



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201791 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. MD. ZAKEER HUSSAIN
S/O MD HARRON RASHEED
AGE: 45 YEARS
OCC: MECHANIC IN
GOVT. POLYTECHNIC COLLEGE
R/O 5-993/147A HAGARAGA ROAD
MEHBOOB NAGAR COLONY
KALABURAGI-58510
2. SALEMUNISA BEGUM
W/O MD HARRON RASHEED
AGE: 71 YEARS
OCC: HOUSEWIFE
R/O 5-993/147A HAGARAGA ROAD
MEHBOOB NAGAR COLONY
KALABURAGI-58510
3. NOOR JAHAN W/O IRSHAD AHMAD
AGE: 53 YEARS
OCC: HOUSEWIFE
R/O NEAR JAMIYA MASJID
NASEERIA ZAM, ZAM COLONY
HAGARAGA ROAD
KALABURAGI-58510





4. SHAH JAHAN
W/O ZAHEERUDDIN SAYED BAREY
AGE: 49 YEARS,
OCC: HOUSEWIFE
R/O NEAR MG ROAD MANASABDAR
LAYOUT, BESIDE QADEER ASSOCIATES
PARAMOUNT APARTMENT B-BLOCK
2ND FLOOR, KALABURAGI-585104
5. QAISAR JAHAN W/O MD SALAAM
AGE: 47 YEARS, OCC: HOUSEWIFE
R/O NEAR BOMBAY HOTEL
SY NO.38, BESIDE THE H/O
MD. TAHEER ALI
H.NO.7-202/11A/1
KALABURAGI-585101
6. KAUSAR JAHAN W/O MD ARIFUDDIN
AGE: 45 YEARS, OCC: HOUSEWIFE
R/O H.NO.5-993/165, 7TH CROSS
NAAZ COLONY, NEAR CITY SCHOOL
KALABURAGI
7. SHAHEEN W/O SHAKEEL AHMED
AGE: 40 YEARS, OCC: HOUSEWIFE
R/O NEAR SANTRASWADI CIRCLE
OPP DIVINE NURSERY AND HIGHER PRIMARY
ENGLISH MEDIUM SCHOOL
KALABURAGI-585101

...PETITIONERS

(BY SMT. ASHWINI TAKKALKI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ADDL SPP, HC OF KARNATAKA
THROUGH MAHILA POLICE STATION
KALABURAGI-585102



2. SYEDA ZEENATH FATHIMA
W/O MD. ZAHEER HUSSAIN
AGE: 33 YEARS,
OCC: HOUSEWIFE, R/O 5-993/147A
HAGARAGA ROAD,
MEHBOOB NAGAR COLONY
KALABURAGI-585104
PRESENTLY RESIDING AT PLOT NO.114
NOOR BAGH, BEHIND HAJ COMMITTEE
ROJA (B), KALABURAGI-585101

...RESPONDENTS

(BY SRI GOPAL KRISHNA B. YADAV, HCGP FOR R1;
SRI MOHAMMED GULAM AHMED KHAN, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/SEC. 428 OF CR.P.C (OLD), U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE CRIMINAL CASE ARISEN FROM PC NO.576/2023 DATED 19.07.2023, IN C.C.NO.3732/2025 PENDING BEFORE THE COURT OF 1ST ADD. JMFC AT KALABURAGI FOR THE OFFENCE U/S. 498(A), 323, 504, 506 READ WITH SECTION 34 OF IPC AND U/S 3 AND 4 D. P. ACT, IN CRIME NO.0109/2023 OF WOMEN PS, 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 BNSS, 2023, by the petitioners/accused Nos.1 to 7 to quash the proceedings against them in C.C.No.3732/2025, arising out of in Crime No.109/2023, registered by Women Police



Station, Kalaburagi City, for the offences punishable under Sections 498(A), 323, 504 and 506 r/w Section 34 of Indian Penal Code, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of I-Additional Civil Judge and JMFC, Kalaburagi.

2. The factual matrix of the case is, respondent No.2 lodged a private complaint against the petitioners in PCR No.576/2023 alleging that she married petitioner No.1 i.e., accused No.1 on 21.11.2011 as per the Muslim custom and tradition. At the time of marriage, her parents had given 10 tolas gold, 15 tolas silver and other household articles and cloth materials along with Rs.51,000/- cash. They also spent Rs.10,00,000/- as expenses of marriage. After the marriage, petitioners were cordial with her for a period of 6 to 7 months. Thereafter they started harassing respondent No.2 both physically and mentally by demanding additional dowry of Rs.2,00,000/- by cash. Later, an attempt was made to settle the dispute. However, the petitioners were stubborn



and they continued their harassment to respondent No.2. Finally, on 18.11.2025 petitioner No.1 issued legal notice from the office of Quazi by pronouncing Talaq. Thereafter, respondent No.2 lodged the complaint against these petitioners. The learned Magistrate referred the complaint under Section 156(3) of Cr.P.C. and FIR came to be registered in Crime No.109/2023 dated 19.08.2023 and respondent No.1-Police laid charge sheet against the petitioners. Aggrieved by the same, the petitioners preferred this petition.

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

4. The contention of the learned counsel for the petitioners is that except some omnibus allegations against the petitioners in the complaint, no such *prima facie* case is made out against them for the offences punishable under Section 498A of IPC or other offences.



She submits that based on such omnibus allegations, the entire family members are implicated in the crime. Accordingly, she prays to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 opposed the prayer on the ground that the charge sheet materials disclose, *prima facie* case against the petitioners. The eyewitnesses - CWs-1 to 8 clearly stated that these petitioners had harassed respondent No.2 both physically and mentally for additional dowry and they assaulted on 24.06.2023. The wound certificate produced by her clearly depicts that due to the assault made by the petitioners, she sustained injuries. In such circumstances, he prays to dismiss the petition.

6. Learned High Court Government Pleader also opposed the prayer and prays to dismiss the petition.

7. I have given my anxious consideration on the submissions made by the learned counsel for the



respective parties and perused entire charge sheet materials and the documents available on record

8. As could be gathered from records, the private complaint depicts that, the petitioners were cordial with respondent No.2 for a period of 6 to 7 months after her marriage with petitioner No.1. Thereafter, they started to harass respondent No.2 both physically and mentally for additional dowry. Though an attempt was made to settle the dispute by the well wishers of the family, the same went in vain and the petitioners assaulted her on 24.06.2023. To that effect, the complainant produced the wound certificate dated 25.06.2023 issued by CW.9-Doctor and the same depicts that respondent No.2 sustained injuries and there are eight eye-witnesses to the incident and they clearly stated about the overt act of petitioners.

9. Nevertheless, accused No.1 i.e., petitioner No.1 filed a complaint against respondent No.2 and in-laws on



28.06.2023 in respect of the very same incident dated 24.06.2023 and stated that, respondent No.2 and her family members were assaulted. In such circumstances, the incident was admitted by the petitioners. Further, the complaint lodged by petitioner No.1 is pending in crime No.33/2023 and the complaint lodged by father of respondent No.2 is pending in Crime No.35/2023. In such circumstances, when case and counter cases are pending against the parties, this Court cannot quash the proceedings, at this stage, as per the judgment of the Hon'ble Apex Court in the case of ***Punit Beriwalla vs State of NCT of Delhi and Others***, reported in **2025 SCC Online SC 983**.

10. Accordingly, the petition lacks merits and the same is ***dismissed***.

Sd/-
(RAJESH RAI K)
JUDGE

SWK,THM
List No.: 1 Sl No.: 11
CT-BH