HC-KAR

NC: 2026:KHC:64385
CRL.P No. 10058 of 2021

CNR: KAHC010488142021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.10058 OF 2021

BETWEEN:

1. SMT. PAVITHRA URS,
   W/O RAGHAVENDRA B. GOUDAR,
   AGED ABOUT 40 YEARS,
   VILLA NO.3, HERITAGE NOAHS ARK,
   OFF SARJAPURA ROAD, CHAMBENAHALLI,
   DOMMASANDRA, BENGALURU-562125.

   AND ALSO NO.160,
   PRAKRUTHI BADAVANE
   T.N.PURA ROAD, MYSURU,
   MYSURU TALUK,
   MYSURU DISTRICT.

...PETITIONER

(BY SRI. VIJAY KRISHNA BHAT M., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. NAVYA K.,
   W/O DEEPAK ARAS,
   AGED ABOUT 28 YEARS,
   RESIDING AT
   BETTADATHUNGA VILLAGE,
   BETTADAPURA HOBLI
   PIRIYAPATTANA TALUK,
   MYSURU DISTRICT-571102.

2. STATE OF KARNATAKA,
THROUGH STATION HOUSE OFFICER,
WOMEN POLICE STATION,
MYSURU RURAL SUB-DIVISION,
MYSURU DISTRICT-570010.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R2;
SRI. K.GOVINDARAJ, ADVOCATE FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR DATED 27.11.2021 REGISTERED BY RESPONDENT NO.2 UNDER CR.NO.43/2021 REGISTERED UNDER SECTIONS 498(A), 323, 504, 506, 342 R/W SECTION 34 OF IPC AND SECTION 4 OF DOWRY PROHIBITION ACT AGAINST THE PETITIONER.

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

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

ORAL ORDER

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

2. The prayer sought in the petition is to quash the FIR in Crime No.43/2021, for the offence punishable under Sections 498A, 323, 504, 506, 342 read with Section 34 of IPC.

3. The factual matrix of the case of the complainant as per complaint at document No.2 dated 27.11.2021 is that her marriage was solemnized on 14.06.2017 and she had joined the matrimonial home and at the time of marriage, an amount of Rs.2,00,000/- was paid for expenses and to perform the said marriage, in total spent an amount of Rs.5,00,000/-. It is stated that after the marriage, her husband, mother-in-law and sister-in-law started teasing and taunting her using filthy language and whenever her family members visited her, they were not properly responding to them. In the meanwhile, she gave birth to a child on 28.01.2019. The mother-in-law was working as a lecturer and she was retired from service and after the retirement, she started harassing her and neglecting her. Hence, she left the house and started living along with her parents at Bettadatunga village from 06.02.2021. On 03.09.2021, this petitioner and her husband along with one Prabhu came and requested to come and join the matrimonial house and hence, she was taken back to the matrimonial home. On 03.10.2021 at 12:00 noon, when Sri T.R.Srinath Raje Urs and Aravinda Raje Urs intended to speak to her, her

mother-in-law did not co-operate and she was confined in the house and noticing the same, latches of the room was removed and they took her back to her parental house. Hence, lodged the complaint with the police. Based on the complaint, the police have registered the FIR and the matter is under investigation. Hence, the present petition is filed before this Court.

4. The main contention of the learned counsel for the petitioner is that the allegation made against this petitioner is very omnibus and no specific accusation is made subjecting the complainant for physical cruelty and only with an intention to rope this petitioner, an allegation is made. The learned counsel would submit that when the statement of the complainant was recorded before the learned Magistrate under Section 164 of Cr.P.C., she categorically made the statement that this petitioner is a doctor by profession and her husband is also a doctor and both of them are living in Bangalore and when such statement is made, the question of subjecting her for cruelty does not arise. The learned counsel also would submit that if no such specific accusation is made in the complaint and if the

offence does not disclose in the complaint, the Court can exercise the power under Section 482 of Cr.P.C. to quash the proceedings.

5. The learned counsel in support of his arguments relies upon the judgment of the Apex Court in the case of **PRABHA DEVI v. THE STATE OF BIHAR AND OTHERS** passed in **Special Leave to Appeal (Crl.) No.3845/2026** dated 08.09.2026 and brought to the notice of this Court paragraph No.3, wherein it is observed that the marriage between respondent No.2 and the appellant's son was solemnized in 22.11.2015, whereafter the spouses ordinarily resided at Pune. During the Covid-2019 period in 2020, they shifted to the family residence at Bada Telpa Chowk, District Saran, wherein respondent No.2 was subjected to harassment by the accused persons. The Apex Court taking into note of the allegations made in the case against the mother-in-law, particularly in paragraph No.7, comes to the conclusion that the Court must examine whether the allegations, taken at their face value, along with the material collected during the investigation, disclose the ingredients of the offences alleged

against the accused and also referred the judgment of the Apex Court in the case of **STATE OF HARYANA v. BHAJAN LAL** reported in **1992 Supp (1) SCC 335** and **KAHKASHAN KAUSAR ALIAS SONAM v. STATE OF BIHAR** reported in **(2022) 6 SCC 599.** The Apex Court also held that tested on the aforesaid standard, the ingredients of Section 498A IPC are not disclosed against the appellant. No unlawful demand is attributed to her. The collective allegations of taunting, opposition to the marriage and harassment do not state the particular conduct of the appellant or disclose willful conduct of the degree contemplated by the provision.

6. Per contra, the learned counsel for respondent No.1/complainant would submit that in the complaint, it is specifically mentioned that on 03.09.2021, her husband, the petitioner and a common friend came to her house and requested to come back. After going back also they were not treating and looking after her well, but instead of started teasing and taunting her and also subjected for assault and even confined her in a room and hence, it requires investigation.

7. The learned counsel for respondent No.1 relies upon the judgment of the Apex Court in the case of **BHASKAR LAL SHARMA AND ANOTHER v. MONICA AND OTHERS** reported in **(2014) 3 SCC 383** and brought to the notice of this Court that the word cruelty is discussed in paragraph No.10 of the judgment. In paragraph No.11, it is held that the appreciation, even in a summary manner, of the averments made in a complaint petition or FIR would not be permissible at the stage of quashing and the facts stated will have to be accepted as they appear on the very face of it. This is the core test that has to be applied before summoning the accused. Once the aforesaid stage is overcome, the facts alleged have to be proved by the complainant/prosecution on the basis of legal evidence in order to establish the penal liability of the person charged with the offence. The learned counsel would contend that even though the petitioner is residing separately along with her husband in Bangalore, the same cannot be a ground to quash the same and the Court has to look into the contents of the allegations made in the FIR.

8. The learned counsel also relies upon the judgment of the Apex Court in the case of **SHAIK MUKTHAR AND ANOTHER v. STATE OF ANDHRA PRADESH** reported in **(2020) 19 SCC 178** and contend that invoking of Section 498A of IPC, liability of appellant relatives of husband of deceased, but who lived separately from deceased wife and her husband, the same by itself is not enough to exonerate the appellants, when minor son of the deceased specifically deposed that the appellants despite living separately, also used to harass and beat his mother.

9. The learned High Court Government Pleader appearing for respondent No.2/State would submit that the Court has to look into the contents of the complaint while exercising the power to quash the FIR and when the name is referred in the complaint and also allegation is made against this petitioner, there cannot be any exercising of power.

10. Having heard the learned counsel for the respective parties, the Court has to look into the contents of the complaint. While exercising the power under Section 482 of Cr.P.C. to quash the FIR, the contents of the complaint are

important. The Apex Court in the judgment in the case of **DINESHBHAI CHANDUBHAI PATEL v. THE STATE OF GUJARAT** reported in **2018 (3) SCC 104** has held that if the complaint does disclose the ingredients of the offence, the Court should not venture to quash the proceedings. In the light of the principles laid down in the judgment, while exercising the power under Section 482 of Cr.P.C. to quash the FIR, the Court has to look into the contents of the complaint.

11. It is not in dispute that the marriage was solemnized in 2017 and thereafter, the complainant had joined the matrimonial home. The complaint filed by the complainant itself discloses that there were differences between the husband and wife. In the complaint it is stated that this petitioner along with her husband and one Mr. Prabhu went to the house of complainant and brought her back and told her to forget all the earlier differences and to lead a life with her husband. But subsequently an allegation is made that the mother-in-law and the sister-in-law i.e., this petitioner abused and subjected her to assault. In the complaint nowhere it is stated as to on what date this incident was taken place. But an

omnibus allegation is made against this petitioner. When an omnibus allegation is made and particularly the date of incident is not mentioned, the Apex Court has held that nowadays it has become a habit to rope all the family members. In the case on hand, it is not in dispute that the petitioner is a doctor by profession and her husband is also a doctor and both of them are practicing at Bengaluru. The complainant made a statement before the Magistrate under Section 164 of Cr.P.C. that in the weekend they used to visit. Even if it is assumed that in the weekend they visited, but specific date of subjecting her for assault along with the mother-in-law is not stated. It is nothing but an omnibus allegation. However, specific accusation is made against the husband and mother-in-law. The fact that mother-in-law was residing along with them is also not in dispute.

12. No doubt, the learned counsel for respondent No.1 brought to the notice of this Court the judgment of the Apex Court in the case of **Shaik Mukthar** (supra), wherein an observation is made that mere residing separately cannot be a ground. But in the case on hand, the ingredients of the offence,

particularly in respect of this petition is missing. The Apex Court in the case of **Prabha Devi** (supra), relied upon by the learned counsel for the petitioner, while considering the accusation made against the mother-in-law, made an observation that collective allegations of taunting, opposition to the marriage and harassment do not state the particular conduct of the appellant or disclose willful conduct of the degree contemplated by the provision. Hence, the said judgment comes to the aid of the petitioner, since no specific date is mentioned in the complaint with regard to the allegation made against this petitioner. Having read the contents of the complaint in toto, it is nothing but an implication of this petitioner, who is the sister-in-law of the complainant and she is married and staying elsewhere. Hence, the very contention of the learned counsel for respondent No.1/complainant that merely because they are residing separately, the same cannot be a ground to quash the proceedings, cannot be accepted, unless the contents of the complaint disclose the committing of an offence. Hence, it is a fit case to exercise the power under Section 482 of Cr.P.C.

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

ORDER

The petition is allowed and the proceedings initiated against the petitioner/accused No.3 in FIR in Crime No.43/2021 is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 25