



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201900 OF 2025
(482(Cr.PC)/528(BNSS))

BETWEEN:

1. SYED AMIRUDDIN S/O. SYED NOORUDDIN
AGE 72 YEARS, OCC. PENSIONER
R/O H.NO.4-601/73C, M.B.NAGAR,
KALABURAGI-585 104.
AADHAAR CARD NO.2303 2448 8015
2. QAMARUNNISA BEGUM W/O SYED AMIRUDDIN,
AGE 65 YEARS, OCC. HOUSEHOLD,
R/O H.NO.4-601/73C, M.B.NAGAR,
KALABURAGI-585 104.
AADHAAR CARD NO.6362 0142 6180
3. SYED ABDUL AZHARUDDIN
S/O. SYED AMIRUDDIN,
AGE 33 YEARS, OCC. BANK EMPLOYEE,
R/O H.NO.4-601/73C, M.B.NAGAR,
KALABURAGI-585 104.
AADHAAR CARD NO.5294 2945 7188
4. RAYEESUNNISA @ SYEDAA RAYEESA
W/O AHMED RIYZUDDIN,
AGE 41 YEARS, OCC. MEDICAL PRACTITIONER,
R/O H.NO.11-1863, NEAR ST.JOSEPH CONVENT
SCHOOL, VIDYA NAGAR, KALABURAGI-585 102.
AADHAAR CARD NO.9128 9471 8947

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signed by
SHIVALEELA
DATTATRAYA
UDAGI
Location:
HIGH COURT
OF
KARNATAKA



...PETITIONERS

(BY SRI VIJAYKUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH MAHILA POLICE STATION,
KALABURAGI CITY
(REPRESENTED BY ADDL. H.C.G.P.
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585107)
2. ASIYA SULTANA
W/O. SYED ABDUL WAHEED,
AGE 42 YEARS, OCC: EMPLOYED IN PRIVATE FIRMS,
BESIDE QUALITY MEDICALS, M.B.NAGAR
AT PRESENT KHAJA COLONY, ROZA(B),
KALABURAGI-585104. CELL 9986724104

...RESPONDENTS

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

THIS CRIMINAL PETITION IS FILED U/S. 528 OF BNSS/
482 OF CR.P.C. PRAYING TO QUASH THE REGISTRATION OF
FIR, CHARGE SHEET AND FURTHER PROCEEDINGS IN C.C
NO.3724/2025 PENDING ON THE FILE OF I ADDL. CIVIL JUDGE
AND JMFC AT KALABURAGI (ARISING OUT OF CRIME
NO.75/2024 OF KALABURAGI CITY WOMEN PS KALABURAGI)
FOR THE OFFENCES PUNISHABLE U/SEC 498A, 323, 504, 506
R/W SEC 34 OF IPC AND U/SEC 3 AND 4 OF DOWRY
PROHIBITION ACT INsofar AS PETITIONERS ARE
CONCERNED.

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 seeking to quash proceedings against the petitioners/accused Nos.2 to 5 in C.C.No.3724/2025, arising out of Crime No.75/2024 registered by Women Police Station, Kalaburagi City, for the offences punishable under Sections 498(A), 323, 504 and 506 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file I-Additional Civil Judge and JMFC, Kalaburagi

2. The abridged facts of the case are that, it is alleged in the complaint that respondent No.2 i.e., the complainant married accused No.1-Syed Abdul Waheed on 30.03.2021. At the time of marriage, the parents of respondent No.2 had given 18 tolas of gold, cash of Rs.2,50,000/-, two wheeler motor cycle and other utensils as a dowry to accused No.1. On the next day of the marriage it was revealed that accused No.1 is a divorcee and his first wife divorced him on the ground that he is



suffering from mental and physical illness. Further, it is also revealed that, he is partially impotent. By suppressing the said fact, all the accused persons together conspired and performed the marriage of respondent No.2 with accused No.1. Later, they started to harass respondent No.2 both physically and mentally for additional dowry of Rs.10,00,000/-. Thereafter, on 22.12.2023 at about 7.30 p.m. when respondent No.2 advised her husband-accused No.1 to take treatment for his illness, he forced her to bring Rs.10,00,000/- from her house and quarreled with her and assaulted her. At that time accused Nos.2 and 3 also assaulted her and accused Nos.4 and 5 instigated accused Nos.1 to 3 to commit her murder by pushing her from roof top. As such, she lodged the complaint before respondent No.1-Police against the petitioners and another. The same was registered in Crime No.75/2024. Subsequently, respondent No.1-Police conducted investigation and laid charge sheet against accused No.1 and the petitioners for the aforementioned offences by



arraying these petitioners as accused Nos.2 to 5. The learned Magistrate took cognizance of the offences. Hence, the petitioners preferred this petition to quash the proceedings against them.

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

4. Apart from urging several contentions, learned counsel for the petitioners contended that, petitioners/accused Nos.2 to 5 are no way connected to the alleged incident. Accused Nos.2 and 3 are the father-in-law and mother-in-law of respondent No.2 respectively. Accused Nos.4 and 5 are the brother-in-law and sister-in-law of respondent No.2 respectively. He further contended that, the petitioner No.4/accused No.5 is married and she is residing in her matrimonial home. According to him, except omnibus allegations made against these petitioners, absolutely no such *prima facie* materials



placed to substantiate that they actively participated in the alleged offence. Accordingly, he prays to allow the petition.

5. *Per contra*, learned counsel for respondent No.2 contended that accused Nos.2 to 4 i.e. the petitioner Nos.1 to 3 were residing along with accused No.1 and respondent No.2. Accused Nos.1 to 3 harassed respondent No.2 both physically and mentally for additional dowry. According to him, an attempt was made by accused Nos.1 to 3 to commit the murder of respondent No.2. Hence, he prays to dismiss the petition.

6. Learned High Court Government Pleader appearing for respondent No.1-State opposed the petition and prays to dismiss the same.

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



8. As could be gathered from records, the complaint averments disclose that accused No.1 married respondent No.2 by suppressing his earlier marriage and his physical and mental illness. The said aspect was well within the knowledge of petitioner Nos.1 and 2 i.e., accused Nos.2 and 3 who are the parents of accused No.1. After the marriage, respondent No.2 started residing along with her husband-accused No.1 along with accused Nos.2 and 3 for few days. It is alleged that during her stay they insisted for additional dowry and also made an attempt to do away with her life. The statement of witnesses disclose *prima facie* case against accused No.1 and petitioner Nos.1 and 2. However, on perusal of the charge sheet materials, except some omnibus allegations against accused Nos.4 and 5 i.e., petitioner Nos.3 and 4, no other *prima facie* materials are forthcoming against them. Petitioner No.4/accused No.5 is the married daughter residing separately near St. Joseph Convent School, Vidya Nagar, Kalaburagi. The only allegation in the charge sheet



against accused Nos.4 and 5 is that they instigated accused Nos.1 to 3 to do away the life of respondent No.2.

9. 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.

10. 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."*

11. In the instant case, a bare perusal of FIR and charge sheet materials clearly shows that the allegations made by respondent No.2 against petitioner Nos.3 and 4/accused Nos.4 and 5 are vague and omnibus. Therefore,



the charge sheet lacks concrete and precise allegations against petitioner Nos.3 and 4.

12. 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.

13. As such, I am of the considered view that the continuation of the criminal proceedings against petitioner Nos.3 and 4/accused Nos.4 and 5 is clear abuse of process of Court. As such, the same is liable to be quashed. However, since *prima facie* case is made out against petitioner Nos.1 and 2/accused Nos.2 and 3, the proceedings cannot be quashed against them. Accordingly, I proceed to pass the following:

ORDER

- i. The petition is ***allowed in part.***



- ii. The proceedings against the petitioner Nos.1 and 2 i.e. accused Nos.2 and 3 shall continue.
- iii. The proceedings against petitioner Nos.3 and 4/accused Nos.4 and 5 in C.C.No.3724/2025, arising out of Crime No.75/2024 registered by Women Police Station, Kalaburagi City, for the offences punishable under Sections 498(A), 323, 504 and 506 read with Section 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file I- Additional Civil Judge and JMFC, Kalaburagi is hereby quashed.

Sd/-
(RAJESH RAI K)
JUDGE

SWK
List No.: 1 Sl No.: 27
CT:RJ