



**IN THE HIGH COURT OF KARNATAKA  
KALABURAGI BENCH  
DATED THIS THE 27<sup>TH</sup> DAY OF MARCH, 2026  
BEFORE  
THE HON'BLE MR. JUSTICE G BASAVARAJA  
CRIMINAL PETITION NO. 200416 OF 2026  
(482(Cr.PC)/528(BNSS))**

**BETWEEN:**

1. MOHAMMED SHAHAZ  
S/O DR. ABDUL TEGGINAMANI  
AGE: 44 YEARS, OCC: BUSINESS  
R/O H.NO.1-166/6, AIWAN-E-SHAHI  
KALABURAGI-585102
2. DR. ABDULLA TEGGINAMANI  
S/O MOHAMMED KHASIM SAHEB  
AGE: 80 YEARS, OCC: RETD. DOCTOR  
R/O H.NO.1-166/6, AIWAN-E-SHAHI  
KALABURAGI-585102
3. MOHAMMED FAYAZ  
S/O ABDULLA TEGGINAMANI  
AGE: 50 YEARS, OCC: MEDICAL PRACTITIONER  
R/O H.NO.1-166/6, AIWAN-E-SHAHI  
KALABURAGI-585102  
NOW RESIDING AT BENGALURU  
(A-1 A-2 AND A-4 AS PER CHARGESHEET)

...PETITIONERS

(BY SRI. SANTOSH PATIL, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
THROUGH M.B.NAGAR POLICE STATION  
KALABURAGI  
(REPRESENTED BY ADDL. SPP  
HIGH COURT OF KARNATAKA  
KALABURAGI BENCH, KALABURAGI-585107)



2. SMT. RUSEEN MAHAVIN  
W/O MOHAMMED SHAHAZ  
AGE: 37 YEARS, OCC: HOUSEWIFE  
R/O H.NO.1-1166/6, AIWAN-E-SHAHI  
NOW AT OSMANIA COLONY  
KALABURAGI-585103

...RESPONDENTS

(BY SRI.GOPALKRISHNA B. YADAV, HCGP FOR R1)

THIS CRL.P IS FILE U/SEC. 482 OF CR.P.C. (OLD) U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE PROCEEDINGS PENDING AGAINST THE ACCUSED NO.1, 2 AND 4/PETITIONERS IN C.C.NO.3785/2016 PENDING ON THE FILE OF IV ADDL. CJ (J.D) AND JMFC AT KALABURAGI ARISING OUT OF CRIME NO.133/2015, OF M.B.NAGAR POLICE STATION, KALABURAGI FOR THE OFFENCES PUNISHABLE U/SEC. 498(A), 323, 504, 506, 420, 406, 468, OF IPC AND U/SEC.4 OF D.P. ACT 1961.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL ORDER**

Petitioner Nos.1 to 3 who are accused Nos.1, 2 and 4 in C.C.No.3785/2016 pending on the file of IV-Addl. Civil Judge (Jr.Dn.) & JMFC, Kalaburagi, filed petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS, 2023') seeking following reliefs:



*"Therefore, in view of the above facts and circumstances of the case, and in order to prevent the abuse of process of law, it is humbly prayed to the Hon'ble Court to quash the proceedings pending against accused Nos.1, 2 and 4/petitioners in C.C.No.3785/2016 pending on the file of IV Addl. CJ (J.D.) and JMFC AT Kalaburagi arising out of Crime No.133/2015, of M.B.Nagar police station, Kalaburagi for the offences punishable u/sec. 498(a), 323, 504, 506, 420, 406, 468, of IPC and u/sec.4 of D.P. Act 1961."*

2. The learned counsel for the petitioners would submit that the allegations levelled against the petitioners are false and baseless. Petitioners are implicated in the case by the complainant only to harass and humiliate. Petitioner No.1 is husband, petitioner No.2 is father-in-law and petitioner No.3 is brother-in-law of the complainant. The complainant has hardly stayed for 3 months in her matrimonial home and her behaviour was abnormal i.e. always abusing, assaulting and threatening the petitioners. Accused No.3 as per charge sheet is the mother-in-law of the complainant who died in the year 2021, hence, the case against her is abated and petitioner No.2 is the father-in-law of the complainant who is a senior citizen



aged about 80 years old with no physical strength. The complainant after the delivery of a baby has stayed in her matrimonial home for about 3 months, and later she went to her parental home without any reason and since then she is residing in her parental home. That the complainant in all has hardly resided for about 6 months in her matrimonial home, hence, the question of petitioners harassing to the complainant in connection with additional dowry within a short period does not arise and is also unbelievable.

3. Further it is submitted that, the complainant, her parents and brother frequently visited the house of petitioners at odd hours and have abused, assaulted and threatened the petitioners and the complainant with her parents has humiliated the petitioners by spreading false things. Hence, a complaint was made by petitioners to the S.P. of Kalaburagi on 12.07.2014, since the things did not change, hence, one more complaint was made with S.P and Station Bazar Police on 12.02.2015 took necessary



action and have said the complainant party not to interfere with the family matters of petitioners. In spite of it, the complainant and her parents did not change their attitude and continued to trespass into the house and have abused and assaulted the petitioners. That, petitioner No.1 has filed a divorce petition in Family Court, Kalaburagi on 03.09.2015, petitioner No.3 was not staying with other petitioners due to his job outside Karnataka and continued to stay outside Karnataka fearing the threat of complainant party. But the complainant has framed petitioner No.3 also only to disrepute.

4. Further he would submit that there is a delay in lodging the FIR and there is no medical certificate/injury certificate produced in order to substantiate the allegations of physical assault and wounds. The complainant has lodged the FIR against the petitioners and deceased accused No.3, only to counter blast the divorce petition filed by petitioner No.1. Petitioner No.3 is a Doctor by profession, who resides in Bengaluru city, and carries out



his profession. The FIR is registered in the year 2015, till today trial in the case is not completed although a decade has passed. The prosecution has failed to produce the witnesses and out of 24 witnesses only 7 witnesses are examined in the last 10 years and the prosecution was given plenty of opportunities, but has failed to secure the witnesses and the prosecution is dragging the case and the same is causing harassment to the petitioners. Even in the charge-sheet there are no specific overtacts attributed against the petitioners in order to constitute the ingredients of alleged offences.

5. Further he would submit that, the offences of breach of trust, cheating and forgery are not constituted against the petitioners and even the offences of cruelty and dowry harassment is also not made out because it was an arranged marriage and the petitioners have clearly told the complainant party prior to the marriage that, the petitioner No.1 has discontinued BDS course, and does not have any dental clinic and is not a doctor by profession



and the complainant party was also told to make enquires, it is when the complainant party accepted and agreed for marriage, the marriage between complainant and petitioner No.1 was solemnized and the petitioners have neither demanded any dowry nor have accepted any dowry. On all these grounds, prays to allow the petition.

6. *Per contra*, learned High Court Government Pleader opposed to the petition and prays to dismiss the petition.

7. I have examined the materials placed before this Court.

8. On the basis of the complaint filed by Smt.Ruseen Mahavin, M.B.Nagar Police have registered a case in Crime No.133/2015 against accused Nos.1 to 4 for the offences punishable under Sections 498-A, 504, 506, 420, 406, 420, 406, 468, 34 of IPC and Section 4 of Dowry Prohibition Act, 1961. After investigation, the Investigating Officer has submitted the charge-sheet



against accused for the offences punishable under Sections 498-A, 323, 504, 506, 420, 406, 420, 406, 468, 34 of IPC and Section 4 of Dowry Prohibition Act, 1961. After filing of charge-sheet, the case was registered against these accused in C.C.No.3785/2016. It is noted in the order sheet that, the accused have earlier approached before this Court in Crl.P.No.200475/2021, the same was dismissed. The order sheet pertaining to C.C.No.3785/2016 reveals that, accused filed another petition in Crl.P.No.201331/2017, the same also came to be dismissed by this Court. The order sheet pertaining to C.C.No.3785/2016 reveals that present petitioners have filed application under Section 239 Cr.P.C., the same was rejected by order dated 05.02.2021.

9. A perusal of order sheet, which reveals that, the case is pending for 10 years for the reason that the accused/present petitioners have not appeared before the Trial Court on all the dates of hearing. The delay in disposing of this case in C.C.No.3785/2016 is due to non-



appearance of these petitioners. The present petitioners have suppressed as to the filing of Crl.P.No.201331/2017 and also Crl.P.No.200475/2021, which already dismissed by this Court. Even petitioners have suppressed as to the NBW issued by the Trial Court as these petitioners have not regularly appeared before the Trial Court.

10. Viewed from any angle, I do not find any grounds to quash the proceedings. Hence, the petition is ***dismissed.***

**Sd/-**  
**(G BASAVARAJA)**  
**JUDGE**

SDU  
LIST NO.: 1 SL NO.: 6  
CT-BH