



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 6<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 4025 OF 2023**

**BETWEEN:**

1. VIMALA N  
AGED ABOUT 53 YEARS  
W/O D NAGARAJU  
RESIDING AT GANGAMMA GUDI ROAD,  
SRINIVASA BEKARI NEAR, M V BADAVANA,  
HOSKOTE, BANGALORE RURAL DISTRICT - 562 114.
  
2. D NAGARAJU  
AGED ABOUT 59 YEARS,  
S/O DEVARAJU,  
R/AT NO.38, 3RD MAIN ROAD,  
NEAR WATER TANK, KANAKA NAGAR,  
HOSAKOTE, BANGALORE RURAL,  
BANGALORE - 562 114.

...PETITIONERS

(BY SRI. SUKANYA H.D, ADVOCATE)



**AND:**

1. THE STATE OF KARNATAKA  
HOSKOTE POLICE,  
REPRESENTED BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDINGS,  
BANGALORE - 560 001.
  
2. SMT. R. NAVYA



W/O CHATHURA,  
AGED ABOUT 25 YEARS,  
R/AT SIDDESHWARA NILAYA,  
OPP. TO ROHINI SILKS GANGAMMAGUDI ROAD,  
HOSKOTE TOWN,  
BANGALORE DISTRICT - 560 067.

...RESPONDENTS

(BY SRI. K. NAGESHWARAPPA, HCGP FOR R1;  
SRI. ROSHAN M.C, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASHING OF THE SAID IMPUGNED COMPLAINT AND FIR IN CRIME NO.92/2023 REGISTERED BY THE HOSKOTE POLICE STATION FOR THE OFFENCES U/S 498A, 323, 504, 506, 114, 149 OF IPC AND 3 AND 4 OF DOWRY PROHIBITION ACT AND THE ENTIRE PROCEEDINGS PENDING BEFORE THE PRL.CIVIL JUDGE (JR.DN.) JMFC COURT, HOSKOTE AT BENGALURU.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**ORAL ORDER**

The petitioners are before this Court calling in question registration of a crime in Crime No.92/2023 registered for the offences punishable under Sections 498A, 323, 504, 506, 114, 149 of the Indian Penal Code,



1860 ('the IPC' for short) and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Smt. Sukanya H.D., learned counsel appearing for the petitioners; Sri. K. Nageshwarappa, learned High Court Government Pleader appearing for respondent No.1 and Sri. Roshan M.C., learned counsel appearing for respondent No.2.

3. The petitioners are accused Nos.4 and 5, distant relatives of accused Nos.1, 2 and 3. Respondent No.2 is the complainant. The complainant and accused No.1 get married on 11.12.2022. It transpires that soon after marriage, the relationship between accused No.1 and the complainant flounders. On floundering of the relationship, respondent No.2-complainant registers a crime, which becomes a crime in Crime No.92/2023 for the afore-quoted offences. The petitioners are also dragged into the web of crime. The dragging of the petitioners into the web of crime is what has driven these petitioners to this Court in the subject petition.



4. This Court had protected the interests of these petitioners by passing the following order:

"Learned High Court Government Pleader is directed to accept notice for respondent No.1.

Learned counsel for the petitioners to serve a copy of the petition papers upon the learned High Court Government Pleader, forthwith.

Issue emergent notice to respondent No.2.

**ORDER ON I.A.NO.1 OF 2023**

The petitioner is before this Court calling in question proceedings in Crime No.92 of 2023 registered for offences punishable under Sections 498A, 323, 504, 506, 114 and 149 of the IPC and also under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

The complainant in the complaint narrates all the allegations against the husband, mother-in-law and father-in-law. Insofar as the petitioners are concerned the only allegation is that they have instigated all the three to torture the complainant.

Such instigation without anything in detail cannot lay a foundation against the petitioners, in particular for offences punishable under Section 498A of the IPC and other offences.

Therefore, finding all allegations against accused Nos.1 to 3, there shall be an interim order of stay of all further proceedings in Crime No.92 of 2023, against the petitioners/accused Nos.4 and 5, till the next date of hearing. I.A.No.1 of 2023 is allowed."

The interim order is in subsistence even as on date.



5. The learned counsel appearing for the petitioners submits that the petitioners are distant relatives and did not reside with the couple at any point in time and therefore, none of the ingredients of the offences are even present in the case at hand *qua* the petitioners. The learned counsel further contends that the parties to the *lis* have settled the dispute in MC.No.2/2024 by drawing up terms of settlement on 28.11.2025. It also recognises the closure of these proceedings.

6. The learned counsel appearing for the respondents would not dispute the position of settlement between the parties.

7. Be that as it may. Settlement or otherwise, the offences against these petitioners as found in the complaint is as follows:

"ನನ್ನ ಗಂಡ ಅತ್ಯೇ ಮಾವನವರು ಮದುವೆಯ ನಿಶ್ಚಿತಾರ್ಥ ಮಾತುಕರೆಯ ಸಮಯದಲ್ಲಿ ನಿಮ್ಮ ಮಗಳನ್ನು ನಿಮ್ಮ ಮಗಳಂತೆ ನೋಡಿಕೊಳ್ಳುತ್ತೇವೆ. ಯಾವ ರೀತಿಯ ತೊಂದರೆಯನ್ನು ಕೊಡುವುದಿಲ್ಲ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುತ್ತೇವೆ ಎಂದು ನಂಬಿಸಿ ಮದುವೆ ಮಾಡಿಕೊಂಡು ನಂತರ ನನಗೆ ವರದಿಕ್ಕಣ ಕಿರುಕುಳ ನೀಡಿ ಮಾನಸಿಕವಾಗಿ ಹಾಗೂ ದೃಷ್ಟಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿ ಆಡಿದ ಮಾತಿನಂತೆ ನಡೆದುಕೊಳ್ಳದೆ ನನಗೆ ನಂಬಿಕೆ ದ್ರೋಹ ಮಾಡಿ ಹೋಸ ಮಾಡಿರುತ್ತಾರೆ. ಹಾಗೂ ನನ್ನ ಬಂಗಾರದ ಬಡವೆಗಳನ್ನು ಲಾಳು ಅವರ ಮನೆಯಲ್ಲಿಯೇ ಕಿತ್ತು



ಇಟ್ಟಕೊಂಡಿರುತ್ತಾರೆ, ಅವರ ಇಚ್ಛೆಯಂತೆ ಸುಮಾರು 40 ಲಕ್ಷ ವಿಚ್ಯಂ  
ಮಾಡಿರುತ್ತೇವೆ."

Barring this allegation against these petitioners, there is nothing that is alleged. If this be the allegation against these petitioners, it would only be an omnibus allegation of instigation to the family of the husband or the family of the husband to act in a particular manner against the wife.

8. The added circumstance is that the parties to the *l/s* have settled the dispute amongst themselves in an MC.No.2/2024 on 28.11.2025. With all these being the case and also finding no allegation that would touch upon the ingredients of the offences under Sections 498A, 323, 504, 506, 114, 149 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, as is alleged, permitting further proceedings would run foul of plethora of judgments rendered by the Apex Court. I deem it appropriate to quote the latest judgment of the Apex Court in the case of **BELIDE SWAGATH KUMAR v. STATE OF TELANGANA<sup>1</sup>**, wherein it is held as follows:

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<sup>1</sup> 2025 SCC OnLine SC 2890



**“18.** Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

**“498A. Husband or relative of husband of a woman subjecting her to cruelty.—**

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, “cruelty” means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

**19.** Further, Sections 3 and 4 of the DP Act talk about the penalty for giving or taking or demanding a dowry.

**“3. Penalty for giving or taking dowry.—**

(1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.



(2) Nothing in sub-section (1) shall apply to, or in relation to,—

(a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

(b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

**4. Penalty for demanding dowry.**— If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."

**20. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The**



**first limb of clause (a) of the Explanation of Section 498A of the IPC states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.**

**21.** Further, Section 3 of the DP Act deals with the penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the DP Act talks of penalty for demanding dowry. It states that any person demanding dowry directly or indirectly, from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

**22.** The issue for consideration is whether, given the facts and circumstances of the case and after examining the FIR and the Complaint Case, the High Court was correct in refusing to quash the ongoing criminal proceedings against the appellants arising out of FIR No. 29 of 2022 dated 27.01.2022 and the Complaint Case No. 1067 of 2022 under Section 498A of the IPC and Sections 3 and 4 of the DP Act.



**23. Courts have to be extremely careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial cases where the allegations have to be scrutinized with greater care and circumspection in order to prevent miscarriage of justice and abuse of process of law. The allegations put forth by the complainant-respondent No. 2 have been considered by us. In our view, they reflect the daily wear and tear of marriage and can, in no way, be categorised as cruelty.** The act of the accused-appellant of sending money back to his family members cannot be misconstrued in a way that leads to a criminal prosecution. The allegation that the accused-appellant forced the complainant-respondent No. 2 to maintain an excel sheet of all the expenses, even if taken on the face value, cannot come under the definition of cruelty. The monetary and financial dominance of the accused-appellant, as alleged by the complainant-respondent No. 2, cannot qualify as an instance of cruelty, especially in the absence of any tangible mental or physical harm caused. The said situation is a mirror reflection of the Indian society where men of the households often try to dominate and take charge of the finances of the women but criminal litigation cannot become a gateway or a tool to settle scores and pursue personal vendettas. Furthermore, the other allegations of the complainant-respondent No. 2 such as lack of care on the part of the husband-the accused-appellant during pregnancy and postpartum and constant taunts about her after-birth weight, if accepted *prima facie*, at best reflect poorly upon the character of the accused-appellant but the same cannot amount to cruelty so as to make him suffer through the process of litigation.

**24. A bare perusal of the FIR shows that the allegations made by the complainant-respondent No. 2 are vague and omnibus. Other than claiming that the husband and his family along with the accused-appellant herein mentally harassed her with a demand of dowry, the complainant-respondent No. 2 has not provided any specific details or described any particular**



**instance of harassment.** Although she has alleged that an amount totalling to Rupees One Crore was demanded by the accused-appellant and his family members, the complainant-respondent No. 2 has failed to put forth any evidence or material on record to elaborate or substantiate the same. **Furthermore, the complainant-respondent No. 2 has failed to impress the court as to how the said alleged harassment has caused her any injury, mental or physical.** There has been no remote or proximate act or omission attributed to the accused-appellant that implicates him or assigns him any specific role in the said FIR for the offence of 498A of the IPC. Merely stating that the accused-appellant has mentally harassed the complainant-respondent No. 2 with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC especially in the face of absence of any cogent material or evidence on record to substantiate the said allegations. The term "cruelty" cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in an FIR which is the premise of invoking criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore mere general allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings.

**25.** In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("Bhajan Lal") with particular reference to paragraph 102 therein, where this Court observed:



"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused.
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontested allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.



- (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with *mala fide* and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

**26.** On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the accused-appellant herein is made out. In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused-appellant herein have been made with a *mala-fide* intent with vague and general allegations and therefore, the judgment of this Court in the case of ***Bhajan Lal*** and particularly sub-paragraphs (1) and (7) of paragraph 102, extracted above, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and consequent Complaint Case No. 1067 of 2022 to continue.

**27. Furthermore, at this juncture, we find it appropriate to quote the judgment of this Court in *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 wherein it was observed:**



**"27. 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 particularised 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, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 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.**

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30. The inclusion of Section 498-A 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 498-A 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 scrutinised, 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 498-A 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.**

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498-A IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

(Emphasis supplied)

In the light of afore-quoted judgment of the Apex Court, permitting further proceedings would become an abuse of the process of law and result in the miscarriage of justice.



9. For the aforesaid reasons, the following:

**ORDER**

- (i) Criminal petition is ***allowed***.
- (ii) The proceedings in Crime No.92/2023 pending on the file of Principal Civil Judge (Jr. Dn) JMFC Court, Hoskote, Bangalore stands quashed *qua* the petitioners.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

JY  
List No.: 1 Sl No.: 34