HC-KAR

NC: 2026:KHC:59592
CRL.P No. 8066 of 2024

CNR: KAHC010449942024

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. 8066 OF 2024

BETWEEN:

1. HOLEYAPPA
S/O SHIVANNA,
AGED ABOUT 29 YEARS
AS PER FIR R/AT SHEKARAPPA BADAVANE
DVG, DAVANAGERE - 577 001
PRESENTLY R/AT: #109/106
BAMBOO BAZAAR, DVG, DAVANAGERE - 577 001
PERMANENTLY R/AT: RAMAGHATTA GRAMA,
HARAPANAHALLI TALUK,
VIJAYANAGARA DISTRICT - 583 201.

2. SMT. BASAMMA
W/O SHIVANNA,
AGED ABOUT 45 YEARS
HOUSEWIFE,
AS PER FIR R/AT SHEKARAPPA BADAVANE
DVG, DAVANAGERE - 577 001
PRESENTLY R/AT: #109/106
BAMBOO BAZAAR, DVG, DAVANAGERE - 577 001
PERMANENTLY R/AT: RAMAGHATTA GRAMA,
HARAPANAHALLI TALUK,
VIJAYANAGARA DISTRICT - 583 201.

3. SHIVANNA
S/O HOLEYAPPA,
AGED ABOUT 55 YEARS
AS PER FIR R/AT SHEKARAPPA BADAVANE
DVG, DAVANAGERE - 577 001

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

PRESENTLY R/AT: #109/106
BAMBOO BAZAAR, DVG, DAVANAGERE - 577 001
PERMANENTLY R/AT: RAMAGHATTA GRAMA,
HARAPANAHALLI TALUK,
VIJAYANAGARA DISTRICT - 583 201.

4. SMT. PUSHPA
W/O REVANNA SIDDAPPA,
AGED ABOUT 34 YEARS
OCC: LABOURER,
R/AT NEAR ARAKERAMMA TEMPLE
KAKKARAGOLLA VILLAGE
DAVANAGERE TALUK
DAVANAGERE DIST - 577001.

5. SMT. DYAMAMMA
W/O PRAKASH,
AGED ABOUT 27 YEARS,
HOUSEWIFE,
R/O NADUMAVINAHALLI KALAPURA GRAMA,
JAGALUR TALUK, VIJAYANAGARA
DAVANAGERE DIST - 577 001.

6. SMT. JYOTHI
W/O HANUMANTHA,
AGED ABOUT 24 YEARS
OCC: LABOURER
R/O AVARAGERE SHEKHARAPPA BADAVANE
DAVANAGERE CITY
DAVANAGERE DIST - 577 001.

7. SIDDAPPA ALIAS REVANNA SIDDAPPA H
S/O KALINGAPPA,
AGED ABOUT 53 YEARS,
OCC: FARMER
R/AT KAKKARAGOLLA VILLAGE,
DAVANAGERE TALUK,
DAVANAGERE DIST - 577 001

…PETITIONERS

(BY SRI. G.J. SUNKAPUR, ADVOCATE)

AND:

1. STATE BY DAVANAGERE
WOMEN POLICE STATION
DAVANAGERE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

2. SMT. VIDYA PUJAR
W/O HOLEYAPPA
AGED 28 YEARS,
HOUSEWIFE,
R/O NEAR ANJANEYA TEMPLE
AVARAGERE VILLAGE, DAVANAGERE TALUK
DAVANAGERE DIST - 577 001

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS AGAINST THE PETITIONERS, IN CC.NO.1230/2024 ARISING OUT OF CR.NO.77/2023 OF DAVANAGERE WOMEN P.S., DAVANAGERE, FOR THE OFFENCES U/S 498-A,323,504,114,506,504 R/W 34 OF IPC, SEC. 3 AND 4 OF DP ACT, PENDING ON THE FILE OF THE 2nd ADDITIONAL CITY CIVIL JUDGE (SR.DN) AND JMFC COURT, DAVANGERE, WHICH IS MARKED AS ANNEXURE C 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

1. This petition is filed under Section 482 of Cr.P.C seeking to quash the entire proceedings in CC.No.1230/2024 arising out of Crime No.77/2023 registered by the 1st respondent police/women police station, Davanagere, against the petitioners, pending on the file of the learned II Additional Senior Civil Judge (Sr.Dn.) and JMFC, Davanagere, for offences punishable under Sections 498-A, 323, 504, 114, 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.7 - accused No.7 is the husband of accused No.4. Petitioner Nos.5 and 6 - accused Nos.5 & 6 are also the sisters-in-law of respondent No.2.

3. Brief facts of the case are that respondent No.2 lodged a complaint against the petitioners on 03.07.2023 before the 1st respondent - police alleging that her marriage was solemnized

with accused No.1 on 01.04.2021 at Davanagere. At the time of marriage, accused No.1 received Rs.2 lakh cash and 8 tholas of gold from the parents of respondent No.2 and Rs.10 lakh was spent for performing the marriage. Initially the relationship between the parties was cordial, however, accused No.1 started to harass respondent No.2 both physically and mentally on the instigation of other accused and demanded additional dowry. Thereafter, though the parents of respondent No.2 advised accused persons, they did not adhere to the same and accused No.1 sent respondent No.2 to her parental house. On 15.06.2023, accused No.1 on the instigation of other accused came to the parental house of respondent No.2 and threatened her with dire consequences and demanded additional dowry. As such, left with no other option, she lodged a complaint against the petitioners on 03.07.2023. On the strength of the said complaint, FIR came to be registered in Crime No.77/2023 dated 03.07.2023 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 the petitioners at no point of time were indulged in the alleged offences as claimed by respondent No.2. According to him, respondent No.2 herself voluntarily left the matrimonial home. He also contended that petitioners 4 to 7, being the sisters-in-law and brother-in-law of respondent No.2 were residing separately in their respective house 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 after marriage respondent No.2 was residing along with accused Nos.1 to 3. During her stay, it is alleged that they demanded additional dowry and harassed respondent No.2, both physically and mentally. 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 7 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 7 are residing separately at their respective house.

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.
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> **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 7 - accused Nos.4 to 7 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 7. 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 7. As such, continuation of proceedings against petitioner Nos.4 to 7 i.e., accused Nos.4 to 7 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.

ii. ***The petition in respect of petitioner Nos.4 to 7/accused Nos.4 to 7 is allowed in part.*** The proceedings against them in C.C.No.1230/2024 arising out of Crime No.77/2023 registered by the 1st respondent - Police for the offences punishable under Sections 498-A, 323, 504, 114, 506 read with 34 of IPC, Sections 3 and 4 of Dowry Prohibition Act, presently pending on the file of learned II Addl. Civil Judge (Sr.Dn.) & JMFC, Davangere, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

HKV,PKS
List No.: 1 Sl No.: 31