



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

**DATED THIS THE 19<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE M G UMA**

**CRIMINAL PETITION NO. 7331 OF 2021**

**BETWEEN:**

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

PETITIONER NO.1 TO 3 ARE

[REDACTED]

4. [REDACTED]

5. [REDACTED]





6. [REDACTED]

7. [REDACTED]

[REDACTED]

8. [REDACTED]

...PETITIONERS

(BY SRI. ANGAD KAMATH, ADVOCATE  
SRI. VISHAKH HEGDE, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
BY SATHANURU POLICE STATION,  
REPRESENTED BY SPP  
HIGH COURT OF KARNATAKA,  
BENGALURU - 560 001

2. [REDACTED]

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1  
R2 - SD/-)



THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO A. QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.562/2021 PENDING ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND JMFC AT KANAKAPURA WHICH HAS ARISEN OUT OF CR.NO.128/2020 BY THE IST RESPONDENT POLICE STATION, FOR THE OFFENCE P/U/S.498-A, 406, 504, 506 R/W SEC.149 OF IPC AND SEC.3 AND 4 OF DP ACT VIDE ANNEXURE-A. B. ALLOW THIS PETITION WITH COSTS.

THIS CRL.P, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

**ORAL ORDER**

Petitioners being accused Nos.1 to 8 in Cr.No.128/2020 of Sathanur Police Station now pending in CC No.562/2021 on the file of the learned First Additional Civil Judge and JMFC, Kanakapura, registered for the offences punishable under Sections 498(A), 406, 504, 506 R/w Section 149 of Indian Penal Code (for short 'the IPC') and Sections 3 and 4 of Dowry Prohibition Act, are seeking to quash the criminal proceedings initiated against them.

2. Heard learned counsels Sri. Angad Kamath, along with Sri. Vishakh Hegde for the petitioners, and Smt. Sowmya.R., learned High Court Government Pleader for



the Respondent No.1. Respondent No.2 though served, remained unrepresented. Perused the materials on record.

3. In view of the rival contentions urged by learned counsel for the petitioners and learned HCGP for respondent No.1, the point that would arise for my consideration is:

*"Whether the petitioners have made out any grounds to allow the petition and to quash the criminal proceedings initiated against them?"*

My answer to the above point is in the 'Affirmative' for the following:

### **REASONS**

4. Respondent No.2 filed the first information with Sathanur police making allegations regarding demand and acceptance of huge sum of money, gold and silver articles by way of dowry, demand for additional dowry, harassment and cruelty meted to her.

5. The facts of the case disclose that respondent No.2 married accused No.1/petitioner No.1 on 01.03.2020 and the present complaint came to be filed on 16.09.2020. After investigation, charge sheet came to be filed for the above said



offences. As per the first information, respondent No.2 left the matrimonial house on 18.06.2020 and it is alleged that the offence referred to by her were committed from 15.03.2020 till 18.06.2020.

6. Learned counsel for the petitioner drawn the attention of the Court to the dates and events which gave raise to filing of the first information by respondent No.2. It is pertinent to note that on 14.07.2020, petitioner No.1 issued the legal notice to respondent No.2 calling upon her to give consent for divorce. He lodged complaint on 18.07.2020 with East Police Station, Mandya, against respondent No.2 and others, who said to have threatened him and the same came to be registered in Cr.No.265/2020. On 04.08.2020, respondent No.2 issued reply to the legal notice issued by petitioner No.1 seeking divorce. Strangely, there is no allegations as found in the first information in the said reply notice dated 04.08.2020. It is stated that respondent No.2 was called to the police station and her statement was recorded. Strangely even in the said statement there is no such allegations made.



7. It is brought to the notice of the Court that petitioner No.1 filed the second complaint on 16.08.2020 before the East Police Station, Mandya, requesting for protection and the same was registered in Cr.No.309/2020. Since it was a matrimonial dispute, it was referred to the Vikasana Institute for Rural and Urban Development, Mandya for counseling. The materials on record disclose that respondent No.2 had even appeared before the Counselor and in the meantime, on 16.09.2020, present complaint came to be filed making all serious allegations with Sathanur police, which is said to be the mother's place of respondent.

8. The materials on record also disclose that on 25.09.2020, petitioner No.1 was taken to custody and he was released on bail only on 30.09.2020.

9. The allegations made in the first information as well as in the charge sheet disclose that there was demand for Rs.10 lakhs, 1 kg of gold, 2 kgs of silver as dowry. Out of which, respondent No.2 said to have paid Rs.5 lakhs in cash, 500 gms of gold and silver articles.



10. Learned counsel for the petitioners has produced documents to show that [REDACTED], the father of respondent No.2, [REDACTED], the mother of respondent No.2 are the beneficiaries of Sandya Suraksh Yojane. The Scheme introduced by the State Government, meant for the persons below the income of Rs.20,000/- per month. Several conditions are imposed for availing this benefits, which makes it clear that the Scheme is meant for economically weaker sections in the society.

11. Learned counsel for the petitioners has also produced the details of ration card standing in the names of the parents of respondent No.2, according to which, it is a Below Poverty Line Card (BPL card). In the light of these documents, learned counsel for the petitioners would contend that making allegations regarding demand and payment of dowry and cruelty is only to see that the petitioners are put behind bars. It is in clear abuse of process of law. Grave and serious allegations are made that they have given cash of Rs.5 lakhs, 500 gms of gold and 1.75 kg of silver, when in fact, they are



the beneficiaries meant for economically weaker sections in the society.

12. I find considerable force in the contentions raised by the learned counsel for the petitioners in that regard. Even though, the final report came to be filed after investigation, the Investigating Officer unfortunately, has not applied his mind to find out any prima-facie materials regarding the source of such valuables for having paid to the petitioners.

13. It is interesting to note that respondent No.2 even though filed the information making serious allegations, has not referred to the legal notice that was issued by petitioner No.1 seeking divorce, her reply to the same and also to two prior complaints filed by petitioner No.1 with East Police Station, Mandya against her, where her statement is also recorded and where there are no such allegations made against the petitioners. There is deliberate suppression of these material facts. It is stated that now respondent No.2 herself has filed the petition seeking divorce. According to learned counsel for the petitioners, respondent No.2 was having extra marital relationship, which led to marital discard and she is making



baseless and false allegation not only against petitioner No.1 but against all the family members.

14. It is unfortunate to note that Sathanur police have registered criminal complaint without making any preliminary enquiry inspite of issuance of several directions by this Court as well as by the Hon'ble Apex Court to handle the criminal complaints relating to matrimonial disputes, with care and caution by scrutinizing the allegations and registration of FIR only on prima-facie satisfaction about its probability. Unfortunately, petitioner No.1 was taken into custody on 25.09.2020 after registration of the FIR and was released on bail on 30.09.2020. Even the general allegation made by respondent No.2 do not get *prima-facie* support even from the materials that are collected by Investigating Officer as seen from the final report.

15. Learned counsel for the petitioners has placed reliance on the decision of the Hon'ble Apex Court in ***Achin Gupta Vs. State of Haryana and another***<sup>1</sup> wherein the Hon'ble Apex Court has observed as under:

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<sup>1</sup> 2024 INSC 369



"25. 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 the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, *prima facie*, whether there is any grain 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 arises from a matrimonial dispute.

30. In the aforesaid context, we should look into the category 7 as indicated by this Court in the case of *Bhajan Lal (supra)*. The category 7 as laid reads thus: -

"(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."

31. We are of the view that the category 7 referred to above should be taken into consideration and applied in a case like the one on hand a bit liberally. If the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter. If the submission canvassed by the counsel appearing for the Respondent No. 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by the Cr.P.C. upon the High Court would be rendered otiose. We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that



proper allegations are levelled in the First Information Report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the First Information Report and the chargesheet papers disclose the commission of a cognizable offence..... XXX."

(emphasis supplied)

16. In **State Of Haryana And Ors vs Ch. Bhajan Lal And Ors**<sup>2</sup>, way back in the year 1990, the Hon'ble Apex Court discouraged registration of the criminal case which is manifestly attended with *mala-fides* and with ulterior motive to wreak vengeance on the accused in view to spite him due to private and personal grudge. Since then, in catena of decisions the Constitutional Courts have cautioned the police officers in registering the criminal cases and proceeding with investigation only on *prima-facie* satisfaction of commission of such offence.

17. The Hon'ble Apex Court in **Dara Lakshmi Narayana and others Vs. State of Telangana and another**<sup>3</sup> held as under:

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<sup>2</sup> 1992 SCC (CRI) 426

<sup>3</sup> 2024 INSC 953



"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."

(emphasis supplied)

18. It also refers to its earlier decision in **Preeti Gupta Vs. State of Jharkhand**<sup>4</sup> and held in paragraph 31 as under:

"31. Further, this Court in *Preeti Gupta vs. State of Jharkhand* (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."

(emphasis supplied)

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<sup>4</sup> (2010)7 SCC 667



19. In **Smt. Neera Singh Vs. The State (NCT of Delhi)**, the Court has made the following observations:

*"3. A perusal of the complaint would show that as per allegations dowry demand was made even before marriage i.e. at the time of engagement and an AC was demanded from her father by her in-laws and her father had assured that AC would be given at the time of marriage. However, she told her father You have given car and AC at the demand of in laws, what will happen if they demand a flat tomorrow?. Despite her this conversation with her father and despite her knowing that dowry demand had already been made, she married in the same family irrespective of the fact that she was well-educated lady and was an engineer and her brother was in police. In fact, these kinds of allegations made after breakdown of the marriage show the mentality of the complainant. I consider where these kinds of allegations are made, the police should simultaneously register a case under Dowry Prohibition Act (in short the 'Act') against the parents of the complainant as well, who married their daughter despite demand of dowry. Section 3 of the Act prohibits giving and taking of dowry. If a woman of grown up age and well educated gets married to a person despite dowry demand, she and her family becomes accomplice in the crime under Dowry Prohibition Act.*

*4. Now-a-days, exorbitant claims are made about the amount spent on marriage and other ceremonies and on dowry and gifts. In some cases claim is made of spending crores of rupees on dowry without disclosing the source of income and how funds flowed. I consider time has come that courts should insist upon disclosing source of such funds and verification of income from tax returns and police should insist upon the compliance of the Rules under Dowry Prohibition Act and should not entertain any complaint, if the rules have not been complied with.. XXX"*

*(emphasis supplied)*



There was reference to Rule 2 of the Dowry Prohibition (Maintenance of list of presents to the Bride and Bride groom) Rules, 1985.

20. On perusal of these decisions, the position of law is very clear that although Section 498A IPC was enacted to address cruelty against married women, courts must remain vigilant against its misuse through vague and generalized allegations arising from matrimonial disputes, and the prosecution should not proceed where there are no prima facie materials available on record. It is further clear that, allegations against relatives, particularly those residing separately or having limited interaction with the complainant, require more careful scrutiny and cautious evaluation, and they must not be roped in at the whims and fancies of the complainant with the intent to cause harassment. It was emphasized that, dowry-related allegations made after the breakdown of marriage must be examined with circumspection, and that exaggerated or unsupported claims regarding dowry or marriage expenses should be verified in accordance with the provisions and procedural requirements under the Dowry Prohibition Act and the Rules.



21. Now the statistics disclose that there is unreasonable rise in filing of the complaints by the wives or their family members against the husband and his family members making very serious allegations. If the police register the FIR on the basis of such bald complaints, apprehend the accused mentioned therein and later proceed with the investigation, unmindful of fact that a duty is cast on them to make a preliminary enquiry before proceeding to register a criminal case, it will satisfy the evil intention of the complaint but it will result in serious consequence, which cannot be compensated at a later point of time. It is high time to make such complainants understand that, bald and general allegations are not sufficient to register the FIR but there must be prima-facie materials to support the same. Further the complainants and her family members are also accountable for encouraging payment of dowry on mere demand.

22. The Hon'ble Apex Court in **Arnesh Kumar v. State of Bihar**<sup>5</sup>, held in paragraph Nos.10, 11, 11.1 to 11.8 as under:

*"10. We are of the opinion that if the provisions of Section 41 CrPC which authorises the police officer*

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<sup>5</sup> (2014) 8 SCC 273



to arrest an accused without an order from a Magistrate and without a warrant are scrupulously enforced, the wrong committed by the police officers intentionally or unwittingly would be reversed and the number of cases which come to the Court for grant of anticipatory bail will substantially reduce. We would like to emphasise that the practice of mechanically reproducing in the case diary all or most of the reasons contained in Section 41 CrPC for effecting arrest be discouraged and discontinued.

11. Our endeavour in this judgment is to ensure that police officers do not arrest the accused unnecessarily and Magistrate do not authorise detention casually and mechanically. In order to ensure what we have observed above, we give the following directions:

11.1. All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 CrPC;

11.2. All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);

11.3. The police officer shall forward the check list duly filled and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

11.4. The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;

11.5. The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;



*11.6. Notice of appearance in terms of Section 41-A CrPC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the district for the reasons to be recorded in writing;*

*11.7. Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before the High Court having territorial jurisdiction.*

*11.8. Authorising detention without recording reasons as aforesaid by the Judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court."*

*(emphasis supplied)*

23. Thus the Court took judicial notice of the growing misuse of Section 498-A IPC and observed that the provision, though enacted as a shield to protect married women from cruelty, had in several instances become a weapon in the hands of disgruntled complainants, leading to the arrest of innocent persons merely because the offence is cognizable and non-bailable. The Court emphasized that the existence of the power to arrest is distinct from the justification for its exercise, and that arrest should not be made in a routine or mechanical manner. It was held that in offences punishable with imprisonment up to seven years, including Section 498-A IPC and Section 4 of the Dowry Prohibition Act, the police officer



must first satisfy himself upon reasonable inquiry, about the necessity of arrest in terms of the parameters laid down under Section 41(1)(b) Cr.P.C., and must record reasons for such arrest. The Court further directed that notice under Section 41-A Cr.P.C. be ordinarily issued and that Magistrates, before authorizing detention, must peruse the report and record their satisfaction that the requirements of Section 41 have been complied with. The judgment categorically mandated that non-compliance with these directions would invite departmental action as well as proceedings for contempt of court. These principles have since been reiterated, underscoring the paramount importance of personal liberty and the need to prevent unnecessary arrests in matrimonial disputes.

24. In this landmark judgment, the Supreme Court showing concern about the widespread misuse of Section 498A IPC and laid down strict guidelines to prevent arbitrary arrests in spite of that unfortunately arrest of the husband and his family members on registration of the FIR on the basis of bald, general and sweeping allegations have not been curbed.



25. In the present case it is stated that petitioner No.1 was arrested on 25.09.2020 and was detained in custody till 30.09.2020. According to the learned counsel for the petitioners, petitioner No.1 is a Software Engineer and respondent No.2 is a MBA graduate and petitioner No.1 has lost his opportunity to avail job in United States of America (USA).

26. Learned counsel for the petitioners contended that a writ petition is filed by the petitioner seeking compensation for the mental, and physical agony and the financial loss he has suffered on the basis of false and baseless allegations made by respondent No.2. Since the writ petition is still pending consideration, I can only observe that petitioner No.1 will be at liberty to highlight his grievance in the said petition seeking appropriate orders. Suffice for me to say that it is one of the classic case where the wife registers the criminal case against the husband and his family members making allegations to seek sympathy and to see that the criminal case is registered and the accused mentioned in the first information are put behind bars without explaining as to why no complaint was filed at the initial stage, why there are no such allegations in the reply notice or even in her statement recorded by the police in



the complaint that was registered by petitioner No.1 herein. In such cases, the informant who lodges the first information, the police officer who registers such cases without any preliminary enquiry and without recording his satisfaction regarding the allegations made therein are equally responsible.

27. On facts I am satisfied that respondent No.2 has initiated the criminal proceedings making baseless, general and sweeping allegations, without there being any *prima-facie* materials to accept the same in view of the dates and events referred to above and the financial conditions of respondent No.2 and her parents. Hence the criminal proceeding is as a result of abuse of process of law and the same is liable to be quashed.

28. Accordingly, I answer the above point in the **Affirmative** and proceed to pass the following:

**ORDER**

(i) The Criminal Petition is **allowed**.

(ii) The criminal proceedings initiated in Cr.No.128/2020 of Sathanur Police Station now pending in CC No.562/2021 on the file of the learned First Additional Civil Judge and JMFC, Kanakapura, registered



for the offences punishable under Sections 498(A), 406, 504, 506 R/w Section 149 of IPC and Sections 3 and 4 of Dowry Prohibition Act, is hereby quashed against the petitioners.

**Sd/-  
(M G UMA)  
JUDGE**

BH  
CT:VS  
List No.: 1 Sl No.: 4

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