Nos.2 and 3 i.e., her in-laws. During her stay, it is alleged that they demanded Rs.5 lakh dowry and 150 gms gold and for the same, they harassed respondent No.2, both physically and mentally and they even failed to provide proper food and basic requirements to 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 Nos.1 to 3. However, as regards accused Nos.4 to 9 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.4 to 9 are residing separately at their respective home.

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 shows that the allegations made by the complainant/respondent No.2 against petitioner Nos.4 to 9 - accused Nos.4 to 9 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 petitioner Nos.4 to 9. The mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person.

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.4 to 9. As such, continuation of proceedings against petitioner Nos.4 to 9 i.e., accused Nos.4 to 9 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following:

ORDER

i. ***The petition in respect of petitioner Nos.1 to 3/accused Nos.1 to 3 is dismissed*** and proceedings against them shall continue. It is made clear that the observations made against accused Nos.1 to 3 shall not come in the way of the Trial Court while considering the proceedings.

ii. ***The petition in respect of petitioner Nos.4 to 9 /accused Nos.4 to 9 is***

allowed in part. The proceedings against them in C.C.No.126/2024 arising out of Crime No.20/2024 registered by the 1st respondent - Police for the offences punishable under Sections 498-A, 34, 417, 109, 506 read with 34 of IPC, Sections 3 and 4 of Dowry Prohibition Act, presently pending on the file of learned II Addl. Senior Civil Judge & JMFC, Tumakuru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV/PKS
List No.: 1 Sl No.: 29