



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAJESH RAI K
CRIMINAL PETITION NO. 201877 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

1. KALAVATI
W/O PEERANNA PUJARI
AGE: 62 YEARS
OCCU: HOUSEHOLD WORK
R/O 85, BHUTALLI GALLI
CHITAGOPPA (RURAL)
TQ: CHITGUPPA
DIST: BIDAR-585412
2. VISHNU S/O PEERANNA PUJARI
AGE: 35 YEARS
OCCU: NIL
R/O T-9-773/1, ALAND ROAD
NEAR GANDHI GUDI LAYOUT
SHAH BAZAR, KALABURAGI-585101
3. SHIDDARUDA S/O PEERANNA PUJARI
AGE: 41 YEARS, OCC: TEACHER
R/O 9/2645/E, ALAND ROAD
NEAR GANDHI GUDI LAYOUT
SHAH BAZAR, KALABURAGI-585101
4. SMT. KASHIBAI @ KASHAMMA
W/O SHIDDARUDA
AGE: 26 YEARS
OCCU: HOUSEHOLD WORK
R/O 85, BHUTALLI GALLI
CHITAGOPPA (RURAL)





TQ: CHITGUPPA
DIST: BIDAR-585412

...PETITIONERS

(BY SRI. LAGALI RAIMOHAN SURESH., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE SHO.,
KALABURAGI MAHILA PS
REP. BY THE ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
KALABURAGI-585102
2. SMT. ANJALI W/O REVANSIDDA PUJARI
AGE: 31 YEARS, OCCU: TEACHER,
R/O GANDHI GUDI LAYOUT
NEAR SHETTY TALKIES
SHAHA BAZAR,
KALABURAGI-585101

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI. B. K. HIREMATH ADV., FOR R2)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD),
U/SEC. 528 OF BNSS (NEW) PRAYING TO ALLOW THIS
CRIMINAL PETITION AND THEREBY QUASH THE ORDER OF
TAKING COGNIZANCE AND ISSUE OF PROCESS DT. 30.10.2024
PASSED BY THE HONOURABLE I ADDL. CIVIL JUDGE AND
JMFC., COURT, KALABURAGI IN CRIMINAL CASE
NO.11686/2024 (ARISING OUT OF KALABURAGI MAHILA PS.
CRIME NO.144/2023) FOR THE OFFENCES PUNISHABLE U/SE.
498A, 323, 324, 504 R/W S. 34 IPC AGAINST THE
PETITIONERS PRODUCED AT ANNEXURE-A.



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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of BNSS, 2023 to quash the proceedings against the petitioners/accused Nos.2 to 5 in C.C.No.11686/2024, arising out of Crime No.144/2023, registered by Women Police, Kalaburagi City, for the offences punishable under Sections 498(A), 323, 324 and 504 r/w Section 34 of IPC, pending on the file of I Additional Civil Judge and JMFC, Kalaburagi.

2. The factual matrix of the case is, respondent No.2/complainant married Revanasidda i.e., accused No.1 on 08.06.2014. At the time of marriage, the parents of respondent No.2 had given 3 tolas of gold, Rs.1,00,000/- cash and household articles to accused No.1 and the petitioners as dowry. After the marriage, husband of respondent No.2 and these petitioners were cordial with respondent No.2 for a period of one year. Thereafter, they started to harass her both physically and mentally by demanding additional dowry. Later,



she had begotten twin children on 17.12.2015. Even thereafter, her husband and these petitioners continued their harassment. The panchayat was conveyed to that regard and the petitioners and accused No.1 agreed to look after respondent No.2 cordially. However, after sometime, they continued their harassment. Finally, on 26.05.2023, respondent No.2's husband picked up a quarrel with her and insisted her for divorce and the other accused also instigated him to assault her and threw her out from the matrimonial home. Hence, she lodged a complaint before respondent No.1-Police on 07.11.2023.

3. On the strength of said complaint, FIR came to be registered against accused No.1 and the petitioners in Crime No.144/2023 dated 07.11.2023 for the aforementioned offences. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against 5 accused persons for the aforementioned offences, by arraying these petitioners as accused Nos.2 to 5. Accordingly, learned magistrate took cognizance of the offences. Aggrieved by the same, the



petitioners/accused Nos.2 to 5 preferred this petition to quash the proceedings against them.

4. Heard learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

5. Apart from urging several contentions, learned counsel for the petitioners primarily contended that, these petitioners being mother-in-law, brothers-in-law and sister-in-law of respondent No.2, nowhere connected to the matrimonial dispute between accused No.1 and respondent No.2. According to him, on perusal of the complaint averments, except vague and omnibus allegations against the petitioners, absolutely no such specific allegations are forthcoming against them and among these, petitioner No.3 is brother-in-law of respondent No.2 and petitioner No.4 is wife of petitioner No.3 and they are residing separately. In such circumstances, he prays to allow the petition.

6. *Per contra*, learned counsel for respondent No.2 and learned HCGP jointly opposed the prayer by contending that, now the investigation is completed and charge sheet has been



laid against the petitioner. The charge sheet materials disclose that petitioner Nos.2 to 4 also instigated accused No.1 and petitioner No.1/accused No.2 to harass respondent No.2 both physically and mentally for additional dowry. In such circumstances, the proceedings cannot be quashed against the petitioners. Accordingly, they pray to dismiss the petition.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and the documents made available on record.

8. As could be gathered from records, the complaint averments disclose that, after the marriage for a period of one year, respondent No.2 resided along with her husband and the petitioners cordially. Thereafter, petitioner No.1 initially started to harass her for additional dowry. The allegation against other petitioners is that they also instigated accused No.1/respondent No.2's husband for harassment. The complaint averments further disclose that, on 26.05.2023, 06.07.2023 and 05.11.2023, accused No.1 alone assaulted respondent No.2 and threw her out from the matrimonial home.



9. On careful perusal of the entire charge sheet materials, the same depicts that, accused No.1/respondent No.2's husband and petitioner No.1 i.e., mother-in-law of respondent No.2, both were residing together in a shared roof and there are *prima facie* allegations are forthcoming against them. However, the other petitioners i.e., petitioner Nos.2 to 4/accused No.3 to 5 are concerned, except some vague and omnibus allegations, there are no specific allegations are forthcoming against them and respondent No.2 also has not specifically stated the date, time and place of harassment committed by them.

10. In such circumstances, the Hon'ble Apex Court in the case of ***K. Subba Rao vs. State of Telangana represented by its Secretary, Department of Home and Others*** reported in ***2024 INSC 960***, at paragraph No.6 held that the Court should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped-in on the basis of omnibus allegations unless specific instance of their involvement in the crime are made out. It is also settled position of law that if a person is made to face a



criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of process of the Court. The Courts pose a duty to subject the allegation levelled in the complaint to a thorough scrutiny to find out, whether there is any gain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arise from a matrimonial dispute.

11. Hence, in my considered view, continuation of the criminal proceeding against petitioner Nos.2 to 4 i.e., accused Nos.3 to 5 is abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed in part***.
- ii. The petition in respect of petitioner No.1/accused No.2 is ***dismissed*** and the proceedings against her shall continue.
- iii. The petition in respect of petitioner Nos.2 to 4/accused Nos.3 to 5 is ***allowed***.



iv. The proceedings against petitioner Nos.2 to 4/accused Nos.3 to 5 in C.C.No.11686/2024, arising out of Crime No.144/2023, registered by Women Police, Kalaburagi City, for the offences punishable under Sections 498(A), 323, 324 and 504 r/w Section 34 of IPC, pending on the file of I Additional Civil Judge and JMFC, Kalaburagi, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

THM
List No.: 1 Sl No.: 21/CT-BH