



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.201810 OF 2025

BETWEEN:

HANMANTH
S/O MALLAPPA HANGARGI
AGE: 24 YEARS, OCC: DRIVER
R/O MUDHOL
TQ: AND DIST: BAGALKOTE-587313

...PETITIONER

(BY SRI. CHETAN KALABURAGI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KALABURAGI WOMEN POLICE STATION
REPRESENTED BY
ADDL. STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNTAKA
KALABURAGI-585104

2. SMT. MEGHA
W/O SHARNKUMAR HANGARGI
AGED ABOUT 26 YEARS
OCC: HOUSE WIFE
R/O BRAHAMAPUR
KALABURAGI-585102

...RESPONDENTS

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





THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.4281/2025 OF WOMEN P.S. KALBURAGI IN CR.NO. 67/2024 FOR U/SEC. 498A, 323, 504, 506 R/W 34 OF I.P.C AND SEC.3, 4 OF DOWRY PROHIBITION ACT, WHICH IS PENDING BEFORE THE I ADDL. JMFC KALABURAGI.

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 Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the proceedings against the petitioner/accused No.4 in C.C No.4281/2025, arising out of Crime No.67/2024 of Women Police Station, Kalaburagi City, for the offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, pending on the file of I Addl. Civil Judge and JMFC, Kalaburagi.

2. The abridged facts of the case are that, the respondent No.2/complainant lodged a complaint before the respondent No.1-Police alleging that she married one Sharankumar/accused No.1 prior to 5 years from the date



of lodging the complaint. After the marriage, she started to reside in the matrimonial home along with her husband-accused No.1 and her in-laws cordially for few days. Thereafter, they started to harass her both physically and mentally by suspecting her fidelity and finally they threw her out from the matrimonial home. As such, she lodged the complaint on 07.06.2024 which was registered in Crime No.67/2024 dated 07.06.2024 for the aforementioned offences. Subsequently, the respondent No.1-Police laid charge sheet against 4 accused persons by arraying this petitioner as accused No.4. Aggrieved by the same, the petitioner/accused No.4 preferred this petition.

3. Heard learned counsel for the petitioner, learned High Court Government Pleader for the respondent No.1 – State and learned counsel for respondent No.2.

4. Apart from urging several contentions, learned counsel for the petitioner contended that, the petitioner being the brother-in-law of respondent No.2 residing separately at Mudhol Taluk, Bagalkot District and he is



nowhere connected to the alleged incident and out of vengeance he was implicated in the crime. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State and learned counsel for respondent No.2 jointly opposed to the petition on the ground that now the charge sheet has been filed against the petitioner and others, as such, the proceedings cannot be quashed at this stage. Accordingly, they pray to dismiss the petition.

6. 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.

7. As could be gathered from the records, in the complaint it is stated that respondent No.2 had love marriage with accused No.1 and thereafter accused No.1 and his family members started to suspect her fidelity and



harassed her both physically and mentally and threw her out from the matrimonial home. Admittedly, the petitioner/accused No.4 is the brother-in-law of respondent No.2. According to the learned counsel, the petitioner is residing separately without sharing the common roof with accused Nos. 1 to 3 and respondent No.2. Further, in the complaint and charge sheet materials, except some vague and omnibus allegations, no other specific allegations/overt act attributed against this petitioner.

8. 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.

9. Further, the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan vs. State of Telangana*** reported in **2025 3 SCC 735**, held in para Nos.25 and 28 as under:

"25. *A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the*



members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

28. *The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his*



family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them."

10. In the instant case, a bare perusal of FIR and charge sheet clearly shows that the allegations made by respondent No.2 against the petitioner are vague and omnibus. Apart from claiming that the husband i.e., accused No.1 and his family members mentally harassed her for additional dowry, the respondent No.2 has not provided any specific details or described any particular instance of harassment. She has not mentioned the time, date, place or a manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the FIR and charge sheet lack concrete and precise allegations. The term "cruelty" cannot be established without specific instance. The same weakens the case of the prosecution and casts serious doubt on the probability of the version of the complainant. The mere general allegations of harassment without



pointing out the specific details would not be sufficient to continue criminal proceedings against any person.

11. It is settled position of law that Courts have to be careful and cautious in dealing with complaint and must take pragmatic realities into consideration while dealing with matrimonial disputes, where the allegations have to be scrutinized with great care and circumspection in order to prevent miscarriage of justice and abuse of process of Court.

12. In my considered view, the continuation of the criminal proceeding against the petitioner/accused No.4 is nothing but abuse of process of Court. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused No.4 in C.C No.4281/2025, arising out of Crime



NC: 2026:KHC-K:1842
CRL.P No. 201810 of 2025

No.67/2024 registered by Women Police Station, Kalaburagi City, for the offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, pending on the file of I Addl. Civil Judge and JMFC, Kalaburagi, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

MSR
List No.: 1 Sl No.: 24
CT-BH