



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. 202007 OF 2025

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

BETWEEN:

1. SURYAKANTH S/O BABURAO,
AGE 50 YEARS, OCC.PHOTOGRAPHER,
R/O H.NO.E/410, UDNOOR ROAD,
KALABURAGI.
2. JAIBHEEM S/O REVANSIDAPPA BILGUNDI,
AGE 49 YEARS, OCC HIRAPUR CROSS NEAR
PETROL BUNK, KALABURAGI.
3. KASTURIBAI W/O HAJAPPA UDNOOR,
AGE 54 YEARS, OCC. HOUSEWIFE,
R/O NEAR MANIPAL OFFICE, JP COLONY,
R/O SHAHABAD, DIST KALABURAGI.
4. PARVATI W/O BABURAO KORALLI,
AGE 65 YEARS, OCC. HOUSEWIFE,
R/O AMBEDKAR NAGAR, UDNOOR,
TQ. AND DIST. KALABURAGI.
5. MAHANTESH S/O SHIVAPPA SHIGNUR,
AGE 53 YEARS, OCC GOVT SERVANT,
R/O AIWEN SHAHI AREA, KALABURAGI.
6. ARATI W/O MAHANTESH SHIGNUR,
AGE 41 YEARS, OCC. HOUSWEWIFE,
R/O AIWEN SHAHI AREA, KALABURAGI.

Digitally signed
by SHIVALEELA
DATTATRAYA
UDAGI

Location: HIGH
COURT OF
KARNATAKA



7. SARUBAI W/O SHIVALINGAPPA SAVALGI,
AGED 52 YEARS, OCC. HOUSEWIFE,
R/O AMBEDKAR NAGAR. UDNOOR,
TQ DIST KALABURAGI.
8. CHANDERKANTH S/O BABURAO KORALLI,
AGE 51 YEARS, OCC PRIVATE WORK,
R/O AMBEDKAR NAGAR, UDNOOR.
TQ DIST KALABURAGI.
9. MEENAKSHI W/O CHANDERKANTH KORALLI,
AGE 45 YEARS, OCC.HOUSEWIFE.
R/O AMBEDKAR NAGAR, UDNOOR.
TQ DIST KALABURAGI.
10. PANDIT S/O MAREPPA BADNALLI,
AGE 62 YEARS, OCC PRIVATE WORK,
R/O AMBEDKAR NAGAR, UDNOOR,
TQ DIST KALABURAGI.
11. GURUAPPA S/O BASAPPA KORALLI,
AGE 52 YEARS, OCC PRIVATE WORK,
R/O UDNOOR ROAD, KALABURAGI.
12. JAIBHEEM S/O SHIVSHARANAPPA KORALLI,
AGE 57 YEARS, OCC. PRIVATE WORK,
R/O OLD JEWARGI ROAD KHB COLONY,
KALABURAGI.

...PETITIONERS

(BY SRI. BASAVALING NASI.,ADVOCATE)

AND:

1. STATE THROUGH WOMEN PS,
KALABURAGI CITY
REPRESENTED BY HCGP,
HIGH COURT OF KARNATAKA
AT KALABURAGI BENCH - 585102.



2. SMT. PUSHPALATA
W/O SURYAKANTH
AGE 36 YEARS, OCC HOUSEWIFE,
R/O UDNOOR, TQ AND DIST KALABURAGI,
NOW RESIDING IN P AND T COLONY,
KALABURAGI

...RESPONDENTS

(BY SRI.GOPAL KRISHNA B. YADAV, HCGP FOR R1;
R2 SERVED)

THIS CRL.P IS FILED U/S 528 OF BNSS (NEW), U/S.482 OF CR.P.C.(OLD), PRAYING TO ALLOW THIS PETITION AND QUASH THE PROCEEDINGS IN CRIME NO. 39/2023 OF WOMEN P.S KALABURAGI FOR THE OFFENCE 498A, 323, 504, 506 R/W SEC 34 OF IPC PENDING ON THE FILE OF I ADDL CJ (J.D) AND JMFC AT GULBARGA 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, seeking to quash proceedings against the petitioners/accused Nos.1 to 12 in C.C No.4575/2023 (arising out of Crime No.39/2023) registered by the Women Police, Kalaburagi Police Station, for the offence punishable under sections 498(A), 323, 504 and 506 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 that, respondent No.2 married petitioner No.1 i.e., accused No.1-Suryakanth in the year 2003 and during the marriage, she paid dowry in the form of 15 grams of gold and other household articles. After the marriage, she resided along with her husband and in-laws/accused persons, initially for a period of 2 years cordially. Thereafter, the petitioners started harassing her. Later, her husband went to Bengaluru for livelihood in the year 2016. Subsequently, respondent No.2 also joined him and started to reside with him in Bengaluru. During that time, accused No.1 addicted for bad vices and he used to harass her both physically and mentally.

3. In the year 2019, during COVID pandemic, accused No.1 came back to his village Udnoor and started to reside along with other petitioners. Though respondent No.2 made an attempt to reach him, he never responded to her call. Finally, on 11.11.2022 at about 07.30 p.m., when respondent No.2 along with her relatives i.e., CW4



to CW11 went to the house of accused No.1 at Udnoor, by that time, it was came to her knowledge that her husband performed the second marriage. When she questioned the same, all accused persons abused her in filthy language and accused Nos.1, 2, 4 and others assaulted her and thrown her out of the house. Hence, she lodged a complaint before respondent No.1-Police on 20.03.2023 against the petitioners, which came to be registered in Crime No.39/2023 for the aforementioned offences. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against all the petitioners/accused. The learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition to quash the proceedings.

4. Heard learned counsel for the petitioners and learned HCGP for the respondent No.1-State. Though notice is served to respondent No.2, she remained absent.



5. Apart from urging several contentions, learned counsel for the petitioners has contended that, the complaint lodged by respondent No.2 unequivocally indicates that respondent No.2 was residing along with her husband in Bengaluru and at no point of time, either him or other accused persons harassed her, as claimed by her. He also contented that, for a period of 2 years, she was resided cordially with her husband and in-laws. He also contended that, there are no such materials placed by the prosecution to prove that the petitioners performed the second marriage of petitioner No.1/accused No.1. In such circumstances, he prays to quash the proceedings.

6. *Per contra*, learned HCGP opposed the prayer by contending that, on perusal of the charge sheet materials, more particularly, the statements of CW4 to CW11, all these witnesses have categorically stated that, all the accused by colluding with each other, harassed respondent No.2 physically and mentally and also performed the second marriage to petitioner No.1/accused



No.1. In such circumstances, the proceedings against these petitioners cannot be quashed.

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

8. As could be gathered from records, it is not in dispute that the relationship between the petitioners and respondent No.2 is not in dispute. Petitioner No.1 i.e., accused No.1 married respondent No.2 in the year 2003 and thereafter, she resided cordially for a period of 2 years in the matrimonial home. Subsequently, her husband shifted to Bengaluru and she also resided with him for sometime at Bengaluru. Later, accused No.1 left her at Bengaluru during COVID pandemic in the year 2019 and came to his village at Udnoor and performed second marriage. This aspect of the matter is clearly stated by CW4 to CW11.



9. Nonetheless, accused No.1 is the husband and accused No.2 is the brother of accused No.1 and accused No.4 is the mother of accused No.1. All these petitioners were resided together in a shared house at Udnoor. However, the other accused i.e., accused Nos.3 and 5 to 12 are concerned, they are the sisters and their husbands, aunt and other relatives of accused No.1, wherein they are residing separately along with their family. As such, there is no such possibility of they harassing respondent No.2 in the matrimonial home. In such circumstances, I am of the considered view that, there are *prima facie* allegations are forthcoming against accused Nos.1, 2 and 4 and the proceedings against them cannot be quashed at this stage.

10. However, rest of the accused i.e., accused Nos.3, 5 to 12 are concerned, except omnibus allegations made against them in the complaint and statements of other witnesses, there are no such reliable or particular allegations are forthcoming against them. 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. 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 the husband i.e., accused No.1 and his family members physically and mentally harassed her, 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. Therefore, the charge sheet lacks 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.

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. Hence, collocating the findings of the Hon'ble Apex Court in the above judgment to the case on hand, I am of the considered view that, mere general allegations of harassment without pointing out specific details would not be sufficient to continue criminal proceedings against petitioner Nos.3, 5 to 12/accused Nos.3, 5 to 12. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed in part.***
- ii. The proceedings against petitioner Nos.1, 2 and 4/accused Nos.1, 2 and 4 shall go on.
- iii. The proceedings against petitioner Nos.3, 5 to 12/accused Nos.3, 5 to 12 in C.C.No.4575/2024, arising out of Crime



No.39/2023, registered by Women Police Kalaburagi, for the offences punishable under Sections of 498(A), 323, 504 and 506 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.: 34