Reserved on : 02.09.2026
Pronounced on : 04.11.2026

R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10193 OF 2026

BETWEEN:

1. SATHISH NAGABHUSHAN
AGED ABOUT 37 YEARS
S/O LATE NAGABHUSHAN
RESIDING AT NO.TF 7, 3RD FLOOR,
AJANTHA MEADOWS APARTMENT,
3RD CROSS, AKSHAYA NAGARA,
BEGURU, BENGALURU – 560 083.

2. JAYAMMA
AGED ABOUT 63 YEARS
W/O LATE NAGABHUSHAN
RESIDING AT NO.TF 7, 3RD FLOOR,
AJANTHA MEADOWS APARTMENT,
3RD CROSS, AKSHAYA NAGARA,
BEGURU, BENGALURU – 560 083.

3. CHETANA N.,
AGED ABOUT 41 YEARS
W/O MANU KUMAR
RESIDING AT NO.11,

Digitally signed by CHETAN B C
Location: High Court of Karnataka

JASVITH'S VILLA
16TH MAIN ROAD, NEW MICO LAYOUT
HONGASANDRA
BENGALURU – 560 068.

…PETITIONERS

(BY SMT. HEMAVATHI RAJARAM, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY SOUTH EAST WOMEN POLICE STATION,
BENGALURU.
(REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,)
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.

2. SMT. PARVATHI KRISHNA @ PARVATHI
W/O SATHISH NAGABHUSHAN
AGED ABOUT 30 YEARS,
RESIDING AT NO.78,
POOJA MANSION
BSK 1ST STAGE, BENGALURU.

…RESPONDENTS

(BY SMT.RASHMI PATEL, HCGP FOR R-1;
SRI H.T.NAGARAJA, ADVOCATE FOR R-2(ABSENT))

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS., PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.28444/2026 PENDING ON THE FILE OF THE COURT OF XXXIX ADDL. CJM BENGALURU, ARISING OUT OF CRIME NO.28/2026 REGISTERED BY THE SOUTH EAST WOMEN POLICE

STATION, BENGALURU, INCLUDING THE CHARGE SHEET FILED PURSUANT THERETO, IN SO FAR AS THE PETITIONERS ARE CONCERNED, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 85, 115(2), 351(2) AND 352 OF BNS 2023 (ANNEXURE-A).

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 02.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioners, who are arrayed as accused Nos.1, 2 and 3, are before this Court calling in question the proceedings in C.C.No.28444 of 2026 pending before the XXXIX Additional Chief Judicial Magistrate, Bengaluru, arising out of Crime No.28 of 2026, registered for offences punishable under Sections 85, 115(2), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'the BNS' for short).

2. Heard **Smt. Hemavathi Rajaram**, learned counsel appearing for the petitioners, **Smt. Rashmi Patel**, learned High

Court Government Pleader appearing for respondent No.1 and **Sri H.T.Nagaraj,** learned counsel appearing for respondent No.2.

3. Facts, in brief, germane are as follows: -

3.1. The 2nd respondent/complainant is the wife of the 1st petitioner. The genesis of the relationship between the two can be traced to the year 2023, when talks of a matrimonial alliance first commenced. It is averred in the petition that the complainant was introduced to the 1st petitioner through his first cousin one Sarika. The proposal, however, did not fructify, ostensibly on account of certain caste considerations. The relationship, which had thus remained in abeyance, was revived between August 2024 and March 2025, when the complainant is said to have re-established contact with the 1st petitioner and renewed the matrimonial proposal. It is the allegation of the petitioners that the complainant had concealed the factum of her earlier marriage.

3.2. The renewed proposal culminated in the solemnization of marriage between the 1st petitioner and the complainant on 08-06-2025. What was expected to herald the commencement of

matrimonial harmony appears, according to the petitioners, to have descended into discord almost from its inception. The matrimonial relationship, instead of blossoming into companionship, is said to have become embroiled in acrimony, accusations and repeated confrontations. The petitioners allege that the complainant assaulted the petitioners, created a commotion in the matrimonial home and caused injuries, compelling the petitioners to approach the jurisdictional police. The complaint, however, did not culminate in the registration of a cognizable crime and was treated as a non-cognizable matter, resulting in the registration of N.C.R.No.308 of 2026.

3.3. The allegations of threats and physical altercations are said to have continued. Matters allegedly assumed more serious proportions when the complainant, accompanied by her mother Govindamma and sister Saraswathi, attempted to forcibly enter the residential premises of the petitioners and hurled stones and slippers into the apartment. This resulted in the petitioners registering a complaint, which came to be numbered as Crime No.97 of 2026.

3.4. It is thereafter that the complainant instituted the proceedings, which form the subject matter of the present petition, resulting in the registration of a crime in Crime No.28 of 2026 against the petitioners. The police, upon investigation, filed a charge sheet. The learned Magistrate took cognizance on 15-05-2026 and registered C.C.No.28444 of 2026 for the offences as afore-quoted. It is the registration of the criminal case and the consequential issuance of summons that have driven the petitioners to the doors of this Court.

SUBMISSIONS:

PETITIONERS:

4.1. Learned counsel **Smt. Hemavathi Rajaram**, appearing for the petitioners, would vehemently contend that the entire prosecution is founded upon allegations which are not merely exaggerated, but are demonstrably contrary to the material on record. According to the learned counsel, the complainant, who is herself alleged to have repeatedly assaulted and threatened the petitioners, has sought to turn the tables by setting the criminal law in motion against them. The learned counsel would submit that the

complainant had, on several occasions, indulged in acts of violence against the husband and other members of the family by hurling vessels, stones, slippers and whatever objects came within her reach. It is contended that the allegations against petitioner Nos.2 and 3, who are the mother-in-law and sister-in-law of the complainant, are wholly omnibus and bereft of any specific overt act.

4.2. Insofar as the 1st petitioner/husband is concerned, the learned counsel would submit that the prosecution rests upon three allegations: first, that the husband had taken away the jewellery belonging to the complainant; second, that certain monetary transactions constituted demands for dowry; and third, that the complainant was subjected to forcible medical termination of pregnancy. The learned counsel would seek to demonstrate, with reference to the documents and the charge sheet, that none of these allegations possesses the requisite factual or legal foundation to constitute the offences alleged. It is, therefore, contended that permitting the prosecution to continue would amount to allowing the criminal process to become an instrument of harassment.

5. This Court, owing to continuous non-appearance of the learned counsel for respondent No.2, who was present on his own on the day when the interim order was granted, went on to pass the following orders between 07-08-2026 and 02-09-2026:

"07-08-2026:

"ORAL ORDER ON I.A.No.1/2026

Heard the learned counsel, Smt. Hemavathi Rajaram, appearing for the petitioners.

The petitioners-accused Nos.1, 2 and 3 are before the Court calling in question the proceedings in C.C.No.28444/2026 arising out of Crime No.28/2026, registered for the offences punishable under Sections 85, 115(2), 351(2) and Section 352 of BNS, 2023.

The second respondent is the complainant-the wife of the first petitioner-the husband.

The learned counsel, Smt. Hemavathi Rajaram appearing for the petitioners takes this Court through the allegations. The allegations against the husband in the complaint are threefold: (1) the jewellery being taken away by the husband, (2) money transactions and (3) forcible medical termination of pregnancy. The learned counsel for the petitioners submits that even according to the complaint, the medical termination of pregnancy has happened at 11 weeks which cannot medically be terminated by tablets. It has to be by a procedure for which consent would be required and the wife has consented to it and is now projecting it to be forcible termination of pregnancy. The second, is that the summary of the charge sheet would not indicate that there is any jewellery being taken away by the husband or the family members. It was only in the complaint.

The third is money transaction of ₹50,000 or more. Therefore, this is insofar as the husband. The allegations against the other members of the family are omnibus, does not indicate any overt act that are allegedly performed by these petitioners.

Therefore, reserving liberty to the respondents to file application seeking vacation of the interim order, there shall be an interim order of stay of further proceedings in C.C.No.28444/2026 pending before the XXXIX Addl. Chief Judicial Magistrate, Bengaluru, *qua* the petitioners, till the next date of hearing.

Learned HCGP waives notice for respondent No.1.

Issue emergent notice to respondent No.2.

List the matter on **27.08.2026**."

...

"01-09-2026:

"ORAR ORDER

Heard Smt. Hemavathi Rajaram, learned counsel appearing for the petitioners.

This Court on 07.08.2026 had passed the following order:

> "Heard the learned counsel, Smt. Hemavathi Rajaram, appearing for the petitioners.
>
> The petitioners-accused Nos.1, 2 and 3 are before the Court calling in question the proceedings in C.C.No.28444/2026 arising out of Crime No.28/2026, registered for the offences punishable under Sections 85, 115(2), 351(2) and Section 352 of BNS, 2023.
>
> The second respondent is the complainant-the wife of the first petitioner-the husband.
>
> The learned counsel, Smt. Hemavathi Rajaram appearing for the petitioners takes this Court through the allegations. The allegations against the husband in the complaint are threefold: (1) the jewellery being

taken away by the husband, (2) money transactions and (3) forcible medical termination of pregnancy. The learned counsel for the petitioners submits that even according to the complaint, the medical termination of pregnancy has happened at 11 weeks which cannot medically be terminated by tablets. It has to be by a procedure for which consent would be required and the wife has consented to it and is now projecting it to be forcible termination of pregnancy. The second, is that the summary of the charge sheet would not indicate that there is any jewellery being taken away by the husband or the family members. It was only in the complaint. The third is money transaction of ₹50,000 or more. Therefore, this is insofar as the husband. The allegations against the other members of the family are omnibus, does not indicate any overt act that are allegedly performed by these petitioners.

Therefore, reserving liberty to the respondents to file application seeking vacation of the interim order, there shall be an interim order of stay of further proceedings in C.C.No.28444/2026 pending before the XXXIX Addl. Chief Judicial Magistrate, Bengaluru, qua the petitioners, till the next date of hearing.

Learned HCGP waives notice for respondent No.1.

Issue emergent notice to respondent No.2.

List the matter on **27.08.2026**."

This was after hearing the learned counsel appearing for the complainant, as well.

The matter was again listed on 27.08.2026 and interim order stood extended. The possibilities of a settlement could be explored was the opinion of this Court.

The learned counsel appearing for the petitioners would however submit that the instructions are sought and there is no warrant of settlement being arrived at between the petitioners and the respondent/complainant.

As a last chance, awaiting the appearance of the learned counsel appearing for respondent No.2, list this matter on **02.09.2026**.

In the event, the learned counsel would not be present, appropriate orders would be passed on hearing the learned counsel appearing for the petitioners.

Interim order granted earlier is extended till the next date of hearing."

...

"02-09-2026:

"ORAL ORDER

This Court on the following dates had passed the following orders:

On 07.08.2026:

....

On 27-08-2026:

List this matter on 31-08-2026 in the fresh matters list.

Interim order granted earlier stands extended till the next date of hearing.

On 01-09-2026:

....

Learned counsel appearing for the petitioner is repeatedly heard and awaiting the appearance of learned counsel appearing for respondent No.2, the matter is being adjourned from time to time.

Even today, there is no representation on behalf of the learned counsel appearing for respondent No.2.

> This Court on 01.09.2026 had clearly held that, in the event the learned counsel appearing for respondent No.2 would not be present, appropriate orders would be passed on hearing the learned counsel appearing for the petitioners.
>
> Heard.
>
> Reserved.
>
> The interim order granted earlier is extended till the disposal of the petition."

In the light of the interim order so granted, further proceedings before concerned Court has not gone on.

THE STATE:

6. The learned High Court Government Pleader **Smt. Rashmi Patel** would, however, refute the submissions advanced on behalf of the petitioners. It is contended that the jurisdictional police, upon conducting investigation, have filed a charge sheet and that the allegations against the 1st petitioner disclose a *prima facie* case requiring adjudication in a full-fledged trial. The learned High Court Government Pleader would submit that the truth or otherwise of the accusations cannot be determined in proceedings invoking the inherent jurisdiction of this Court and that the petitioners must establish their defence before the competent criminal Court.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

CONSIDERATION:

8. The relationship between the 1st petitioner and the complainant commenced with matrimonial negotiations in the year 2023 and culminated in marriage on 08-06-2025. The material placed before the Court would indicate that matrimonial discord surfaced almost immediately thereafter. What followed was not an isolated disagreement between spouses, but a succession of complaints, counter-complaints and allegations of physical confrontation. The first complaint lodged by the petitioners against the complainant came to be treated as a non-cognizable matter in N.C.R.No.308 of 2026. The said complaint reads as follows:

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪೊಲೀಸ್

ಸ್ವೀಕೃತಿ / Acknowledgement

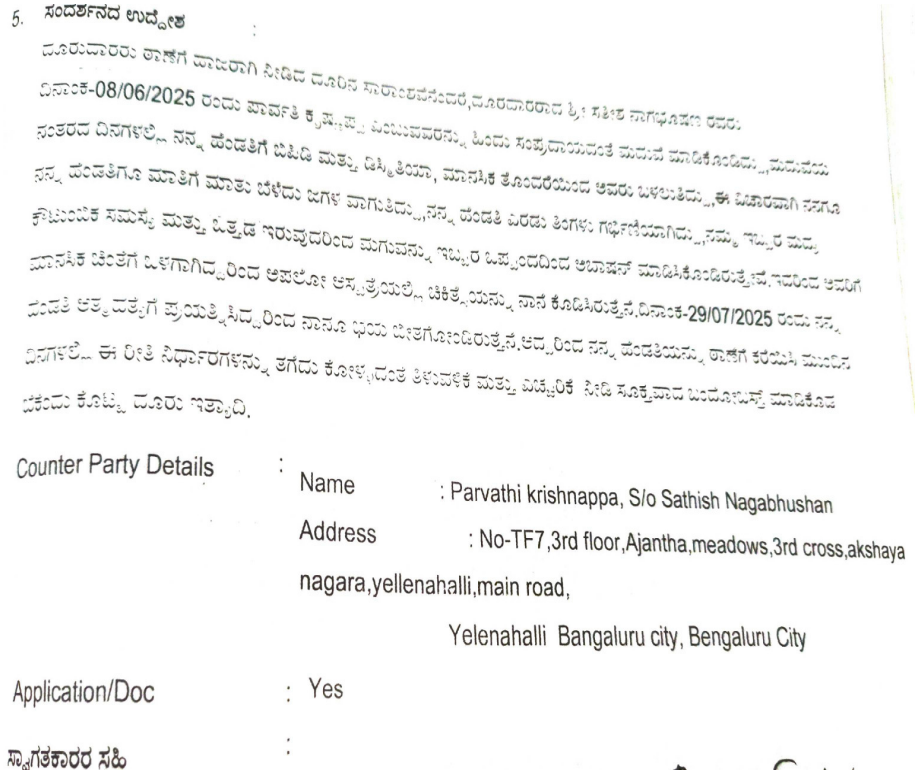
ನ.ಸಂ.76ಎ ಮೂಲ ರೂಪ

ಉಲ್ಲೇಖ ಸಂಖ್ಯೆ / Reference No : L.P.T. No 466/2025

ಜಿ.ಎಸ್.ಸಿ(GSC No)ಸಂಖ್ಯೆ : PO2346250600467 ದಿನಾಂಕ / Date : 01/08/2025

ಅರ್ಜಿ ನಮೂನೆ : Husband-Wife Problem

1. ಸಂದರ್ಶಕರ/ಪಿರ್ಯಾದುದಾರರ/ಆಹ್ವಾನಿಸಲಾದ ಸೂಚಕರ ಹೆಸರ : Sathish Nagabhushan
2. Father / Husband Name : Nagabhushan
3. Address : No-TF7,3rd floor,Ajantha,meadows,3rd cross,akshaya nagara,yellenahalli,main road, Yelenahalli Bangaluru city Bengaluru City Karnataka, 560068
4. Mobile : 9108175363



5. ಸಂದರ್ಶನದ ಉದ್ದೇಶ :

ದೂರುದಾರರು ತಾಕ್ಷಗೆ ಮಾಹಿರಾಗಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವೆಂದರೆ,ದೂರದಾರರಾದ ಶ್ರೀ ಸತೀಶ ನಾಗಭೂಷಣ ರವರು ದಿನಾಂಕ-08/06/2025 ರಂದು ಪಾರ್ವತಿ ಕೃಷ್ಣಪ್ಪ ಎಂಬುವವರನ್ನು ಹಿಂದು ಸಂಪ್ರದಾಯದಂತೆ ಮದುವೆ ಮಾಡಿಕೊಂಡಿದ್ದು,ಮದುವೆಯ ನಂತರದ ದಿನಗಳಲ್ಲಿ ನನ್ನ ಹೆಂಡತಿಗೆ ಜಿಪಿಡಿ ಮತ್ತು ಡಿಪ್ರೆಶಿಯಾ, ಮಾನಸಿಕ ತೊಂದರೆಯಿಂದ ಆವರು ಬಳಲುತಿದ್ದು,ಈ ವಿಚಾರವಾಗಿ ನನಗೂ ನನ್ನ ಹೆಂಡತಿಗೂ ಮಾತಿಗೆ ಮಾತು ಬೆಳೆದು ಜಗಳ ವಾಗುತಿದ್ದು,ನನ್ನ ಹೆಂಡತಿ ಎರಡು ತಿಂಗಳು ಗರ್ಭಿಣಿಯಾಗಿದ್ದು,ನಮ್ಮ ಗ್ಯಾರ ಮಧ್ಯ ಕೌಟುಂಬಿಕ ಸಮಸ್ಯೆ ಮತ್ತು ಒತ್ತಡ ಇರುವುದರಿಂದ ಮಗುವನ್ನು ಇಬ್ಬರ ಒಪ್ಪಂದದಿಂದ ಅಬಾರ್ಷನ್ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತೇವೆ.ಇದರಿಂದ ಆವರಿಗೆ ಮಾನಸಿಕ ಚಿಂತೆಗೆ ಒಳಗಾಗಿದ್ದರಿಂದ ಅಪಲೋ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಚಿಕಿತ್ಸೆಯನ್ನು ನಾನೆ ಕೊಡಿಸಿರುತ್ತೆನೆ.ದಿನಾಂಕ-29/07/2025 ರಂದು ನನ್ನ ಹೆಂಡತಿ ಆತ್ಮಹತ್ಯೆಗೆ ಪ್ರಯತ್ನಿಸಿದ್ದರಿಂದ ನಾನೂ ಭಯ ಬೀತಗೊಂಡಿರುತ್ತೆನೆ,ಆದ್ದರಿಂದ ನನ್ನ ಹೆಂಡತಿಯನ್ನು ತಾಕ್ಷಗೆ ಕರೆಯಿಸಿ ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ಈ ರೀತಿ ನಿರ್ಧಾರಗಳನ್ನು ತಗೆದು ಕೊಳ್ಳದಂತೆ ತಿಳುವಳಿಕೆ ಮತ್ತು ಬುದ್ಧಿವಾದ ಹೇಳಿ ಸೂಕ್ತವಾದ ಬಂದೋಬಸ್ತ್ ಮಾಡಿಕೊಡ ಬೇಕೆಂದು ಕೊಟ್ಟ ದೂರು ಇತ್ಯಾದಿ.

Counter Party Details : Name : Parvathi krishnappa, S/o Sathish Nagabhushan

Address : No-TF7,3rd floor,Ajantha,meadows,3rd cross,akshaya nagara,yellenahalli,main road,

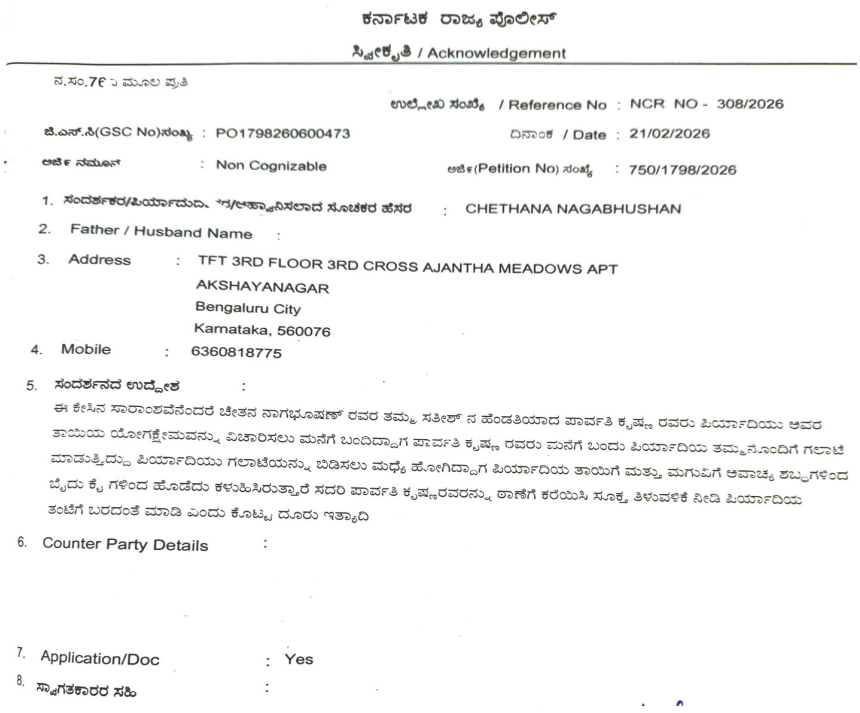
Yelenahalli Bangaluru city, Bengaluru City

Application/Doc : Yes

ಸ್ವಾಗತಕಾರರ ಸಹಿ :

The complaint made by the husband alleged that the complainant was threatening to commit suicide, necessitating police intervention. The matter, however, was closed by treating it as a dispute between husband and wife.

9. The petitioners thereafter sought to lodge another complaint on 21-02-2026, which also came to be treated as a non-cognizable matter. The relevant report reads as follows:



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪೊಲೀಸ್

ಸ್ವೀಕೃತಿ / Acknowledgement

ನ.ಸಂ.7೯ ಮೂಲ ಪ್ರತಿ

ಉಲ್ಲೇಖ ಸಂಖ್ಯೆ / Reference No : NCR NO - 308/2026

ಜಿ.ಎಸ್.ಸಿ(GSC No)ಸಂಖ್ಯೆ : PO1798260600473 ದಿನಾಂಕ / Date : 21/02/2026

ಅರ್ಜಿ ನಮೂನೆ : Non Cognizable ಅರ್ಜಿ(Petition No) ಸಂಖ್ಯೆ : 750/1798/2026

1. ಸಂದರ್ಶಕರ/ಪಿರ್ಯಾದುದಿ "ರ/ಆಪಾದನೆಸಲಾದ ಸೂಚಕರ ಹೆಸರ : CHETHANA NAGABHUSHAN
2. Father / Husband Name :
3. Address : TFT 3RD FLOOR 3RD CROSS AJANTHA MEADOWS APT
AKSHAYANAGAR
Bengaluru City
Karnataka, 560076
4. Mobile : 6360818775
5. ಸಂದರ್ಶನದ ಉದ್ದೇಶ :
ಈ ಕೇಸಿನ ಸಾರಾಂಶವೆನೆಂದರೆ ಚೇತನ ನಾಗಭೂಷಣ್ ರವರ ತಮ್ಮ ಸತೀಶ್ ನ ಹೆಂಡತಿಯಾದ ಪಾರ್ವತಿ ಕೃಷ್ಣ ರವರು ಪಿರ್ಯಾದಿಯು ಅವರ ತಾಯಿಯ ಯೋಗಕ್ಷೇಮವನ್ನು ವಿಚಾರಿಸಲು ಮನೆಗೆ ಬಂದಿದ್ದಾಗ ಪಾರ್ವತಿ ಕೃಷ್ಣ ರವರು ಮನೆಗೆ ಬಂದು ಪಿರ್ಯಾದಿಯ ತಮ್ಮನೊಂದಿಗೆ ಗಲಾಟೆ ಮಾಡುತ್ತಿದ್ದು ಪಿರ್ಯಾದಿಯು ಗಲಾಟೆಯನ್ನು ಬಿಡಿಸಲು ಮಧ್ಯೆ ಹೋಗಿದ್ದಾಗ ಪಿರ್ಯಾದಿಯ ತಾಯಿಗೆ ಮತ್ತು ಮಗುವಿಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ಕೈ ಗಳಿಂದ ಹೊಡೆದು ಕಳುಹಿಸಿರುತ್ತಾರೆ ಸದರಿ ಪಾರ್ವತಿ ಕೃಷ್ಣರವರನ್ನು ಠಾಣೆಗೆ ಕರೆಯಿಸಿ ಸೂಕ್ತ ತಿಳುವಳಿಕೆ ನೀಡಿ ಪಿರ್ಯಾದಿಯ ತಂಟೆಗೆ ಬರದಂತೆ ಮಾಡಿ ಎಂದು ಕೊಟ್ಟ ದೂರು ಇತ್ಯಾದಿ
6. Counter Party Details :
7. Application/Doc : Yes
8. ಸ್ವಾಗತಕಾರರ ಸಹಿ :

The reason for complaining against the wife could be gathered from the following complaint:

"21/02/2026

FROM
CHETHANA NAGABUSHAN
TFT, 3rd floor, 3rd Cross
Ajantha Meadows Apartment
Akshayanagar B'lore-76
6360818775

To
Inspector Huylimavu Sation
Hulimavu B'lore-76

Respected Sir,

ಈ ದೂರು ದಾಖಲಿಸಿರುವ ಕಾರಣ ನನ್ನ ಎರಡು ವರ್ಷದ ಹೆಣ್ಣು ಮಗುವಿನ ಮೇಲೆ ಮತ್ತು ನನ್ನ, ನನ್ನ ತಾಯಿಯ ಮೇಲೆ ಹಲ್ಲೆ ನಡೆದಿದೆ. ಹಲ್ಲೆಯನ್ನು ಮಾಡಿರುವವರು ಪಾರ್ವತಿ ಕೃಷ್ಣ ನನ್ನ ತಮ್ಮನ ಹೆಂಡತಿ.

ವಿಷಯ: ಇಂದು ನಾನು ನನ್ನ ತಾಯಿಯವರ ಯೋಗಕ್ಷೇಮ ವಿಚಾರಿಸಲು ಬಂದಿದ್ದೆ. ಈ ನಡುವೆ ನನ್ನ ತಮ್ಮ ಸತೀಶ್ ಪತ್ನಿ ಪಾರ್ವತಿ ಇದ್ದಕ್ಕಿದ್ದ ಹಾಗೆ ಮನೆಗೆ ನುಗ್ಗಿ ನನ್ನ ತಮ್ಮನನ್ನು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ಹೊಡೆಯುತ್ತಿದ್ದಳು ರೂಮಿನ ಹೊರಗೆ ಜೋರಾಗಿ ಶಬ್ದ ಕೇಳಿ ನಾನು ಬಾಗಿಲು ತಟ್ಟಿದೆ, ನಂತರ ನನ್ನ ತಮ್ಮ ಬಾಗಿಲು ತೆರೆದ, ಮಾತಿನ ಚಕಮಕ್ಕಿಯಲ್ಲಿ ನನಗೂ ನನ್ನ ತಾಯಿಯವರನ್ನು ಬಹಳ ಕೆಟ್ಟ ಪದಗಳಿಂದ ನಿಂದಿಸಿದ್ದನ್ನು ಕೇಳಿದ್ದಕ್ಕೆ ನನ್ನ ಎರಡು ವರ್ಷದ ಹೆಣ್ಣು ಮಗುವನ್ನು ಮತ್ತು ನನ್ನನ್ನು ಹಲ್ಲೆ ಮಾಡಿದ ಪಾರ್ವತಿ ಮಗುವಿನ ಕೆನ್ನೆ ಹಸಿರಿನ ಮತ್ತು ತಿಳಿ ನೀಲಿಯ ಬಣ್ಣ ತಿರುಗಿದೆ ನನ್ನ ತಾಯಿಯ ಮತ್ತು ನನ್ನ ಮಕ್ಕಳ ರಕ್ಷಣೆಗಾಗಿ ಈ ದೂರನ್ನು ದಾಖಲಿಸುತ್ತಿರುವೆನು. ದಯಮಾಡಿ ನಮ್ಮನ್ನು ಕಾನೂನಿನ ಕ್ರಮ ಜರುಗಿಸುವಂತೆ ಕೋರುತ್ತೇನೆ."

(sic)

The earlier complaints thus did not culminate in the registration of cognizable crimes. The matrimonial discord, however, did not subside. The petitioners allege that the complainant and persons accompanying her thereafter indulged in acts of assault and violence, resulting in registration of Crime No.97 of 2026. In the said crime, the husband figures as the complainant, his wife and her associates as the accused. The gist of the complaint reads as follows:

"10.FIR Contents (Attach separate sheet if necessary):

ದಿನಾಂಕ:05/03/2026 ರಂದು ಠಾಣೆಗೆ ಹಾಜರಾದ ಶ್ರೀ ಸತೀಶ್ ಬಿನ್ ನಾಗಭೂಷಣ್ 37 ವರ್ಷ, ವಾಸ .ಟಿಎಪ್-7,3ನೇ ಫ್ಲೋರ್, ಅಜಂತ ಮೆಡೋಸ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್, ಅಕ್ಷಯನಗರ, 3ನೇ ಕ್ರಾಸ್, ಬಿ.ಜಿ.ರೋಡ್,ಬೆಂಗಳೂರನಗರ-560083, ರವರು ಠಾಣೆಗೆ ಹಾಜರಾಗಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವೇನೆಂದರೆ ದಿನಾಂಕ:08/06/2025 ರಂದು ಹಿಂದೂ ಮತ ಸಂಪ್ರದಾಯದಂತೆ ಮದುವೆಮಾಡಿಕೊಂಡಿರುವ ಶ್ರೀಮತಿ.ಪಾರ್ವತಿ ಮದುವೆಗೆ ಮೊದಲು ಮತ್ತು ಮದುವೆಯಾದಾಗಿನಿಂದಲೂ

ವಿನಾಕಾರಣ ಸಣ್ಣ ಪುಟ್ಟ ವಿಚಾರಗಳಿಗೆ ಜಗಳಮಾಡುತ್ತಿದ್ದು ಪಿರ್ಯಾದುದಾರರ ವಯಸಾದ ತಾಯಿಯನ್ನು ಮನೆಯಿಂದ ಹೊರಗೆ ಕಳುಹಿಸವ ಉದ್ದೇಶದಿಂದ ಪಿರ್ಯಾದುದಾರ ಮೇಲೆ ಕೈಗಳಿಂದ ಹಲ್ಲೆಮಾಡುವುದು, ಬಾಯಿಗೆ ಬಂದ ಹಾಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ನಿಂದಿಸುವುದು, ಆತ್ಮಹತ್ಯೆಮಾಡಿಕೊಳ್ಳುವುದಾಗಿ ಹೆದರಿಸುವುದು ಮಾಡುತ್ತಿರುತ್ತಾರೆ ದಿನಾಂಕ:21/02/2026 ರಂದು ಸಂಜೆ 05.30 ಗಂಟೆಗೆ ಮನೆಗೆ ಬಂದು ಜಗಳಮಾಡಿದ ಪಾರ್ವತಿ ರವರು ಸಂಜೆ ಅವರ ತಾಯಿ ಗೊಂವಿಂದಮ್ಮ ಮತ್ತು ಆಕೆಯ ಅಕ್ಕ ಸರಸ್ವತಿಯನ್ನು ಕರೆತಂದು ಮನೆ ಬಾಗಿಲು ಹೊಡೆದು ಒಳಗೆ ಬರಲು ಪ್ರಯತ್ನಿಸಿ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ಕಿಟಕಿಯಿಂದ ಕೈಗೆ ಸಿಕ್ಕ ವಸ್ತುಗಳನ್ನು ಮನೆಯೊಳಗೆ ಎಸೆದು -ಹಲ್ಲೆಮಾಡಲು ಪ್ರಯತ್ನಿಸಿರುತ್ತಾರೆ.

ದಿನಾಂಕ:27/02/2026 ರಂದು ಸುಮಾರು 80 ಬಾರಿ ಕರೆಮಾಡಿದ ಪಾರ್ವತಿಯ ವಿರುದ್ಧ ಹುಳಿಮಾವು ಪೊಲೀಸ್ ಠಾಣೆಗೆ ದೂರು ನೀಡಲು ಬಂದಾಗ ಪಾರ್ವತಿ ಮತ್ತು ಅವರ ತಾಯಿ ಗೋವಿಂದಮ್ಮ, ಪಿರ್ಯಾದುದಾರರನ್ನು ತಡೆದು ನಿಲ್ಲಿಸಿ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ಕೈಗಳಿಂದ ಹಲ್ಲೆಮಾಡಿ ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸ ಬೇಕೆಂದು ಕೊಟ್ಟ ದೂರು ಇತ್ಯಾದಿ."

10. It is in the aforesaid backdrop that the impugned complaint came to be registered by the wife against the husband and the other two petitioners on 02-03-2026, alleging offences punishable under Sections 85, 115(2) and 351(2) of the BNS. The complaint reads as follows:

"TO:

The Sub Inspector of police,
Southeast Women Police stations,
Adugodi Bangalore city - 560030

FROM:

Parvathi D/O Krishnappa, age 30 years
#78, Pooja Mansion,
Seetha Circle, SBM Colony,
BSK 1st Stage, Bangalore - 560050
PH: 9066779585 / 9148314789

Cast: Hindu Raj Bhovi
E-mail address:krishnaparvathi17@gmail.com

Dear Sir/Madam,

Subject: Complaint against my husband Sathish, my mother-in law Jayamma and my sister-in-law Chethana.

****

I am currently living at the above address for 1.6 years. I have friend named Sarika, who showed his cousin Sathish as alliance in the year 2023. Due to different castes my mother rejected the alliance and in 2024 August 03rd , Sarika called me to arrange for blood, as her mother was suffering from Breast cancer and I arranged the blood for her mother. On the same day, I texted Sathish for the Job opening in his company (NES FIRCROFT, KORAMANGALA BANGALORE). Later we became friends and friendship turned into Love. We committed to getting married soon. On November 2nd, 2024, I went to Goa with Sathish and his friends. There he promised me that he would get married to me. Till the month of February 2025, there were NO issues. Not sure what had happened to his family, all sudden his family started treating me so weirdly. I even told Sathish about this, but he asked me to ignore it and not give much importance to it.

Our marriage got fixed in the month of April 30th, 2025, due to his ego and some fights with Sarika he cancelled the marriage with me on 26th April 2025. Because of this incident I came out of my home and went to Mysore alone. My mom and my sister called Sathish to ask him what had happened between me and Sathish. Instead of consoling them or explaining the issue! He abuses them and uses inappropriate words against them. Later my mom called and told me about the issue, on the same day i.e., 26th April 2025 and I came back to Bangalore from Mysore and stayed **in SRM Ladies PG, Hulimavu Bangalore till 30th May 2025**.

On 01st May 2025, Sathish took me to Dhondenling, Kollegala and had a physical intimacy with me for 5 days. **Later**

he again fixed a date for marriage on June 08, 2025, and we got married on June 08, 2025, at THRIGUNATHMIKA SHREE MAHALAKSHMI TEMPLE, Saraswathipuram, nyanappana halli, Hulimav Bangalore 560076. However, I was already carrying (Pregnant) before marriage. My pregnancy was confirmed on May 19th, 2025. On 20th May 2025, we went to Dhamma Phapulla Tumkur Alur, for meditation for 10 days and I was doing fine there. We kept our pregnancy a secret. We got Married on June 08, 2025. After a week so, I told my Mother-in-Law about my pregnancy, and she reacted aggressively and forced me to abort the baby. Because of these mental harassments and past incidents, I started to faint very often. When I consulted the doctor, they said it was because of lot of stress. Again, my mother-in-law threatened either to abort the baby or leave my husband's home. As I was not ready to abort my baby, I left my husband home and stayed in my mom's place. After few days, Sathish came to my mom's place (GIRINAGAR) and physically harassed me to abort the baby (Photos attached). I denial for abortion. When I was 11th week pregnant, On June 22nd, 2025, he came to my mom's place again and took me to hospital for normal checkups on the same day(Rajashri Grandhim Hospital Bilekalahalli, Vijaya bank layout) Which is his close family friend hospital. I fainted in the hospital, so he gave me tablet which was abortion tablet and aborted my baby on June 23rd, 2025.

My mom called Sathish multiple times to share the location of the hospital, but he didn't answer my mother's call nor shared the location of the hospital and post abortion and D&E surgery he took me to his place (Akshaya nagar) on June 23rd 2025, he took care of me for 3 days in his place and he went to office on 4th day. On 28th June 2025, my Mother-in-law started to torture me by not giving food. I even told him about his mother's behavior, but he didn't care and asked to adjust to the situation.

On 29th June 2025, my mother-in-law asked me to leave the place, when I asked her for the reason, she said "FOR AASHADA" then I agreed and left to my mom's place. Even after 30 days I stayed in mother's place he didn't come to me to take me to his place. On 29th July 2025, my mom and I went to his place (AKASHAYA NAGAR, AJANTHA MEADOWS) but my **mother-in-law and my husband physically assaulted me**.

On the same night I committed suicide by taking multiple tablets. I was hospitalized in Appollo hospital, and my husband left me abandonly and refuse to pay the hospital bill amount of "**1,02,073" INR**. Later I called my friend Arun, and Arun paid the hospital bill.

Post paying the hospital bill and discharge, my husband came to hospital, and he took me to CAFÉ COFFEE DAY In Kanakapura road to manipulate me. He asked me to stay in my mom's place (GIRINAGAR) for few months and even I agreed with that.

Due to all these incidents, I used to faint very often, I consulted Neurologist and undergone MRI and ECG tests, and everything came out normal. **My husband and his sister and his mom abused me saying am MENTALLY UNSTABLE OR MENTALLY ILL** and my husband insisted on me to consult psychiatrist and took me to CADABAMS, JP Nagar forcefully for Therapy. (From the month of August 2025 till Jan 2026). There the doctor told me that the fainting or the seizure happening because of stress. I even went for weekly and monthly Therapy's and followed their medications. My husband promised me that he will take me to his place, If I go for therapy's and follow the medications for 6 Months.

It's been 8 months since my marriage; he never paid single rupee for maintenance. He used to come to my place just to have physical intimacy with me. He always asks for Money to clear his debts and help to pay his house rent. I was zeady to give him 20Lakhs and help him with paying rent, just to save my marriage.

I also gave him 50,000 INR when he was suffering from his debts to pay his interest on November 19th, 2025.

On 21st Feb 2026, my husband and I went for annual corporate health check-up at DOCUBE; while returning home, he started to ask for 3 LAKH for his house advance, as he was looking for new rented house. He was at my place, and he assaulted me, and demanded to give him my jewelry, so that he could pledge the jewelry and pay his house rent advance. He took my earrings, ring and chain with pendent and left home. Later, I went to his place to take back my Jewels. **When I went there**

my husband, his mom and his sister assaulted me physically and abused me and kicked me out of his home. His sister CHETHANA filed a FAKE NCR case against me, giving statement that I tried to kill her daughter HITA. I was the one who used to give gift dresses and take care of that child. I directly went to Victoria hospital alone and did an MLC, in the hospital I had a seizure and alone at hospital, doctors called my mom and sister as there were no attendees with me.

At 9.30 PM, 21st Feb 2026, after MLC and few medical treatments at Victoria hospital, my mom took me to his place along with my sister Saraswathi. My husband and his family didn't open the door. Later, I called 112 for help, they asked us to go to Hulimavu Police station, **we filed an NCR (NCR NO 310/2026**)over there and they referred to AUDUGODI WOMES POLICE STATION, as this is a family issue. On 22nd Feb 2025 I again filed an NCR in Audugodi women splice station(**LPT NO-145/2026**). They asked me to come on the next day for counselling. Counselling didn't impact on us.

On 25th Feb 2026, when I called my husband, he requested not to give an FIR against him, and he is ready to live with me. On 27th February 2026 he asked me to go to his place (AKSHAYNAGAR, HULIMAVU) when my mom and I went to his place, the door was locked and no one was at home. I called him and he was not answering my calls or texts. I waited till 8.30 PM at his place, and he called me and asked me to come to his workplace (NES FIRCROFT, KORAMANGALA) When I and mom were going on an auto, he again called me and asked us to come to HULIMAVU POLICE STATION. Till 11.30 PM he was refused to take me to his place. He called his relatives to come to the police station and agreed in front of them to take me to his house. I went by auto, and he came by walking. When I went nobody was there at his place, and I called him multiple times and didn't answer and switched off his phone. I was shattered and had no clue what to do, and I went to my mom's house (GIRINAGAR BANGALORE). At 12.30 AM I booked a taxi and went home alone.

I have tolerated so much disrespect, domestic violence, manipulation, physical harassment, mental harassment, dowry torture, sexual harassment, forceful abortion and lived alone at

my place for 8 months without single rupee from my husband just to save my marriage.

Kindly accept my complaint against my husband SATHISH, my mother-in-law JAYAMMA and my sister-in-law CHETHANA

1. SATHISH, Age-39 Years
PH: 9108175363
TEAM LEAD AT NES FIRCORFT, KORAMANGALA,
Cast: ST (AK)
TF-7 AJANTHA MEADOWS
AKSHAYA NAGARA, HULIMAVU
BANGALORE

2. JAYAMMA

PH: 916360314184
TF-7 AJANTHA MEADOWS
AKSHAYA NAGARA, HULIMAVU
BANGALORE

3. CHETHANA
PH: 6360818775
TF-7 AJANTHA MEADOWS
AKSHAYA NAGARA, HULIMAVU
BANGALORE

Thank you,

Yours Faithful
Sd/-
(PARVATHI K)"

The Police conduct investigation and file a charge sheet against these petitioners. The summary of the charge sheet as obtaining in Column No.17 is as follows:

"17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಕಲಂ 85, 115(2), 351(2), 352 ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತೆ-2023ರ ಅಡಿಯಲ್ಲಿ

ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ಅಂಕಣ 12 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಎ-1 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-01 ರವರನ್ನು ದಿನಾಂಕ:08.06.2025 ಬೆಂಗಳೂರು ನಗರ, ಹುಳಿಮಾವು, ನಾನಪ್ಪನಹಳ್ಳಿಯ ಸರಸ್ವತಿಪುರಂದಲ್ಲಿರುವ ಶ್ರೀ ಮಹಾಲಕ್ಷ್ಮಿ ದೇವಾಲಯದಲ್ಲಿ ಮದುವೆಯಾಗಿದ್ದು, ಮದುವೆಗಿಂತ ಮುಂಚೆ ಸಾಕ್ಷಿ-01 ರವರು ಎ-1 ಆರೋಪಿಯ ಜೊತೆ ಪ್ರೇಮಸಂಬಂಧ ಇರುವುದರಿಂದ ಗರ್ಭಿಣಿಯಾಗಿದ್ದು. ಮದುವೆಯ ನಂತರ ಎ-1 ಮತ್ತು ಎ-2 ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-01 ರವರಿಗೆ ಗರ್ಭಪಾತ ಮಾಡಿಸಿಕೊಳ್ಳುವಂತೆ ಒತ್ತಾಯಿಸಿ ದೈಹಿಕವಾಗಿ ಮತ್ತು ಮಾನಸಿಕ ಕಿರುಕುಳ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ಸಾಕ್ಷಿ-01 ರವರ ಆರೋಗ್ಯ ಹದಗೆಟ್ಟಾಗ ಎ-2 ಮತ್ತು ಎ-3 ಆರೋಪಿಗಳು ಸೇರಿಕೊಂಡು ಸಾಕ್ಷಿ-01 ರವರಿಗೆ 'ಮಾನಸಿಕ ಅಸ್ವಸ್ಥೆ' ಎಂದು ನಿಂದಿಸಿ, ಜೆ.ಪಿ. ನಗರದ 'ಕೆಡಾಬಮ್ಸ್' (Cadabams) ಆಸ್ಪತ್ರೆಗೆ ಚಿಕಿತ್ಸೆಗೆ ಬಲವಂತವಾಗಿ ಸೇರಿಸಿ ಆಸ್ಪತ್ರೆಯ ಖರ್ಚು ವೆಚ್ಚಗಳನ್ನು ನೀಡದೆ ಎ-1 ಆರೋಪಿಯು ತನ್ನ ಸಾಲ ತೀರಿಸಲು ಮತ್ತು ಮನೆ ಬಾಡಿಗೆಗಾಗಿ ಸಾಕ್ಷಿ-01 ರವರ ಬಳಿ ಹಣ ಕೇಳಿ ಅವರಿಂದ ದಿನಾಂಕ 29.11.2025 ರಂದು 50 ಸಾವಿರ ರೂ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು. ದಿನಾಂಕ 21.02.2026 ರಂದು ಎ-1 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1ರವರ ತವರು ಮನೆಗೆ ಹೋಗಿ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಹೊಸ ಬಾಡಿಗೆ ಮನೆಗೆ ಅಡ್ವಾನ್ಸ್ ನೀಡಲು ಸಾಕ್ಷಿ-01 ರವರಿಗೆ 3 ಲಕ್ಷ ರೂ ಹಣ ಕೇಳಿ ಆಕೆಗೆ ಸಂಬಂಧಿಸಿದ ಚಿನ್ನದ ಒಡವೆಗಳನ್ನು ಒತ್ತಾಯ ಮಾಡಿ ಪಡೆದುಕೊಂಡು ಹೋಗಿದ್ದು, ಈ ಬಗ್ಗೆ ಅದೇ ದಿನ ಸಂಜೆ ಸುಮಾರು 4.00 ಗಂಟೆಗೆ ಸಾಕ್ಷಿ-01 ರವರು ತನ್ನ ಒಡವೆಗಳನ್ನು ಕೇಳಲು ಎ-1 ಆರೋಪಿಯ ಮನೆಯಾದ ಪ್ಲಾಟ್. ನಂ TF-7, ಅಜಂತಾ ಮೆಡೋಸ್ ಅಪಾರ್ಟ್ ಮೆಂಟ್, ಅಕ್ಷಯನಗರ, ಹುಳಿಮಾವು, ಬೆಂಗಳೂರು ಇಲ್ಲಿಗೆ ಹೋದಾಗ ಎ-1 ರಿಂದ ಎ-3 ಆರೋಪಿಗಳು ಸೇರಿಕೊಂಡು ಸೂಳೆ ಮುಂಡೆ ಲೊಫರ್ ಮುಂಡೆ ಎಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ದೈಹಿಕವಾಗಿ ಮತ್ತು ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ನೀಡಿ ಹಲ್ಲೆ ಮಾಡಿ ಸಾಕ್ಷಿ-01 ರವರನ್ನು ಮನೆಯಿಂದ ಹೊರಗೆ ಹಾಕಿದ್ದು, ನಂತರ ಸಾಕ್ಷಿ-01 ರವರು ವಿಕ್ಟೋರಿಯಾ ಆಸ್ಪತ್ರೆಯಲ್ಲಿ, ಚಿಕಿತ್ಸೆ ಪಡೆದಿದ್ದು. ಈ ಬಗ್ಗೆ ಸಾಕ್ಷಿ-6 ರವರು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಸಾಮಾನ್ಯ ಸ್ವರೂಪದ ಗಾಯವಾಗಿರುವ ಬಗ್ಗೆ ಗಾಯದ ಪ್ರಮಾಣ ಪತ್ರದ ವರದಿ ನೀಡಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಎ-1 ರಿಂದ ಎ-3 ಆರೋಪಿಗಳು ಕಲಂ 85, 115(2), 351(2), 352 ಭಾರತೀಯ ನ್ಯಾಯ ಸಂಹಿತೆ-2023 ಅಡಿಯಲ್ಲಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧ ಎಸಗಿರುತ್ತಾರೆಂದು ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ."

11. A perusal at the complaint and the summary of the charge sheet, insofar as petitioner Nos.2 and 3 are concerned, reveals allegations of a distinctly general character. The substance

of the accusation is that the mother-in-law and sister-in-law, acting in concert with the husband, subjected the complainant to mental harassment, which allegedly necessitated treatment at Cadabams Hospital. Beyond this broad assertion, the material, as presented, does not attribute any particular overt act to either petitioner No.2 or petitioner No.3. There is no distinct narration of the conduct allegedly indulged in by each of them, the circumstances in which such conduct occurred, or the manner in which it would satisfy the statutory ingredients of the offences invoked.

12. The law does not contemplate criminal culpability by association. A person does not become an accused merely because he or she happens to be related to another accused. Relationship may explain the presence of a person in a household; it cannot, without more, establish participation in an offence. The prosecution must rest upon allegations of individual conduct and not upon the convenient enlargement of the array of accused to encompass every member of the matrimonial household. In the absence of any specific allegation, disclosing *prima facie* criminality against

petitioner Nos.2 and 3, compelling them to undergo the ordeal of a criminal trial would amount to permitting the process of law to operate as a punishment in itself.

13. Insofar as the implication of the mother-in-law, sister-in-law and other relatives of the husband is concerned, the jurisprudence developed by the Apex Court is both extensive and unequivocal. **The Apex Court has repeatedly cautioned against the tendency to indiscriminately implicate every member of the husband's family in criminal proceedings arising out of matrimonial discord.** The principle running through these pronouncements is that the complaint and, where investigation has culminated in a charge sheet, the material collected during investigation must disclose specific allegations and a *prima facie* foundation for the offences attributed to each accused. Vague, sweeping and omnibus allegations cannot, merely by reason of their repetition in a charge sheet, acquire the character of legally sustainable accusations. **The protective provisions of criminal law were enacted to combat cruelty and harassment, not to create a presumption of guilt against entire family, merely**

because a matrimonial relationship has turned acrimonious. The law may cast its protective mantle over a woman subjected to cruelty, but that mantle cannot be stretched so far, as to engulf persons against whom no criminal act is alleged. To do so would be to substitute familial relationship for criminal culpability, a proposition wholly alien to the fundamental principles of criminal jurisprudence.

14. The present case, insofar as petitioner Nos.2 and 3 are concerned, appears to fall within the category of proceedings where the allegations, even if accepted as presented, fail to disclose the necessary ingredients of the offences alleged. Continuation of proceedings against them would, therefore, amount to an abuse of the process of law.

JUDICIAL LANDSCAPE *QUA* FAMILY MEMBERS:

15. Jurisprudence is replete with the law laid down by the Apex Court that in-laws cannot be drawn into proceedings under Section 85 of the BNS on vague or omnibus allegations.

15.1. The Apex Court in the case of **DR. SUSHIL KUMAR PURBEY v. STATE OF BIHAR**[1], has held as follows:

> "…. …. ….
>
> **7.** Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (Respondent 3). **A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them.**
>
> **8.** It is further pertinent to note that the marriage was solemnised in July 2019, and the husband filed the divorce petition as early as March 2021. The criminal complaint against the appellants was, however, lodged only in March 2022, nearly a year after the filing of the divorce petition. Though this delay, standing alone, would not constitute a sufficient ground for quashing the criminal proceedings against the appellants. However, viewed in conjunction with the absence of any specific allegations attributable to them, the delay lends credence to the submission that the criminal complaint against the in-laws may have been instituted by way of a counter-blast to the divorce

[1] **2026 SCC OnLine SC 338**

proceedings initiated by the husband. When these two considerations are read together, we are satisfied that the continuation of the criminal proceedings against the present appellants cannot be sustained.

9. Before moving forward, we consider it necessary to clarify that the observations made hereinabove are confined to the question of the maintainability of the criminal proceedings against the present appellants, and must not be construed as an expression of any opinion on the merits of the case as a whole. The criminal proceedings against the husband shall continue in accordance with law. We note, in this context, that the husband did not seek quashing of the proceedings against him before the High Court under Section 482 CrPC; it was only the present appellants and the sister-in-law who did so. The husband is also not before this Court in the present appeal. We therefore find no occasion to comment upon the allegations levelled against him, and the proceedings against him shall be governed by law.

10. In view of the foregoing, we are of the considered opinion that the High Court erred in applying different standards to persons who stand on an identical footing insofar as the nature of the allegations against them is concerned. Since the allegations against the present appellants and the sister-in-law are, in substance, the same, the reasoning that led the High Court to quash the proceedings against the sister-in-law ought equally to have led to the quashing of proceedings against the present appellants. The impugned order, to the extent that it declined to extend such relief to the appellants, cannot be sustained."

15.2. The Apex Court in the case of **CHARUL SHUKLA v. STATE OF UTTAR PRADESH**[2], has held as follows:

"…. …. ….

[2] **2026 SCC OnLine SC 476**

21. At the outset, we find it important to underline and highlight that the husband is not a party in the present appeals and therefore we have been mindful of the fact that the said allegations have to be viewed from the standpoint of only the accused/appellants herein who are the sister-in-law and parents-in-law of the complainant. From a perusal of the instant FIR it is apparent that the complainant has alleged that at the time of her marriage with the accused/husband, her family had given gifts as per the status of his family. Despite that from the very first day after the marriage on 16.04.2017, when the complainant started residing at her matrimonial home, the husband along with the accused/appellants started harassing the complainant and demanded Rs. 8,50,000/- (Rupees Eight lakhs Fifty Thousand) along with a car as additional dowry. Furthermore, the allegations against the sister-in-law of the complainant is that she instigated the husband of the complainant by making false accusations about the complainant having an illicit affair outside the marriage. **Firstly, with reference to the allegations of dowry demand and related harassment of the complainant, it is noted by us that the complainant and the prosecution have failed to put forth any material evidence or substance which support the allegations contained in the FIR and the chargesheet. A mere statement stating that the accused/appellants herein frequently demanded dowry and harassed the complainant for the same is not sufficient to initiate criminal proceedings against them when the same are not corroborated or bolstered by other materials placed on record**. At the same time, the said allegations also have to be juxtaposed with the fact that the complaint was registered by the complainant only on 15.11.2023 i.e. after a delay of more than six years and seven months from the alleged dowry demand. The prosecution has failed to put forth any sufficient cause for such delay and this casts aspersions on their story. At this juncture, we find it apposite to underline the importance of taking an early recourse to pursue and prosecute criminal complaints. We find that the citizens who allege commission of an offence should not dawdle on their rights but should rather pursue them in real time in order to achieve the ends of justice as *vigilantibus non dormientibus jura subveniunt* meaning, law protects those who are vigilant about their rights. The delay or lack thereof assumes greater importance in the matrimonial cases or criminal cases between the spouses as due to the

personal nature of the allegations and relationship shared between the parties, there is already an insufficiency and inadequacy of evidence to support or rebut the claims and counterclaims. A delay of nearly seven years can therefore be fatal to the prosecution's case especially when the same has not been properly explained.

22. Furthermore, with respect to the allegations against the sister-in-law regarding the incitement of the complainant's husband in relation to the alleged extra-marital affair, the prosecution has failed to provide any specific detail and has not been able to elaborate upon the nature of the relationship or how those accusations purportedly affected complainant's relationship with her husband. It is apposite to note that upon the perusal of the records of the case, nothing material has been put forth to advance or substantiate the said allegations. Time and again, **this Court has observed that merely stating certain vague and omnibus allegations without any cogent material evidence to support the same should not become a fillip to jump-start the criminal machinery of the State. At this juncture, we find it appropriate to quote the observations of this Court in *Dara Lakshmi Narayana* v. *State of Telangana*, (2025) 3 SCC 735 which is extracted as under:**

> **"27. 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 particularised 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.** …
>
> x x x

30. 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 Page 22 of 26 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.**

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. **In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.**".”

15.3. The Apex Court in the case of **ARTI MEHTA v. STATE OF MADHYA PRADESH**[3], has held as follows:

"…. …. ….

21. As regards the present appellants, namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad, the allegations are essentially omnibus and generalised in nature. **In the FIR, the complainant merely states that the husband and the in-laws "*started abusing me and would tell me to go and live with my parents*" and that the appellants "*would demand dowry from me every day and would tell me that if I did not bring dowry, I should go back to my parental home.*" Beyond these broad and sweeping assertions, no specific incident, date, overt act or particular role has been attributed individually to any of the appellants. The allegations do not disclose as to which appellant made what demand, on which occasion, in whose presence, or in what manner any specific act constituting cruelty under Section 498A IPC was committed.**

22. Significantly, even in the elaborate divorce petition subsequently filed by the complainant/wife, the allegations continue to remain substantially vague insofar as the present appellants are concerned. The detailed allegations of cruelty, harassment and mental trauma overwhelmingly revolve around the conduct of the husband at Sheopur, where admittedly the complainant was residing with him in the government accommodation allotted to him. The complainant herself states in paragraph 2 of the divorce petition that "*after some time of marriage, the non-applicant took the applicant to live in his government quarter in Sheopur.*" She further reiterates in paragraph 3 that during the second Karva Chauth, "*the applicant and the non-applicant lived in the government quarters of Sheopur.*" These pleadings clearly indicate that the matrimonial residence of the parties was at Sheopur and not at Shivpuri, where the present appellants were residing.

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[3] **2026 SCC OnLine SC 933**

The complainant, however, in the counter affidavit as well as in the written submissions filed before this Court, has attempted to explain the aforesaid position by contending that while she was residing with her husband at Sheopur, the husband along with the present appellants used to harass her for dowry and that whenever the husband left her at the in-laws' house at Shivpuri, the appellants also used to harass her and prevent her from residing peacefully in the matrimonial home. It has further been contended on behalf of the complainant that these aspects are also reflected in the translated divorce petition and the prosecution's story.

Even if the aforesaid explanation is accepted at its face value, the allegations against the present appellants nevertheless remain broad, generalised, and bereft of specific particulars. Neither in the FIR nor in the divorce petition nor even in the subsequent pleadings before this Court has the complainant specified any particular date, incident or overt act attributable individually to any of the present appellants which would *prima facie* constitute cruelty or unlawful demand of dowry within the meaning of Section 498A IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations essentially remain collective assertions that the appellants "used to harass" the complainant or "supported" the husband, without any clear delineation of the precise role allegedly played by each of them. Mere use of omnibus expressions against all family members, in the absence of specific factual assertions, would not by itself justify continuation of criminal proceedings against the present appellants.

23. In fact, the complainant's own pleadings substantially dilute the allegations sought to be levelled against the appellants in the FIR. While the FIR creates an impression of continuous harassment by all in-laws collectively, the divorce petition narrates specific acts, almost entirely concerning the husband. Even the allegation regarding the demand for money is primarily against the husband, wherein the complainant states that "*the non-applicant told the applicant that my entire salary is spent on my father's treatment, and now I am unable to bear your expenses. … now bring some money from your parents.*" The subsequent allegation that the husband became

angry and started abusing and slapping her is also directed solely against him. The appellants are not alleged to have actively participated in any specific demand or act of cruelty.

24. The allegations against the appellant No. 4 - Vikram Dhakad are also of a generalised nature and do not disclose any criminal intent or overt act constituting an offence under Section 498A IPC. In paragraph 6 of the divorce petition, the complainant merely states that Vikram Dhakad remarked that "*guests keep coming to our house*" and questioned why she was residing at Shivpuri while her husband was staying in Sheopur. Even if the said allegations are accepted at their face value, they merely indicate a domestic disagreement regarding her stay at the matrimonial house and do not amount to cruelty or unlawful dowry demand within the meaning of the penal provisions invoked.

25. Similarly, the allegations against the appellant No. 1 Arti Mehta are confined to assertions that the complainant had informed her regarding the conduct of the husband and that she did not react in the manner expected by the complainant. In paragraph 9 of the divorce petition, the complainant states that "*The non-applicant's elder sister Aarti Mehta also came to Sheopur many times. The applicant informed her regarding all types of acts, such as beating and abuse by the non-applicant. No statement was made on the incident told by the applicant.*" Mere failure to intervene in a matrimonial dispute between spouses, without any specific allegation of active participation in cruelty or dowry demand, cannot by itself attract criminal liability.

26. It is also pertinent to note that the complainant herself states in paragraph 9 of the divorce petition that she travelled from Sheopur to Shivpuri on the occasion of Raksha Bandhan along with the appellant No. 1 Arti Mehta. The relevant portion states that "*the applicant came from Sheopur to Shivpuri on 8.9.2022 on the festival of Raksha Bandhan with the non-applicant's sister.*" This circumstance assumes significance because it becomes difficult to readily accept that the complainant would voluntarily travel with the very same appellant whom she alleges to have been continuously harassing

and tormenting her for dowry. Though this circumstance by itself may not be determinative, it certainly weakens the allegation of persistent and active cruelty attributed to the appellant No. 1.

27. Further, **the complainant's own pleadings demonstrate that there was no continuous shared household with the present the appellants. The repeated references in the divorce petition indicate that the complainant was residing with her husband at Sheopur in his government accommodation and that the visits to Shivpuri were occasional and temporary in nature. Thus, even on the complainant's own showing, the principal matrimonial relationship and the alleged acts of cruelty were centred around the husband at Sheopur.**

28. What, therefore, emerges from a cumulative reading of the FIR and the divorce petition is that while there are specific allegations against the husband relating to physical assault, verbal abuse, neglect and suspicious conduct, the allegations against the present appellants remain bald, generalised, and devoid of material particulars. No independent or specific role has been attributed to any of the present appellants so as to disclose prima facie commission of offences under Sections 498A/34 IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations against them appear to be omnibus assertions made on account of their relationship with the husband rather than on the basis of any distinct criminal acts allegedly committed by them.

29. It is a matter of common judicial experience that matrimonial disputes are often accompanied by heightened emotions, strained relationships and deep-seated personal grievances. In such circumstances, **complaints alleging cruelty and harassment frequently tend to implicate not only the spouse but also the entire family of the spouse, including those relatives who may have had little or no active role in the matrimonial discord. Quite often, family members who may have remained passive spectators, failed to intervene, or merely sided with one party in a domestic disagreement, are also arrayed as accused. However, mere familial association with the husband, or**

failure to support the complainant in a marital dispute, cannot by itself constitute a criminal offence in the absence of specific allegations disclosing active participation in acts amounting to cruelty, harassment or unlawful demand of dowry.

30. It must also be borne in mind that when matrimonial relationships deteriorate and bitterness sets in, there is a natural tendency for allegations to be amplified or broadly worded out of anger, frustration or emotional distress. While the anguish of a complainant in a failed marriage cannot be lightly disregarded, equally, criminal law cannot be permitted to be set in motion against every relative of the husband merely on the basis of generalised and omnibus allegations lacking a specific factual foundation. Courts, therefore, are required to exercise greater caution and carefully scrutinise whether the allegations genuinely disclose the commission of cognizable offences against each accused individually, lest the criminal process itself becomes a tool of harassment and misuse.

…. …. ….

34. Insofar as the present appellants are concerned, the allegations in the DV complaint remain broadly worded and largely collective in nature. The complainant states that due to refusal to bring money from her parental home, "*my husband and in-laws … used to get angry with me. In this way they started torturing me physically and mentally.*" However, beyond the use of such omnibus expressions, the complaint does not disclose any specific incident, date, act or conduct individually attributable to any of the appellants which would constitute "domestic violence" within the meaning of the DV Act.

35. Even the allegations concerning the complainant's brother-in-law, namely, Vikram Dhakad (Appellant No. 4), are essentially in the nature of statements allegedly advising the complainant regarding her matrimonial life. The complaint states that Vikram Dhakad questioned why the complainant was staying at Shivpuri while the husband was residing at Sheopur

and allegedly told her that "*you bring money from your maternal home as per our demand and either stay in Sheopur or stay in your maternal home in Guna.*" Thereafter, it is alleged that Vikram Dhakad, along with Manisha Dhakad and Ganesh Dhakad, did not permit her to continue residing at Shivpuri. Even if these allegations are accepted at their face value, they do not disclose any specific act of physical violence, criminal intimidation or overt conduct of such nature as would independently attract criminal liability under the provisions of the DV Act.

36. Similarly, the allegations against the complainant's mother-in-law, namely, Shrivati Bai Dhakad (Appellant No. 2) and the wife of the complainant's brother-in-law, namely, Manisha Dhakad (Appellant No. 3), are confined to broad assertions that "*they used to insult me on small matters and demand money.*" **The complaint is conspicuously silent regarding the particulars of such alleged demands, the time and place where such incidents occurred, or the manner in which such demands were allegedly made. General allegations of "insult" or "harassment" without supporting particulars cannot by themselves form the basis for continuation of criminal proceedings.**

37. As regards the complainant's sister-in-law Arti Mehta (Appellant No. 1), the allegation is essentially that when the complainant informed her about the husband's conduct, she allegedly scolded the complainant and advised her to remain quiet and fulfil the family's demands. The relevant allegation reads that "*I told his sister Aarti Mehta about his activities many times, then she scolded me and said that you should keep quiet, otherwise it will not be good.*" **The allegation, even if accepted in entirety, merely suggests that appellant No. 1 sided with her brother in the matrimonial dispute. Mere failure to support the complainant, or advising her to continue in the matrimonial relationship, without any further overt act, would not *ipso facto* amount to domestic violence so as to justify criminal prosecution.**

…. …. ….

39. What ultimately emerges from a cumulative reading of the DV complaint is that while the complainant

has narrated several detailed allegations concerning the husband's conduct and the strained matrimonial relationship between the spouses, the allegations against the present appellants remain generalised and derivative in character. The complaint does not disclose any specific or direct act individually attributable to the appellants constituting domestic violence, physical abuse, verbal abuse, emotional abuse or economic abuse within the meaning of the DV Act. The allegations against them are essentially that they supported the husband, failed to intervene in the matrimonial dispute, or asked the complainant to adjust to the situation. Such omnibus and broadly worded allegations, in the absence of clear particulars and specific overt acts, would not justify continuation of proceedings against the present appellants.

40. We have also taken note of the fact that during the pendency of the present proceedings, the marriage between the complainant and her husband already stood dissolved by a decree passed by the competent Family Court. In such circumstances, continuation of the proceedings under the DV Act qua the present appellants, in the absence of specific and substantiated allegations against them as of now, would serve no useful purpose. It is, however, clarified that the complainant would be at liberty to avail such remedies against the husband as may be permissible to her in accordance with law.

41. It is further required to be stated that the invocation of the criminal process is not a matter of course. **The coercive machinery of criminal law carries serious civil and personal consequences and, therefore, can be legitimately set in motion only where the allegations disclose specific acts constituting offences punishable under the penal law. This principle assumes even greater significance in cases arising out of matrimonial and domestic discord. Family relationships are founded upon emotional bonds, mutual trust, affection and shared responsibilities, and cannot be viewed through the same lens as ordinary commercial, civil disputes or criminal cases. It is not uncommon that when matrimonial relationships deteriorate, allegations are made in the heat of emotional turmoil and bitterness, often resulting**

in the entire family of the spouse being drawn into criminal litigation. However, criminal law cannot be permitted to become an instrument for venting personal grievances or settling familial scores in the absence of clear, specific and legally sustainable allegations. Courts must therefore exercise a heightened degree of caution and judicial scrutiny before permitting criminal prosecution against relatives who are sought to be implicated merely by virtue of their relationship with the spouse.

42. At the same time, this Court is equally conscious of the reality that genuine cases of cruelty and domestic violence do occur within the confines of the matrimonial home and often remain concealed from public gaze. Acts of emotional, verbal, economic or physical abuse within the domestic sphere may not always leave behind readily available evidence or independent witnesses, and the absence of such evidence at the threshold cannot by itself be a ground to disbelieve a victim. It is precisely to address this social evil that legislations such as the Protection of Women from Domestic Violence Act, 2005 and the penal provisions relating to cruelty and dowry harassment have been enacted with wide amplitude and protective intent. The object of such statutes is to ensure meaningful legal protection to women subjected to domestic abuse and harassment within the matrimonial home.

43. However, **while safeguarding the rights and dignity of victims of domestic violence remains of paramount importance, courts are simultaneously required to ensure that the rigours of criminal law are not indiscriminately extended to every member of the family without a clear factual foundation. In prosecutions arising out of matrimonial disputes, the allegations against each accused must be specific, distinct and supported by prima facie material indicating active involvement in the alleged acts of cruelty, harassment or unlawful demand of dowry. Mere allegations that family members "supported" the husband, failed to intervene, or advised the complainant to adjust in the matrimonial relationship, without anything further, would not *ipso facto* attract criminal liability. There may indeed be situations where certain relatives remain passive**

spectators or fail to come to the aid of the complainant; however, such conduct, though morally questionable, cannot automatically be elevated to the status of criminal culpability unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged offences.

44. It must therefore be emphasised that each case arising out of matrimonial discord or allegations of domestic violence must necessarily turn on its own peculiar facts and the nature of allegations levelled against the accused concerned. The observations made herein should not be construed to mean that relatives of the husband can never be prosecuted under the relevant penal provisions. **Where the material on record discloses specific overt acts, active participation, or direct involvement in perpetrating cruelty, harassment or domestic violence, such relatives would undoubtedly be liable to face prosecution in accordance with the law. What the Court is required to carefully examine is whether the allegations are genuine, specific and supported by foundational facts, or whether they are merely a consequence of matrimonial acrimony resulting in sweeping and omnibus implication of all family members. In the absence of such specific allegations and *prima facie* material, continuation of criminal proceedings against such relatives would amount to abuse of the process of law.**

45. Having given our anxious consideration to the allegations contained in the FIR, the complaint under the DV Act, the pleadings exchanged between the parties in the matrimonial proceedings and the material placed on record, we find that the substratum of the allegations primarily concerns the matrimonial discord between the complainant and her husband. The allegations relating to physical assault, abusive conduct, emotional neglect, suspicion regarding extramarital relationship, threats, restriction on movement and denial of marital companionship are overwhelmingly directed against the husband. Insofar as the present appellants are concerned, the allegations remain generalised, omnibus and lacking in material particulars.

As discussed hereinabove, **neither the FIR nor the DV complaint nor even the subsequent pleadings before the Family Court disclose any specific overt act individually attributable to the present appellants so as to prima facie constitute offences punishable under Sections 498A/34 IPC, Sections 3 and 4 of the Dowry Prohibition Act or the provisions of the DV Act. The allegations against the appellants essentially proceed on broad assertions that they "supported" the husband, "used to harass" the complainant, or advised her to either adjust with the husband or return to her parental home. However, no distinct incident, date, specific demand, act of physical cruelty, unlawful intimidation or active participation in the alleged harassment has been clearly attributed to any of the appellants individually.**

46. Though their behaviour as projected in the complaint appear to be reproachable otherwise, yet these may not be sufficient to attract criminal liabilities. Permitting the proceedings to continue against the appellants in the absence of specific and legally sustainable allegations would amount to an abuse of the process of law."

15.4. The Apex Court in the latest judgment rendered in the case of **PRASANTA KUMAR DHAR v. STATE OF WEST BENGAL**[4], has held as follows:

"…. …. ….

19. Cruelty under Section 498A IPC would consist of either:

(a) Any wilful conduct that

i. is likely to drive a woman to commit suicide, *or*

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[4] 2026 SCC OnLine SC 2061

ii. cause grave injury or danger to her life, limb, or health (whether mental or physical); *or*

(b) Harassment

i. to coerce her or any persons related to her to meet any unlawful demand for property or valuable security, *or*

ii. harassment on account of failure to meet such demand.

20. A perusal of the records, however, shows that neither the complaint nor the investigation carried out by the police reveals any material that indicates that the Appellants herein had caused grave injury to her life, limb or mental or physical health, nor do they reveal any independent material that the Appellants harassed her for any property or valuable security.

21. As regards the offences under Sections 3 and 4 of the DP Act, the complainant has alleged that the Appellants and the complainant's husband had demanded and accordingly were paid Rs. 5 lakhs at the time of the marriage. Further, demands for a four-wheeler were made by them, in fulfilment of which, furniture was allegedly given to them. **The specifics of the same, any other witnesses privy to the demands for dowry, and any material outside of the allegations of the complainant did not surface during the investigation. The allegations do not disclose the particulars of the demands of dowry made by the Appellants, the occasions, the presence of any independent witnesses, or the manner such that such specific overt acts constituting cruelty under Section 498A IPC were committed.**

…. …. ….

25. We find that the allegations made and investigation carried out do not reveal details as to any threats made by the Appellants to the complainant, her family, their property or their reputation. It is pertinent to note that the complainant states that her signing of

the document stating that she has received all of her *streedhan* and valuables back was made under duress and coercion and intimidation of the first Appellant and her husband. However, the only material to demonstrate any coercive or intimidating behaviour of the first Appellant is her own complaint and the statements of her parents recorded under Section 161 Cr. P.C. There is no other evidence/material on record to implicate the first Appellant as regards the allegations of coercion or intimidation at the complainant's parental house.

26. Finding reliance on *Bhajan Lal* (supra), *Arti Mehta* (supra) and *Geddam Jhansi* (supra), we are of the view that the allegations levelled against the present Appellants are not specific, cogent and credible. They do not attribute an overt or specific act to either Appellant. Neither the complaint nor the investigation reveals any independent material that shows that the Appellants as the in-laws of the complainant committed any of the offences mentioned in the FIR or the chargesheet. The allegations against the Appellants for the demands for dowry, of criminal intimidation and cruelty find no supporting material in the FIR or the chargesheet submitted after the investigation. The oral allegations are devoid of any supporting material or witnesses, which renders the allegations of the complainant against the Appellants without any legal basis to continue the legal proceedings against the Appellants.

27. Specific allegations of cruelty, harassment and dowry demands have been made against the husband of the complainant, who was neither a party to the proceedings before the High Court, nor here. Hence, we are not dealing with the allegations against the husband.

28. We, therefore, find that the complaint and investigation, as they currently stand, do not disclose sufficient material to warrant subjecting the Appellants herein to the rigours of a criminal trial. Since the allegations against the present Appellants are general and not substantiated by any investigative material in the chargesheet, the High Court ought to have quashed the entire proceedings against the present

Appellants. The impugned order, to the extent that it declined to quash the remaining sections, cannot be sustained."

THE HUSBAND/ PETITIONER NO.1:

16. Insofar as the 1st petitioner/husband is concerned, the allegations, as noticed in the interim orders, are threefold: the alleged taking away of jewellery belonging to the complainant, monetary transactions sought to be characterized as dowry demands, and forcible medical termination of pregnancy. These allegations must be examined individually, for the criminality attributed to the husband cannot be determined by the cumulative weight of accusations, unless the material discloses the ingredients of the offences alleged.

17.1. The first allegation that calls for consideration is, the alleged forcible medical termination of pregnancy. The fulcrum of this accusation, as emerging from the complaint and the summary of the charge sheet, is that the pregnancy of the complainant was terminated when she was approximately eleven weeks pregnant, allegedly by administration or consumption of tablets.

17.2. The learned counsel for the petitioners would contend that termination of pregnancy at that stage could not have been brought about in the manner alleged and that the complainant had consented to a medical procedure, which is now sought to be portrayed as a forcible termination. The allegation is undoubtedly grave. An involuntary termination of pregnancy, if established, cannot be trivialized as a mere incident of matrimonial discord. It concerns bodily autonomy and reproductive choice, matters of profound legal significance. At the same time, the gravity of an allegation cannot dispense with the requirement of a factual foundation. The manner of termination, the medical records, the nature of the procedure, and the circumstances surrounding consent assume significance. The decisive consideration must be, whether the material collected during investigation supports the allegation of compulsion or absence of consent. It is trite that when the fetus is beyond nine weeks old, the procedure of oral medication for abortion cannot be conducted and it is only by surgical methods that the pregnancy can be terminated. It is alleged that the pregnancy of the complainant was terminated by

oral medication when the fetus was eleven weeks old. This would cast a serious doubt on this allegation so raised in the complaint.

17.3. If the charge sheet does not disclose material connecting the 1st petitioner to an involuntary termination, the accusation cannot be sustained merely upon its seriousness. The criminal law demands evidence capable of supporting a *prima facie* inference, not an inference drawn from the gravity of the allegation alone. The Apex Court in the case of **SAJAL BOSE v. STATE OF WEST BENGAL**[5] observes that inherent jurisdiction under Section 482 of the Cr.P.C./ Section 528 of the BNSS can be exercised when unimpeachable evidence would disprove the allegations in the prosecution's case, and holds as follows:

"…. …. ….

> **23. Keeping in view the aforesaid principles, it is evident that the inherent jurisdiction of the High Court under Section 482 of CrPC is intended to be exercised, *inter alia*, where the allegations made in the FIR, even if taken at their face value, do not *prima facie* constitute any offence, or where the uncontroverted allegations and the material collected fail to disclose the commission of**

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[5] 2026 SCC OnLine SC 525

an offence, or where the criminal proceeding is manifestly attended with *malafide* and instituted with an ulterior motive for wreaking vengeance. The categories illustratively enumerated in paragraph 102 of *Bhajan Lal* (supra) serve as guiding principles to prevent abuse of the process of law and to secure the ends of justice. Tested on the anvil of these settled parameters, it becomes necessary to examine whether the allegations in the present case, read as they stand along with the material on record including the CCTV footage, disclose the essential ingredients of the offences alleged against the appellants, or whether the continuation of proceedings *qua* them would amount to permitting the criminal process to be used as an instrument of harassment.

…. …. ….

29. We are further constrained to note that by the very same impugned judgment, and on the basis of the same set of allegations arising out of the same FIR and chargesheet, the High Court proceeded to quash the criminal proceedings against two of the co-accused, while declining similar relief to the appellants. **The impugned judgment does not disclose any cogent or discernible reasoning for drawing such a distinction, particularly when the allegations stem from a common incident and are founded on substantially similar assertions. In the absence of a clear rationale justifying differential treatment, the approach adopted by the High Court is legally and factually unsustainable.**

…. …. ….

31. In view of the foregoing discussion and upon a cumulative consideration of the allegations in the FIR, the material collected during investigation, and the evidence placed before us, we are of the considered opinion that the present case falls squarely within the illustrative categories (1), (3) and (7) enumerated in paragraph 102 of *Bhajan Lal* (supra). Even if the allegations in the FIR and the material collected during investigation are taken at their face value and accepted in their entirety, they do not *prima facie* constitute the necessary ingredients of offences alleged against the

appellants. **Further, the uncontroverted material available on record, to be specific, the CCTV footage, completely belies the allegation of their participation in the alleged offences so as to justify their being put to trial. Additionally, the attendant circumstances, particularly the admitted pre-existing disputes between the parties and the absence of specific and distinct overt acts attributed to the appellants, lend substance to their contention that the criminal proceedings are manifestly attended with *malafide* and have been initiated with an ulterior motive. In such circumstances, permitting the continuation of prosecution of the appellants would not advance the cause of justice but would instead amount to an abuse of the process of law.**

32. Recently, this Court in *Pradeep Kumar Kesarwani* v. *State of Uttar Pradesh*[11], revisited and further elucidated the parameters governing the exercise of inherent jurisdiction under Section 482 of CrPC. While drawing guidance from earlier precedents, this Court delineated a structured four-step test to assess the sustainability of a prayer for quashing criminal proceedings. The said decision underscores that where the material relied upon by the accused is of sterling and impeccable quality; is sufficient to negate the allegations in the complaint; remains unrefuted or incapable of justifiable refutation by the prosecution; and where continuation of the proceedings would amount to an abuse of the process of Court and not serve the ends of justice, the High Court would be justified in exercising its inherent powers to quash the proceedings. For ready reference, the relevant observations from the said judgment are reproduced hereinbelow:—

> **"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr. P.C.: —**
>
> (i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.

[(See: *Rajiv Thapar* v. *Madan Lal Kapoor* (Criminal Appeal No. 174 of 2013)]"

[Emphasis supplied]"

18.1. The next allegation concerns, the jewellery said to have been taken away by the husband or members of his family. The complaint contains an allegation to that effect. The summary of the charge sheet, however, as noticed hereinabove, does not appear to

disclose any corresponding particulars concerning the jewellery allegedly taken, the circumstances of its entrustment or removal, or the individual role attributed to the petitioners. An accusation relating to jewellery cannot be elevated into criminal misconduct merely by employing the expression that it was taken away. The factual foundation must disclose the conduct complained of and its nexus with the offence alleged.

18.2. The conspicuous absence of such particulars in the summary of the charge sheet assumes significance. An allegation may initiate an investigation; it is the material emerging from investigation that must furnish a legally sustainable basis for prosecution. The charge sheet cannot merely carry forward an accusation as an article of faith. It must disclose material which gives the accusation a prima facie foundation in law. In the absence of such material, the allegation relating to jewellery remains unsupported for the purposes of determining whether the prosecution should be permitted to continue.

19.1. The third allegation concerns certain monetary transactions between the complainant and the 1st petitioner, involving an amount of ₹50,000/- or more. The complainant seeks to characterize these transactions as constituting a demand for dowry. The material referred to in the draft, including the statement attributed to the complainant, indicates that the transactions were connected with hospital expenses and medical treatment. A monetary transaction between spouses does not, merely by reason of its existence, constitute a demand for dowry. In this regard, it would be apposite to refer to Section 85 of the BNS. It reads as follows:

> "**85. Husband or relative of husband of a woman subjecting her to cruelty**.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine."

Section 85 of the BNS is the statutory successor to Section 498A of the IPC. The expression cruelty is defined under Section 86 of the BNS. It encompasses wilful conduct of such gravity as is likely to drive a woman to commit suicide or cause grave injury or danger to her life, limb or health, whether mental or physical, and harassment

intended to coerce the woman or her relatives to meet an unlawful demand for property or valuable security, or harassment on account of failure to meet such demand.

19.2. Thus, cruelty under the provision is not confined exclusively to dowry demands. Nevertheless, where the prosecution is founded upon an alleged unlawful monetary demand, the necessary nexus between the demand and the harassment must be disclosed. In the case at hand, the monetary transactions, as projected in the material, appear to relate to hospital expenses. The summary of the charge sheet does not disclose how these transactions assumed the character of unlawful demands accompanied by harassment of the nature contemplated under Section 86 of the BNS.

20. When the three allegations against the husband are considered on the touchstone of the statutory ingredients, what emerges is a prosecution, which on the material described hereinabove, appears to rest more upon the existence of matrimonial discord, than upon specific acts constituting criminal cruelty. The complaint alleges much; the charge sheet, on the

narration presently available, appears to substantiate little. **The distinction is of consequence. A complaint may be expansive in its accusations, but a charge sheet must be anchored in material. The transition from accusation to prosecution cannot be sustained by rhetoric, where the statutory ingredients remain unfulfilled.**

21. It is also significant that the present matter is not at the threshold of registration of a crime, when investigation is yet to unfold. **Investigation has already been completed and a charge sheet has been placed before the jurisdictional Court. The question is, therefore, whether the material collected during investigation discloses a prima facie case warranting trial.** The earlier complaints lodged by the petitioners, the non-cognizable reports, the registration of Crime No.97 of 2026 and the subsequent institution of the impugned proceedings provide the background against which the allegation of retaliatory prosecution is advanced.

MISUSE OF SECTION 85 OF THE BNS/ SECTION 498A OF THE IPC:

22. The law declared by the Apex Court concerning the misuse of matrimonial criminal proceedings is intended to ensure that a genuine victim of cruelty is not denied protection and, with equal force, that criminal prosecution is not permitted to become a weapon of private retribution.

22.1. The Apex Court in the case of **ABHISHEK v. STATE OF MADHYA PRADESH**[6], has held as follows:

"…. …. ….

> **14.** This being the factual backdrop, we may note at the very outset that the contention that the appellants' quash petition against the FIR was liable to be dismissed, in any event, as the charge-sheet in relation thereto was submitted before the Court and taken on file, needs mention only to be rejected. **It is well settled that the High Court would continue to have the power to entertain and act upon a petition filed under Section 482CrPC to quash the FIR even when a charge-sheet is filed by the police during the pendency of such petition [See *Joseph Salvaraj A.* v. *State of Gujarat* [*Joseph Salvaraj A.* v. *State of Gujarat*, (2011) 7 SCC 59 : (2011) 3 SCC (Cri) 23]]. This principle was reiterated in *Anand Kumar Mohatta* v. *State (NCT of Delhi)* [*Anand Kumar Mohatta* v. *State (NCT of Delhi)*, (2019) 11 SCC 706 : (2019) 4 SCC (Cri) 288 (2)]** . This issue, therefore, needs no further elucidation on our part.

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[6] (2023) 16 SCC 666

15. The contours of the power to quash criminal proceedings under Section 482CrPC are well defined. In *V. Ravi Kumar* v. *State* [*V. Ravi Kumar* v. *State*, (2019) 14 SCC 568 : (2020) 1 SCC (Cri) 401] , this Court affirmed that where an accused seeks quashing of the FIR, invoking the inherent jurisdiction of the High Court, it is wholly impermissible for the High Court to enter into the factual arena to adjudge the correctness of the allegations in the complaint. In *Neeharika Infrastructure (P) Ltd.* v. *State of Maharashtra* [*Neeharika Infrastructure (P) Ltd.* v. *State of Maharashtra*, (2021) 19 SCC 401] , a three Judge Bench of this Court elaborately considered the scope and extent of the power under Section 482CrPC. It was observed that the power of quashing should be exercised sparingly, with circumspection and in the rarest of rare cases, such standard not being confused with the norm formulated in the context of the death penalty. It was further observed that while examining the FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made therein, but if the court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, and more particularly, the parameters laid down by this Court in *R.P. Kapur* v. *State of Punjab* [*R.P. Kapur* v. *State of Punjab*, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] and *State of Haryana* v. *Bhajan Lal* [*State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , the court would have jurisdiction to quash the FIR/complaint.

16. Instances of a husband's family members filing a petition to quash criminal proceedings launched against them by his wife in the midst of matrimonial disputes are neither a rarity nor of recent origin. Precedents aplenty abound on this score. We may now take note of some decisions of particular relevance. Recently, in *Kahkashan Kausar* v. *State of Bihar* [*Kahkashan Kausar* v. *State of Bihar*, (2022) 6 SCC 599 : (2022) 2 SCC (Cri) 684] , this Court had occasion to deal with a similar situation where the High Court had

refused [*Mohd. Ikram* v. *State of Bihar*, 2019 SCC OnLine Pat 1985] to quash an FIR registered for various offences, including Section 498-AIPC. Noting that the foremost issue that required determination was whether allegations made against the in-laws were general omnibus allegations which would be liable to be quashed, this Court referred to earlier decisions wherein concern was expressed over the misuse of Section 498-AIPC and the increased tendency to implicate relatives of the husband in matrimonial disputes. This Court observed that false implications by way of general omnibus allegations made in the course of matrimonial disputes, if left unchecked, would result in misuse of the process of law. On the facts of that case, it was found that no specific allegations were made against the in-laws by the wife and it was held that allowing their prosecution in the absence of clear allegations against the in-laws would result in an abuse of the process of law. It was also noted that a criminal trial, leading to an eventual acquittal, would inflict severe scars upon the accused and such an exercise ought to be discouraged.

17. In *Preeti Gupta* v. *State of Jharkhand* [*Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , this Court noted that the tendency to implicate the husband and all his immediate relations is also not uncommon in complaints filed under Section 498-AIPC. It was observed that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases, as allegations of harassment by husband's close relations, who were living in different cities and never visited or rarely visited the place where the complainant resided, would add an entirely different complexion and such allegations would have to be scrutinised with great care and circumspection.

18. Earlier, in *Neelu Chopra* v. *Bharti* [*Neelu Chopra* v. *Bharti*, (2009) 10 SCC 184 : (2010) 1 SCC (Cri) 286] , this Court observed that the mere mention of statutory provisions and the language thereof, for lodging a

complaint, is not the "be all and end all" of the matter, as what is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in the commission of that offence. These observations were made in the context of a matrimonial dispute involving Section 498-AIPC.

19. Of more recent origin is the decision of **this Court in *Mahmood Ali* v. *State of U.P.* [*Mahmood Ali* v. *State of U.P.*, (2023) 15 SCC 488] on the legal principles applicable apropos Section 482CrPC. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.**

20. In *Bhajan Lal* [*State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , this Court had set out, by way of illustration, the broad categories of cases in which the inherent power under Section 482CrPC could be exercised. Para 102 of the decision [*State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] reads as follows : (SCC pp. 378-79)

> "*102*. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court

in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently

improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”."

22.2. The Apex Court in the case of **ACHIN GUPTA v. STATE OF HARYANA**[7], has held as follows:

"…. …. ….

24. 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 the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, *prima facie*, whether there is any grain 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 arises from a matrimonial dispute.

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[7] (2025) 3 SCC 756

25. In *Preeti Gupta* v. *State of Jharkhand* [*Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , this Court observed the following : (SCC pp. 676-77, paras 30-38)

> **"*30*. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.**
>
> *31*. The courts are receiving a large number of cases emanating from Section 498-A of the Penal Code, 1860 which reads as under:
>
> > '**498-A.** ***Husband or relative of husband of a woman subjecting her to cruelty***.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.
> >
> > *Explanation*.—For the purposes of this section, "cruelty" means:
> >
> > (*a*) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
> >
> > (*b*) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.'
>
> ***32. It is a matter of common experience that most of these complaints under Section 498-AIPC are filed in the heat of the moment over***

***trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern*.**

33. **The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.**

***34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations*.**

35. ***The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment***

***of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection*.**

***36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful*.**

37. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislature. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.

38. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law and Justice to take appropriate steps in the larger interest of the society."

(emphasis supplied)

…. …. ….

31. If the submission canvassed by the counsel appearing for Respondent 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by CrPC upon the High Court would be rendered otiose. **We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the first information report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the first information report and the charge-sheet papers disclose the commission of a cognizable offence. If the allegations alone as levelled, more particularly in the case like the one on hand, are to be looked into or considered then why the investigating agency thought it fit to file a closure report against the other co-accused? There is no answer to this at the end of the learned counsel appearing for the State. We say so, because allegations have been levelled not only against the appellant herein but even against his parents, brother and sister. If that be so, then why the police did not deem it fit to file charge-sheet against the other co-accused? It appears that even the investigating agency was convinced that the FIR was nothing but an outburst arising from a matrimonial dispute.**

32. Many times, the parents including the close relatives of the wife make a mountain out of a molehill. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife, her parents and her relatives is the police, as if the police is the panacea of all evil. No sooner the matter reaches up to the police, then

even if there are fair chances of reconciliation between the spouses, they would get destroyed. The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hypersensitive approach would prove to be disastrous for the very institution of the marriage. In matrimonial disputes the main sufferers are the children. The spouses fight with such venom in their heart that they do not think even for a second that if the marriage would come to an end, then what will be the effect on their children. Divorce plays a very dubious role so far as the upbringing of the children is concerned. The only reason why we are saying so is that instead of handling the whole issue delicately, the initiation of criminal proceedings would bring about nothing but hatred for each other. There may be cases of genuine ill-treatment and harassment by the husband and his family members towards the wife. The degree of such ill-treatment or harassment may vary. However, the police machinery should be resorted to as a measure of last resort and that too in a very genuine case of cruelty and harassment. The police machinery cannot be utilised for the purpose of holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends. In all cases, where wife complains of harassment or ill-treatment, Section 498-AIPC cannot be applied mechanically. No FIR is complete without Sections 506(2) and 323IPC. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty."

(Emphasis supplied at each instance)

23. The cumulative effect of the aforesaid circumstances persuades this Court that the continuation of proceedings against the petitioners, on the allegations and material noticed hereinabove, would not advance the cause of criminal justice. The accusations against petitioner Nos.2 and 3 are bereft of specific overt acts. The allegations against the 1st petitioner, when examined in the context of the charge sheet as described, do not disclose the requisite factual foundation for the offences invoked. The material must also disclose the distinct ingredients of voluntarily causing hurt, criminal intimidation and intentional insult under Sections 115(2), 351(2) and 352 of the BNS, respectively. **Mere matrimonial acrimony cannot be employed as a substitute for those ingredients.**

24. The criminal process is not intended to be an extension of matrimonial hostility. The very initiation and continuation of a criminal trial can visit an individual with anxiety, reputational injury, financial burden and the perpetual uncertainty of prosecution. The law does not contemplate that an accused must invariably undergo the

entire rigmarole of a criminal trial, merely because a complaint has been registered and a charge sheet has followed. If the complaint and the material collected during investigation do not disclose the commission of an offence, compelling the accused to stand trial would amount to allowing the process to become the punishment.

25. To permit further proceedings in C.C.No.28444 of 2026 to continue, in the circumstances obtaining in the case at hand, would amount to an abuse of the process of law and result in a miscarriage of justice. This is, therefore, a fit case for exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS, to secure the ends of justice.

26. For the aforesaid reasons, the following:

O R D E R

(i) Criminal Petition is **allowed.**

(ii) Proceedings in C.C.No.28444 of 2026 pending before the XXXIX Additional Chief Judicial Magistrate, Bengaluru arising out of Crime No.28 of 2026 stand quashed *qua* the petitioners.

This Court places its appreciation to the able assistance rendered by Miss. Samriddhi N. Shenoy, Law Clerk cum Research Assistant attached to this Court.

Sd/-
(M.NAGAPRASANNA)
JUDGE

bkp