



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 202033 OF 2025

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

BETWEEN:

1. RAVIKUMAR S/O KRISHNA MESTRI
AGE 69 YEARS, OCC. RTD BANK EMPLOYEE
VEERENDRA PATIL,
BADAVANE SEDAM ROAD, KALABURAGI-585105.
2. SUMITRAS W/O RAVIKUMAR MESTRI
AGE 61 YEARS, OCC SDA GULBARGA UNIVERSITY
R/O VEENREDRA PATIL
BADAVANE, SEDAM ROAD,
KALABURAGI-585105.
3. KRISHNA S/O RAVIKUMAR MESTRI
AGE 38 YEARS, OCC PRIVATE WORK
R/O VEENREDRA PATIL
BADAVANE SEDAM ROAD, KALABURAGI-585105.
4. JYOTI W/O SANTOSH KOTAKAPALLI
AGE 34 YEARS, OCC HOUSEWIFE
R/O VEENREDRA PATIL, BADAVANE SEDAM ROAD,
KALABURAGI-585105.
5. SAPNA W/O KRISHNA MESTRI
AGE 32 YEARS, OCC HOUSEWIFE
R/O VEENREDRA PATIL
BADAVANE SEDAM ROAD,
KALABURAGI-585105.

...PETITIONERS

(BY SRI BASAVALING NASI.,ADVOCATE)

Digitally signed by
SHIVALEELA
DATTATRAYA
UDAGE
Location: HIGH
COURT OF
KARNATAKA



AND:

1. STATE THROUGH WOMEN PS
KALABURAGI CITY
REPRESENTED HCGP
HIGH COURT OF KARNATAKA
AT KALABURAGI BENCH-585102.
2. SMT. MAMTA W/O MANJUNATH METHI
AGE 23 YEARS, OCC. HOUSEWIFE
VEERENRA PATIL, BADAVANE, SEDAM ROAD,
KALABURAGI – 585105.

...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 ALLOW THIS PETITION AND QUASH THE PROCEEDINGS IN CC NO. 1731/2023 OF KALABURAGI CITY WOMEN PS 498(A),323,504,506,109 R/W SEC. 149 OF IPC AND SEC. 3 AND 4 OF DP ACT PENDING ON THE FILE OF I ADDL. CJ (J.D) AND JMFC AT 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 petitioners/accused Nos.2 to 6 in C.C No.1731/2023, arising out of Crime No.12/2022, registered by Women Police, Kalaburagi City, for the offences punishable



under sections 498A, 323, 504, 506 and 109 and r/w Section 149 of IPC 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 that, respondent No.2/complainant married accused No.1-Manjunath Mestri on 15.07.2021. At the time of marriage, the parents of respondent No.2 have given Rs.5,00,000/- cash and 5 tolas of gold as dowry to accused Nos.1 and his family. After the marriage, she started to reside in the matrimonial home along with accused No.1-husband and petitioner Nos.1 and 2 i.e., father-in-law and mother-in-law of respondent No.2 respectively. After some time, the accused started to harass respondent No.2 to bring additional dowry of 5 tolas of gold and cash of Rs.5,00,000/-. There were several panchayats held by the elders of the family and also the well-wishers between respondent No.2's family and the petitioners' family, however, all those efforts went in vain and the petitioners along with accused No.1 continued to harass respondent No.2 both physically and mentally. On 06.02.2022, the petitioners along with accused No.1 assaulted



respondent No.2 and thrown her out from the matrimonial home. Thereafter, she started to reside in her parental house.

3. On 06.03.2022 at about 11.30 p.m., a panchayath was held in the matrimonial home and in the said Panchayath also, the petitioners demanded additional dowry of Rs.5,00,000/- cash and 5 tolas of gold and specifically informed the parents of respondent No.2 that, without fulfilling their demand, they cannot take back respondent No.2 to the matrimonial home. As such, she lodged the complaint before respondent No.1-Police on 10.03.2022 against accused No.1 and the petitioners and the same was registered in Crime No.12/2022 for the offences stated *supra*. Subsequently, respondent No.1-Police conducted investigation and laid charge sheet against the petitioners and accused No.1 for the aforementioned offences by arraying the petitioners as accused Nos.2 to 6. Accordingly, learned Magistrate took cognizance of the offences. Aggrieved by the proceedings, the petitioners preferred this petition to quash the same, since the same is abuse of process of Court.



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

5. Learned counsel for the petitioners reiterated the grounds urged in the petition and prays to allow the petition.

6. *Per contra*, learned HCGP opposed the prayer and prays to dismiss the petition.

7. As could be gathered from records, the complaint averments clearly disclose that, after the marriage, respondent No.2 started to reside in the matrimonial home along with her husband-accused No.1 and in-laws i.e., petitioner Nos.1 and 2. After few days of her stay, accused No.1 and petitioner Nos.1 and 2 started to harass her both physically and mentally for additional dowry. Further, the complaint and charge sheet averments disclose that, though several panchayats were held to settle the matrimonial dispute, all those efforts went in vain. To that effect, all the witnesses have been testified.

8. However, accused Nos.4 to 6 i.e., petitioner Nos.3 to 5 are concerned, only the omnibus allegations are made



against these petitioners in the complaint and statement of other witnesses. The record also discloses that, accused No.6 is the wife of accused No.4 and accused No.5 is the sister of accused No.1 and married to one Santhosh Kotakapalli, as such, it is clear that, accused No.6 is residing separately at her matrimonial home and even accused Nos.4 and 5 also residing separately and they are not sharing the common roof with accused Nos.1 to 3. In such circumstances, the omnibus allegations made in the charge sheet do not attract the cognizable offences against them.

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. Hence, in my considered view, the proceedings against petitioner Nos.3 to 5/accused Nos.4 to 6 is liable to be quashed. However, there are *prima facie* materials are forthcoming against petitioner Nos.1 and 2/accused Nos.2 and 3. Hence, the petition cannot be quashed against petitioner Nos.1 and 2. Accordingly, I proceed to pass the following;

ORDER

- i. The petition is ***allowed in part.***
- ii. The petition in respect of petitioner Nos.1 and 2/accused Nos.2 and 3 is hereby ***dismissed*** and the proceedings against them shall continue.



- iii. The petition in respect of petitioner Nos.3 to 5/accused Nos.4 to 6 is ***allowed***.
- iv. The proceedings against petitioner Nos.3 to 5/accused Nos.4 to 6 in C.C No.1731/2023, arising out of Crime No.12/2022, registered by Women Police, Kalaburagi City, for the offences punishable under sections 498A, 323, 504, 506 and 109 and r/w Section 149 of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending on the file of I Additional Civil Judge and JMFC, Kalaburagi, is hereby ***quashed***.

**Sd/-
(RAJESH RAI K)
JUDGE**

THM
List No.: 2 SI No.: 29