



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201703 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

SHAMBHAVI
W/O. BASAWARAJ FARTHABAD
AGE 30 YEARS, OCC HOUSEHOLD,
R/O MUDHOL
TQ. AND DIST BAGALKOTE-587313.

...PETITIONER

(BY SRI CHETAN KALABURGI., 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.
MOB 7090239134

...RESPONDENTS

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

Digitally signed
by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



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

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.3 in C.C.No.4281/2025, arising out of Crime No.67/2024, registered by Women Police Station, Kalaburagi City, for the offence punishable under Sections 498-A, 323, 504 and 506 r/w Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of I-Addl. Civil Judge and JMFC, Kalaburagi.

2. The abridged facts of the case are that respondent No.2/complainant married accused No.1-Sharanakumar five years prior to lodging the complaint



i.e., on 07.06.2024. After the marriage, she started to reside along with her husband at the matrimonial home. They were cordial for few days and thereafter, accused No.1 started to suspect her fidelity and used to quarrel with her and also started to harass her both physically and mentally for additional dowry and gold.

3. Things stood thus, on 15.10.2023 at about 09:00 p.m. when respondent No.2 was in the matrimonial home, accused No.1 picked up a quarrel by abusing her that she has an extramarital affair with somebody and thereby assaulted her and also foisted a life threat. At that time, the other accused were present and instigated accused No.1 for the same. Later, they all threw her out from the matrimonial home. As such, she lodged the complaint on 07.06.2024 against her husband and other petitioners. Subsequently, the respondent-Police investigated the case and laid charge sheet against the petitioner and three others by arraying this petitioner as accused No.3, who being the sister-in-law of respondent



No.2, for the aforesaid offences. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioner is before this Court.

4. Heard learned counsel for the petitioner and learned High Court Government Pleader for respondent No.1-State and learned counsel for respondent No.2.

5. Learned counsel for the petitioner reiterated the grounds urged in the petition averments and prays to dismiss the petition.

6. *Per contra*, learned High Court Government Pleader and learned counsel for respondent No.2 opposed the petition and pray to dismiss the petition.

7. As could be gathered from records, the complaint and charge-sheet averments disclose that, respondent No.2 and accused No.1 were in love and thereafter, they both were married and lived cordially for sometime. Thereafter, accused No.1 was suspecting her fidelity, as such, he used to quarrel with her. The only



allegation against this petitioner is that, she instigated accused No.1 to harass respondent No.2. Admittedly, this petitioner is not residing with accused No.1 and respondent No.2, she is residing in her matrimonial home at Mudhol.

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. In the instant case, a bare perusal of charge sheet materials clearly shows that the allegations made by respondent No.2 are vague and omnibus. Apart from claiming that accused No.1 and his family members mentally harassed her with a demand for dowry, 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 charge sheet lacks concrete and precise allegations. The term "cruelty" cannot be established without specific instances. The same weakens the case of the prosecution and casts



serious doubt on the probability of the version of respondent No.2. The mere general omnibus allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person.

10. 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.

11. In my considered view, continuation of the criminal proceedings against the petitioner-accused No.3 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.3 in C.C.No.4281/2025, arising out of Crime No.67/2024, registered by Women Police Station, Kalaburagi City, for the offence punishable under Sections 498-A, 323, 504 and 506 r/w Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of I-Addl. Civil Judge and JMFC, Kalaburagi, is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SDU
LIST NO.: 1 SL NO.: 30
Ct;rj