



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. 201932 OF 2025

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

BETWEEN:

1. SATYABAI W/O. LATE SIDDANNA,
AGED ABOUT 60 YEARS, OCC. HOUSEWIFE,
R/O. SARASWATI COLONY, ALAND
TALUK-ALAND, DIST-KALABURAGI.
2. SHILPARANI W/O. KRISHNA,
AGED ABOUT 29 YEARS, OCC. HOUSEWIFE,
R/O. EWS-09, RING ROAD, AADARSH NAGAR,
KALABURAGI-585 105.

...PETITIONERS

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH.
(THROUGH KALABURAGI WOMEN PS.)
2. MEENAKSHI W/O. SHIVANAND,
(D/O. SHREEMANTH WADE)
AGE 30 YEARS, OCC. HOUSEHOLD,
R/O.RAMTIRTH NAGAR, NEAR ALAND CHECK POST,
KALABURAGI.
NOW RESIDING AT KHAJURI VILLAGE,
TALUK-ALAND, AND DIST-KALABURAGI-585 314.

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1)

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 CHARGE SHEET AND FURTHER CRIMINAL PROCEEDINGS IN C.C NO.275/2025 (CRIME NO. 87/2024 OF KALABURAGI CITY WOMEN PS) FOR THE OFFENCE PUNISHABLE U/SEC 498A, 323, 504, 506 R/W SECTION 34 OF IPC, WHICH IS NOW PENDING ON THE FILE OF LEARNED I ADDITIONAL CIVIL JUDGE AND JMFC AT KALABURAGI IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR ORDERS, 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 in C.C No.275/2025, arising out of Crime No.87/2024, registered by Women Police Kalaburagi, for the offences punishable under sections 498-A, 323, 504 and 506 r/w 34 of IPC, pending on the file of Civil Judge I Addl. Civil Judge and JMFC, Kalaburagi.

2. The abridged facts of the case are that, respondent No.2/complainant married Shivanand-accused No.1 on 23.02.2014 at Aland. It is alleged that, at the time of marriage, the parents of respondent No.2 gave Rs.1,21,000/-, gold ornaments and other household



utensils to accused No.1. After the marriage, respondent No.2 started to reside with her husband in matrimonial home at Kalaburagi. It is alleged that, her husband-accused No.1 being a lawyer in profession, due to his physical problems, she was not conceived. However, after sometime, accused No.1 started to harass respondent No.2 both physically and mentally to bring additional dowry of Rs.6,00,000/- from her parents. The said aspect was informed by respondent No.2 to her parents, as such, her parents visited the matrimonial home of respondent No.2. Accordingly, respondent No.2 went along with them and started to reside at her parental house. Thereafter, respondent No.2 once again joined the matrimonial home.

3. On 07.05.2024, accused No.2/petitioner No.1 came to the house of accused No.1 at Kalaburagi and instigated him and abused respondent No.2 with filthy language, accused No.1 assaulted on her cheek and thrown her out from the matrimonial home. Later, on 12.05.2024, when respondent No.2 was at her



matrimonial home, accused No.1 came there and demanded additional dowry and threatened her with dire consequences. Hence, she lodged a complaint before the respondent-Police on 27.08.2024 and the same was registered in Crime No.87/2024 for the offences punishable under Sections 498-A, 323, 504 and 506 r/w Section 34 of IPC against these petitioners and others.

4. Subsequently, the respondent-Police investigated the case and laid charge sheet against all accused persons for the aforementioned offences, by arraying these petitioners as accused Nos.2 and 4 respectively. Accordingly, the learned Magistrate took cognizance of the aforesaid offences. Aggrieved by the same, the petitioners preferred this petition.

5. Heard the learned counsel for the petitioners and learned High Court Government Pleader for the respondent No.1 - State.



6. Apart from urging several contentions, learned counsel for the petitioners contended that, respondent No.2 herself admitted in the complaint that she was residing separately along with her husband at Kalaburagi. Whereas, the petitioner No.1/mother-in-law resides at Aland and petitioner No.2/sister-in-law resides in her marital home at Kalaburagi. As such, they are not sharing any common house at any point of time relevant to the allegations. He also contented that, except omnibus allegations in the complaint and statement of witnesses, *prima facie* there are no direct allegations against these petitioners for the offences they have been charge sheeted. Accordingly, he prays to allow the petition.

7. *Per contra*, learned High Court Government Pleader appearing for respondent No.1-State opposed the petition on the ground that, now the investigation is completed and charge sheet has been submitted and the statement of witnesses *prima facie* disclose the offences



alleged against these petitioners. Hence, he prays to dismiss the petition.

8. The notice issued to respondent No.2 reveals that the Police have informed her through telephone, however, she remained absent.

9. 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.

10. As could be gathered from records, the relationship of petitioners with respondent No.2 is not in dispute. It is also not in dispute that, after the marriage of respondent No.2 with accused No.1 on 23.02.2014, she was residing along with her husband in matrimonial home at Kalaburagi. The petitioner No.1/accused No.2 is residing at Aland and petitioner No.3/ accused No.4 is residing in her marital home at Kalaburagi. Even the complaint averments depict that, these petitioners have not harassed



respondent No.2 while she residing in her matrimonial home. It is the only allegation that, on the said date, accused No.2 instigated accused No.1 to assault her. Admittedly, no such medical reports have been placed by respondent No.2 and the complaint was registered on 27.08.2024 i.e., after 4 months from the date of alleged incident.

11. On careful perusal of the statement of witnesses, they have not specifically stated about the overt act of these petitioners, being the mother-in-law and sister-in-law of respondent No.2. In such circumstance, 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.

12. 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."

13. On perusal of the complaint averments, except the general allegations of harassment, there are no specific allegations stated against these petitioners. It is a settled position of law that Courts have to be careful and cautious in dealing with the complaint and must take a pragmatic approach, realities into consideration while dealing with matrimonial disputes, where the allegations have to be scrutinized with great care and circumstances in order to prevent miscarriage of justice and abuse of process of Court.



14. In my considered view, continuation of criminal proceeding against these petitioners/accused Nos.2 and 4 is nothing but abuse of process of Court. Accordingly, the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioners/accused Nos.2 and 4 in C.C No.275/2025, arising out of Crime No.87/2024, registered by Women Police Kalaburagi, for the offences punishable under sections 498-A, 323, 504 and 506 r/w Section 34 of IPC, pending on the file of I Addl. Civil Judge and JMFC, Kalaburagi, is hereby quashed.

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