

Reserved on :05.03.2026
Pronounced on :25.03.2026

R

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.12989 OF 2024

BETWEEN:

- 1 . SMT.SUMITHRA
W/O JAGANNATH,
AGED ABOUT 59 YEARS.
- 2 . SRI JAGANNATH,
S/O DODDASHESHAIH,
AGED ABOUT 70 YEARS.

PETITIONER NO.1 AND 2 ARE
RESIDENTS OF NO.140, SHWETADRI,
7TH MAIN ROAD, 3RD STAGE,
7TH MAIN ROAD, DR. CORNER
GOKULAM, 3RD STAGE,
MYSURU – 570 002.

- 3 . SMT. J SHWETHA
W/O VINAY KUMAR V.,
AGED ABOUT 39 YEARS,
RESIDENT OF NO.34
BLOCK 2, MADHUVANA LAYOUT,
SRIRAMPURA 2ND STAGE,
MYSURU – 570 002.

... PETITIONERS

(BY SMT.KEERTHI KRISHNA REDDY, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
REPRESENTED BY
INSPECTOR OF POLICE,
BASAVESHWARANAGARA POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.
- 2 . SMT. RAJANI,
W/O TEJAS,
AGED ABOUT 35 YEARS,
R/AT FLAT NO.002,
NAVAMI JYOTSNA APARTMENT,
MODEL, LIC COLONY,
3RD STAGE, 4TH BLOCK,
BASAVESHWARANAGARA
BENGALURU – 560 079.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1;
SMT.DESIREE M.PAIS, ADVOCATE FOR
SRI VIVEK HOLLA, ADVOCATE FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO a) QUASH THE ENTIRE PROCEEDINGS IN C.C.NO.23089/2021 PENDING ON THE FILE OF THE XXIV ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU FOR THE OFFENCES P/U/S 498A, 506 AND 34 OF IPC AND SECTION 3 AND 4 DOWRY PROHIBITION ACT, 1961 (ANNEXURE-A) REGISTERED ON THE BASIS OF CHARGE SHEET FILED BY THE BASAVESHWARANAGAR POLICE STATION, BENGALURU IN CRIME NO.333/2018; b) QUASH THE ENTIRE CHARGE SHEET FILED BY THE BASAVESHWARANAGARA POLICE STATION, BENGALURU, DATED 12.08.2021, IN CR.NO.333/2018 FOR THE OFFENCES P/U/S

498A, 506 AND 34 OF IPC AND SECTION 3 AND 4 DOWRY PROHIBITION ACT, 1961 (ANNEXURE-B) NOW PENDING IN C.C.NO.23089/2021 BEFORE THE XXIV ACMM COURT BENGALURU.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.03.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioners/accused 2 to 4 are at the doors of this Court calling in question proceedings in C.C.No.23089 of 2021 pending before the XXIV Additional Chief Metropolitan Magistrate, Bengaluru arising out of crime in Crime No.333 of 2018 registered for offences punishable under Sections 498A, 506 r/w 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (hereinafter referred to as 'the Act' for short).

2. Heard Smt. Keerthi Krishna Reddy, learned counsel for the petitioner, Sri B.N.Jagadeesha, learned Additional State Public Prosecutor appearing for respondent No.1 and Smt. Desiree M.Pais, learned counsel appearing for respondent No.2.

3. Facts, in brief, germane are as follows: -

Accused Nos.1 and 4 are the son and daughter respectively of petitioners 1 and 2. 2nd respondent is the complainant, daughter-in-law of petitioners 1 and 2. Accused No.1 and the complainant got married on 20-04-2018. Barely 6 months after the marriage, the relationship between accused No.1 and the complainant floundered. The floundering of relationship between the two leads the complainant to the jurisdictional Police to register a complaint alleging cruelty by the husband, accused No.1 and mother-in-law, father-in-law and sister-in-law on the plea of demand of dowry. This becomes a crime in Crime No.333 of 2018. The police conduct investigation and file a charge sheet against four persons as accused, to be tried for the aforesaid offences. The petitioners, mother-in-law, father-in-law and sister-in-law are now before the Court calling in question registration of criminal case in C.C.No.23089 of 2021 and its continuance.

4. The learned counsel Smt. Keerthi Krishna Reddy appearing for the petitioners would vehemently contend that the relationship between accused No.1 and the complainant has failed on its own

accord. The petitioners who are mother-in-law, father-in-law and sister-in-law who do not reside with the complainant are drawn into the web of proceedings without any rhyme or reason. She would take this Court to the documents appended to the petition seeking to demonstrate that there is not an iota of ingredient of the offences so alleged against these petitioners. She would contend that the husband is not before the Court. It is for him to defend the action of any allegation made by the complainant, his wife. She would seek to place reliance upon plethora of judgments rendered by the Apex Court on the issue, to buttress her submission that permitting further trial in the case would become an abuse of the process of law.

5. Per contra, the learned counsel appearing for the 2nd respondent/complainant would vehemently refute the submission in contending that a perusal at the complaint or the summary of the charge sheet would clearly indicate all the ingredients of offences so alleged against all of them, be it Sections 498A, 34 of the IPC or under the Act. There is a clear demand of dowry. The relationship between the couple fell apart barely after six months and ample

evidence is produced to demonstrate collective cruelty by all these petitioners. The sister-in-law who even used to visit the house also played a role along with her parents in instigating accused No.1 to meet cruelty on the wife, as also demand of dowry. She submits that Police after investigation have filed charge sheet before the Court way back in the year 2021. The crime is of the year 2018. The matter is at the stage of hearing before charge. Therefore, this Court at this juncture should not interdict the trial and it is for the petitioners to come out clean in a full-blown trial.

6. Both, the learned counsel for the petitioners and the 2nd respondent, have in unison contended that several talks to mediate between the parties, even at the instance of the Court have failed.

7. The learned Additional State Public Prosecutor would also toe the lines of the learned counsel appearing for the complainant to contend that the Police after investigation have filed a charge sheet and against the mother-in-law and the father-in-law in particular, there are allegations of demand of dowry. Therefore, this Court should not lend its protective hand to the petitioners at this

stage. It is for the petitioners to come out clean in a full-blown trial. Learned counsel for the 2nd respondent and the learned Additional State Public Prosecutor in unison, seek dismissal of the petition.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. The afore-narrated facts are not in dispute. The relationship between the protagonists in the issue is afore-narrated. The husband/accused No.1 is not before the Court. Other accused before the Court are the mother-in-law, father-in-law and sister-in-law. The marriage between accused No.1 and the complainant happens on 20-04-2018. Six months thereafter emerges the complaint by the wife/2nd respondent. Since the entire issue is now triggered from the complaint, I deem it appropriate to notice the complaint. It reads as follows:

"....

ವಿಷಯ:- ವರದಕ್ಷಿಣೆ ಕಿರುಕುಳ ನೀಡುತ್ತಿರುವ ನನ್ನ ಗಂಡನಾದ ತೇಜಸ್, ಅತ್ತೆ ಸುಮಿತ್ರ, ಮಾವ ಡಿ.ಜಗನ್ನಾಥ್, ನಾದಿನಿ ಶ್ವೇತ ರವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ದೂರು.

ಈ ಮೇಲ್ಕಂಡ ವಿಳಾಸದಲ್ಲಿ ನಾನು ತಂದೆ-ತಾಯಿಯವರೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದು, ನಮ್ಮ ತಂದೆ-ತಾಯಿಗೆ ನಾನು ಹಿರಿಯ ಮಗಳಾಗಿರುತ್ತೇನೆ. ನಮಗೆ ಮ್ಯಾರೇಜ್ ಬ್ರೋಕರ್ ದೇವರಾಜ್ ರವರ ಮೂಲಕ ಈ ಸಂಬಂಧ ಏರ್ಪಟ್ಟಿರುತ್ತದೆ. ಈ ಸಂಬಂಧವು ನಮಗೆ ಹೊಸ ಸಂಬಂಧವಾಗಿರುತ್ತದೆ. ಹೀಗಿರುವಲ್ಲಿ ದಿನಾಂಕ:27.11.2017 ರಲ್ಲಿ ನನ್ನ ಮದುವೆಯ ಮಾತುಕತೆಯನ್ನು ನಮ್ಮ ಮನೆಯಾದ ಬಸವೇಶ್ವರ ನಗರದಲ್ಲಿ ನಮ್ಮ ಸಂಬಂಧಿಕರಾದ ಪ್ರಸಾದ್, ವೆಂಕಟೇಶ್, ಶೇಖರ್ ಹಾಗೂ ನನ್ನ ತಂದೆಯ ಸ್ನೇಹಿತರಾದ ನಾಗರಾಜು ರವರು ಭಾಗವಹಿಸಿದ್ದು, ನನ್ನ ಗಂಡನ ಕಡೆಯಿಂದ ಅವರ ತಾಯಿ, ತಂದೆ, ತಂಗಿ ಹಾಗೂ ನನ್ನ ಯಜಮಾನರಾದ ತೇಜಸ್ ರವರುಗಳು ಮದುವೆ ಮಾತುಕತೆಗೆ ಭಾಗವಹಿಸಿದ್ದರು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ಈ ಮೇಲ್ಕಂಡ ನನ್ನ ಗಂಡ, ಗಂಡನ ಕುಟುಂಬದವರು ರೂ.25 ಲಕ್ಷ ಹಣ, ಮೈತುಂಬಾ ಒಡವೆ, 15 ರೇಷ್ಮೆ ಸೀರೆಗಳು, 300ಗ್ರಾಂ ಬಂಗಾರದ ಒಡವೆ, 3 ಕೆ.ಜಿ. ಬೆಳ್ಳಿಯ ಸಾಮಾನುಗಳು ಹಾಗೂ ಲಲಿತ್ ಮಹಲ್ ಪ್ಯಾಲೇಸ್‌ನಲ್ಲಿ ಮದುವೆ ಮಾಡಿಕೊಡಬೇಕೆಂದು ಹಾಗೂ ಅಮೇರಿಕಾದಲ್ಲಿ ಮನೆಯನ್ನು ಬಾಡಿಗೆಗೆ ಕೊಡಿಸಿಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದರು. ಇದಕ್ಕೆ ನನ್ನ ತಂದೆ-ತಾಯಿಗಳು ನಮ್ಮ ಕಷ್ಟಗಳನ್ನು ಹೇಳಿಕೊಂಡರು ಆ ಸಂದರ್ಭದಲ್ಲಿ ಹುಡುಗನ ತಂದೆ-ತಾಯಿಗಳು ನಾವುಗಳು ನಮ್ಮ ಮಗನನ್ನು ಹೆಚ್ಚು ಖರ್ಚು ಮಾಡಿ ಓದಿಸಿದ್ದೇವೆ, ಅಲ್ಲದೆ ನಾವುಗಳು ಸಾಲವನ್ನು ಮಾಡಿಕೊಂಡಿದ್ದೇವೆ, ನೀವುಗಳು ಮೇಲೆ ಹೇಳಿದಂತೆ ವರದಕ್ಷಿಣೆಯನ್ನು ಕೊಟ್ಟಿದ್ದೇ ಆದರೆ ನಿಮ್ಮ ಮಗಳು ಅಮೇರಿಕಾದಲ್ಲಿ ಸುಖವಾಗಿರುತ್ತಾಳೆ ಎಂದು ನನ್ನ ತಂದೆ ತಾಯಿಯನ್ನು ನಂಬಿಸಿದರು. ಆ ಕಾರಣದಿಂದ ನನ್ನ ಭವಿಷ್ಯದ ಬಗ್ಗೆ ನನ್ನ ತಂದೆ-ತಾಯಿಯವರು ಯೋಚಿಸಿ ಕೇಳಿದ ವರದಕ್ಷಿಣೆಯನ್ನು ಕೊಡಲು ಒಪ್ಪಿಕೊಂಡರು. ಅದರಂತೆ ದಿನಾಂಕ:07.12.2017 ರಂದು ಐ.ಟಿ.ಸಿ.ಗಾರ್ಡೇನಿಯಾ ಇಲ್ಲಿ ನನ್ನ ನಿಶ್ಚಿತಾರ್ಥವಾಯಿತು. ಈ ಮೊದಲೇ ಮಾತುಕತೆಯಂತೆ ನನ್ನ ತಂದೆ-ತಾಯಿಯರು ಹಾಗೂ ನನ್ನ ತಮ್ಮನ ಖಾತೆಯಿಂದ ನನ್ನ ಅತ್ತೆಯಾದ ಸುಮಿತ್ರಾ ರವರ ಖಾತೆ ನಂ.625501527860, ಐ.ಸಿ.ಐ.ಸಿ.ಐ. ಬ್ಯಾಂಕ್ ಈ ಖಾತೆಗೆ ನನ್ನ ತಮ್ಮನಾದ ರಜತ್ ರವರು 3 ಲಕ್ಷದಂತೆ 2 ಬಾರಿ ಒಟ್ಟು ರೂ.6 ಲಕ್ಷ ಗಳನ್ನು ಹಾಗೂ ನನ್ನ ತಾಯಿ ದಿನಾಂಕ:08.01.2018, 16.01.2018, 19.01.2018, 27.02.2018 ಈ ವಿವಿಧ ದಿನಾಂಕಗಳಂದು ಒಟ್ಟಾರೆ ರೂ.17 ಲಕ್ಷಗಳನ್ನು ನನ್ನ ಅತ್ತೆಯ ಖಾತೆಗೆ ವರದಕ್ಷಿಣೆಯಾಗಿ ವರ್ಗಾಯಿಸಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ 2 ಲಕ್ಷ ಹಣವನ್ನು ಬಟ್ಟೆ, ಸೂಟ್ ಹಾಗೂ ಇನ್ನಿತರ ಖರ್ಚುಗಳಿಗೆಂದು ನಗದಾಗಿ ಪಡೆದಿರುತ್ತಾರೆ ಒಟ್ಟಾರೆ ರೂ.25 ಲಕ್ಷಗಳ ಹಣವನ್ನು ವರದಕ್ಷಿಣೆಯಾಗಿ ನನ್ನ ತಂದೆ-ತಾಯಿಯಿಂದ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ ನನ್ನ ಗಂಡ, ಅತ್ತೆ, ಮಾವ ಹಾಗೂ ನಾದಿನಿಯವರ ಕೋರಿಕೆಯಂತೆ ಲಲಿತ್ ಮಹಲ್‌ನಲ್ಲಿ ವಿಜೃಂಭಣೆಯಿಂದ ಮದುವೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಹಾಗೂ ಐ.ಟಿ.ಸಿ.ಗಾರ್ಡೇನಿಯಾದಲ್ಲಿ ನಿಶ್ಚಿತಾರ್ಥ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಇದೆಲ್ಲದಕ್ಕೂ ಸರಿ ಸುಮಾರು ರೂ.50 ಲಕ್ಷ ಖರ್ಚು ಮಾಡಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ 300 ಗ್ರಾಂ ಬಂಗಾರದ ಒಡವೆ ಹಾಕಿದ್ದು, 3 ಕೆ.ಜಿ.ಬೆಳ್ಳಿಯ ಸಾಮಾನುಗಳನ್ನು ಕೊಟ್ಟಿದ್ದು, ಅಂದರೆ ದೊಡ್ಡ ದೀಪ-2, ಒಂದು ತಟ್ಟೆ, ಚೆಂಬು, ಒಂದು ಹೂವಿನ ಬುಟ್ಟಿ, ಲೋಟ, ಗಂಟೆ, ತೀರ್ಥದ ಬಟ್ಟಲು, ತುಪ್ಪದ ದೀಪ, ಮಂಗಳಾರತಿ ತಟ್ಟೆ ಮುಂತಾದವುಗಳು ಹಾಗೂ 10 ಕೆ.ಜಿ. ಸ್ವೀಲ್ ಪಾತ್ರೆಗಳು ಮತ್ತು 15 ರೇಷ್ಮೆ ಸೀರೆಗಳನ್ನು ನನ್ನ ಗಂಡ, ಅತ್ತೆ-ಮಾವ ಹಾಗೂ ನಾದಿನಿಯವರ

ಬೇಡಿಕೆಯಂತೆ ಮದುವೆ ಕಾಲದಲ್ಲಿ ವರದಕ್ಷಿಣೆಯಾಗಿ ನೀಡುವ ಮೂಲಕ ವಿಜೃಂಭಣೆಯಿಂದ ನೆರವೇರಿಸಿರುತ್ತಾರೆ.

ಮದುವೆಯಾದ ನಂತರ ನಾನು ಮೈಸೂರಿನಲ್ಲಿರುವ ನನ್ನ ಗಂಡನ ಮನೆಗೆ ಹೋದೆನು, ಅಲ್ಲಿ ಸುಮಾರು 19 ದಿನಗಳು ಒಟ್ಟಾಗಿ ಜೀವನ ಮಾಡಿದೆವು. ಆಗ ನನ್ನನ್ನು ವಿವಿಧ ದೇವಾಲಯಗಳಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದರು. ಆಗ ನನಗೆ ಇನ್ನಿಲ್ಲದ ಮಾನಸಿಕ ಹಿಂಸೆಯನ್ನು ನೀಡುತ್ತಿದ್ದರು. ಹೀಗಿರುವಲ್ಲಿ ದಿನಾಂಕ:09.05.2018 ರಂದು ನನ್ನ ಗಂಡ ಅಮೇರಿಕಾಕ್ಕೆ ಹೋಗಿರುತ್ತಾನೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ನನ್ನ ಅತ್ತೆ-ಮಾವಂದಿರ ಜೊತೆ ಮೈಸೂರಿನಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ನನಗೆ ನನ್ನ ಅತ್ತೆ, ಮಾವ, ನಾದಿನಿ ಈ ಮೂರೂ ಜನರೂ ನನ್ನಿಂದ ಇನ್ನೂ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆಯಾಗಿ ಹಣ, ಪಾತ್ರೆ, ಬಂಗಾರದ ಒಡವೆಗಳನ್ನು ತರುವಂತೆ ಪೀಡಿಸುತ್ತಿದ್ದರು. ಇದೆಲ್ಲದಕ್ಕೂ ನನ್ನ ಗಂಡನಾದ ತೇಜಸ್ ರವರು ಅಮೇರಿಕಾದಿಂದ ಫೋನ್ ಮಾಡುವ ಮೂಲಕ ಕುಮ್ಮಕ್ಕು ನೀಡುತ್ತಿದ್ದನು. ನಾನು ಇಂದಲ್ಲಾ ನಾಳೆ ನನ್ನ ಸಂಸಾರ ಸರಿಹೋಗಬಹುದೆಂದು ಅರಿತು ಅವರು ಕೊಡುವಂತಹ ವರದಕ್ಷಿಣೆ ಕಿರುಕುಳ, ಮಾನಸಿಕ, ದೈಹಿಕ ಕಿರುಕುಳಗಳನ್ನು ಸಹಿಸಿಕೊಂಡಿದ್ದೆ, ಅಲ್ಲದೆ ನನ್ನನ್ನು ನನ್ನ ಸ್ನೇಹಿತರು ಹಾಗೂ ಸಂಬಂಧಿಕರ ಮುಂದೆ ನೀನು ದಪ್ಪಗಿದ್ದೀಯಾ ಅಂದರೆ ಟಾಟಾ ಸುಮೋ ತರ ಎಂದು ನನ್ನನ್ನು ನಿಂದಿಸುತ್ತಿದ್ದರು. ಈ ಮಧ್ಯೆ ಜೂನ್ ತಿಂಗಳಲ್ಲಿ ನನ್ನ ಗಂಡನಾದ ತೇಜಸ್ ಮೈಸೂರಿಗೆ ವಾಪಸ್ಸು ಬಂದಿದ್ದು, ಸುಮಾರು 20 ದಿನಗಳು ಮೈಸೂರಿನಲ್ಲಿ ನನ್ನೊಂದಿಗೆ ವಾಸವಾಗಿದ್ದನು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನನ್ನು ಅಪರಿಚಿತಳಂತೆ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದ, ಅಲ್ಲದೆ ನಾನು ದಪ್ಪಗಿದ್ದೇನೆ ನನ್ನನ್ನು ಎಲ್ಲಿಯಾದರೂ ಹೊರಗಡೆ ಕರೆದುಕೊಂಡು ಹೋದರೆ ತನಗೆ ಅವಮಾನ ಆಗುತ್ತದೆ ಎಂದು ನನಗೆ ಹಲವಾರು ಬಾರಿ ನಿಂದಿಸಿರುತ್ತಾನೆ, ಅಲ್ಲದೆ, ಈ ವಿಚಾರವನ್ನು ದರ್ಶನ್ ರವರ ಮುಂದೆಯೂ ನಾನು ದಪ್ಪಗಿದ್ದೇನೆ ಎಂಬ ವಿಚಾರವನ್ನು ಹೇಳಿರುತ್ತಾನೆ ದರ್ಶನ್ ರವರಿಂದ ಸದರಿ ವಿಚಾರವನ್ನು ತಿಳಿದುಕೊಂಡಿರುತ್ತೇನೆ. ಆದ್ದರಿಂದ ನನಗೆ ತುಂಬಾ ಮಾನಸಿಕ ನೋವು ಉಂಟಾಗಿರುತ್ತದೆ. ಅಲ್ಲದೆ ಸದರಿ ವಿಚಾರವನ್ನು ನನ್ನ ತಂದೆ-ತಾಯಿಗಳಿಗೆ ತಿಳಿಸಲಾಗಿ ಅವರು ಇಂದಲ್ಲಾ, ನಾಳೆ ಸರಿಹೋಗುತ್ತದೆ, ನೀನೇ ಹೊಂದಿಕೊಂಡು ಹೋಗು ಎಂದು ನನಗೆ ಬುದ್ಧಿವಾದ ಹೇಳುತ್ತಿದ್ದರು. ನಂತರ ನನ್ನ ಯಜಮಾನರು ಜುಲೈ ತಿಂಗಳಲ್ಲಿ ಅಮೇರಿಕಾಕ್ಕೆ ಹೋದರು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನನ್ನು ಆಷಾಡಕ್ಕೆಂದು ನನ್ನನ್ನು ನನ್ನ ತವರುಮನೆಯಾದ ಬಸವೇಶ್ವರ ನಗರಕ್ಕೆ ಕಳುಹಿಸಿಕೊಟ್ಟರು. ಆ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನ ಗಂಡನು ನನ್ನೊಂದಿಗೆ ಹಲವಾರು ಬಾರಿ ದೂರವಾಣಿ ಮೆಸೇಜ್‌ಗಳನ್ನು ಕೆಟ್ಟದ್ದಾಗಿ ಕಳುಹಿಸಿರುತ್ತಾನೆ. ಅಲ್ಲದೆ ಆಷಾಡ ಮುಗಿದ ನಂತರ ನನ್ನ ತಂದೆ-ತಾಯಿಗಳು ನನ್ನನ್ನು ಗಂಡನ ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದು, ಆ ಸಂದರ್ಭದಲ್ಲಿ ಈಗ ಬರುವುದು ಬೇಡ ನನ್ನ ಮಗನು ಬಂದ ಮೇಲೆ ಬನ್ನಿ ಎಂದು ಕೆಟ್ಟದಾಗಿ ನಡೆಸಿಕೊಂಡು ನಮ್ಮನ್ನು ವಾಪಸ್ಸು ಕಳುಹಿಸಿರುತ್ತಾರೆ. ನಂತರ ಅಂದರೆ ದಿನಾಂಕ:22.10.2018 ರಂದು ನನ್ನ ತಂದೆ-ತಾಯಿಗಳು, ನಾನು ಮೈಸೂರಿಗೆ ಹೋಗಿ ನನಗೆ ಹಾಕಿಕೊಳ್ಳಲು ಬಟ್ಟೆ ಹಾಗೂ ಒಡವೆಗಳನ್ನು ಕೊಡಿ ಎಂದು ಕೇಳಲಾಗಿ, ಅವುಗಳನ್ನು ಮಗನ ಕೈಯಲ್ಲಿ ಕಳುಹಿಸಿದ್ದೇವೆಂದು ನನ್ನ ಅತ್ತೆ ಹೇಳಿದರು. ನಂತರ ಯೋಚಿಸಿ, ಆಯಿತು ಸಂಜೆ 5.00 ಗಂಟೆಗೆ ಬನ್ನಿ ಎಂದು ಹೇಳಿದರು, ಅದೇ ದಿನ 5.00 ಗಂಟೆಗೆ ನಾವು ಫೋನ್ ಮಾಡಿದಾಗ ಸದರಿಯವರು ಫೋನ್‌ನ್ನು ತೆಗೆದಿರುವುದಿಲ್ಲ, ವಿಧಿ ಇಲ್ಲದೆ ವಾಪಸ್ಸು ಬಂದಿರುತ್ತೇವೆ. ಅಲ್ಲದೆ, ಈ ರೀತಿ ನನಗೆ

ಇನ್ನೂ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆಯಾಗಿ ಹಣ, ಬಂಗಾರ ತರುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿ ನನ್ನನ್ನು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸುವ ಮೂಲಕ ಹಿಂಸಿಸಿರುತ್ತಾರೆ ಅಲ್ಲದೆ ನನ್ನ ಅತ್ತೆ-ಮಾವಂದಿರು ರಾಜಕೀಯವಾಗಿ ಪ್ರಬಲರಾಗಿದ್ದು, ಹಾಗೂ ಸಮಾಜಘಾತುಕ ವ್ಯಕ್ತಿಗಳ ಪರಿಚಯವಿದ್ದು, ಇವರು ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ನನಗೆ ಹಾಗೂ ನನ್ನ ತಂದೆ-ತಾಯಿಗಳಿಗೆ ತೊಂದರೆಯನ್ನುಂಟು ಮಾಡುವ ಸಂಭವ ಇರುತ್ತದೆ. ಅದೇ ರೀತಿ ಹಲವರ ಮುಂದೆ ಹೇಳಿಕೊಂಡಿರುತ್ತಾರೆ ಈ ಎಲ್ಲಾ ವ್ಯವಹಾರಗಳು ಬಸವೇಶ್ವರ ನಗರದ ನಮ್ಮ ತಂದೆ-ತಾಯಿಗಳ ಮನೆಯಲ್ಲಿ ಮಾತುಕತೆ, ನಿಶ್ಚಿತಾರ್ಥ ಆಗಿರುವುದರಿಂದ ಸದರಿ ವಿವಾದವು ತಮ್ಮ ಬಸವೇಶ್ವರ ರಾಣಾ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಟ್ಟಿರುತ್ತದೆ. ಹಾಗೂ ಇದೀಗ ನನ್ನ ಗಂಡನು ಸದ್ಯದಲ್ಲೇ ಅಮೇರಿಕಾಕ್ಕೆ ಹೋಗುವವನಿದ್ದು, ಹೀಗಾಗಿ ತಕ್ಷಣವೇ ಆತನ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂತಲೂ ಹಾಗೂ ಪಾಸ್‌ಪೋರ್ಟ್ ವಶಪಡಿಸಿಕೊಳ್ಳಬೇಕೆಂದು ಕೋರುತ್ತೇನೆ.

ಆದುದರಿಂದ ಈ ಮೇಲ್ಕಂಡ ರೀತಿ ವರದಕ್ಷಿಣೆ ಪಡೆದು ನನಗೆ ಮಾನಸಿಕವಾಗಿ, ದೈಹಿಕವಾಗಿ ಹಿಂಸಿಸಿ, ತೊಂದರೆ ಕೊಟ್ಟಿರುವ ನನ್ನ ಗಂಡ ತೇಜಸ್, ಅತ್ತೆಯಾದ ಸುಮಿತ್ರ, ಮಾವ ಜಗನ್ನಾಥ್ ಹಾಗೂ ನಾದಿನಿ ಶ್ವೇತ ರವರುಗಳ ವಿರುದ್ಧ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವ ಮೂಲಕ ನಮ್ಮಿಂದ ಪಡೆದಿರುವ ರೂ.25 ಲಕ್ಷ ಹಣ, 15 ರೇಷ್ಮೆ ಸೀರೆಗಳು, ಬಟ್ಟೆ, ಬಂಗಾರದ ಒಡವೆಗಳು, ಪಾತ್ರೆ ಸಾಮಾನುಗಳು, ಮತ್ತಿತರೆ ವಸ್ತುಗಳನ್ನು ನಮಗೆ ವಾಪಸ್ಸು ಕೊಡಿಸಿಕೊಡಬೇಕೆಂತಲೂ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ. ಅಲ್ಲದೆ ನನಗೆ ಅಗತ್ಯ ರಕ್ಷಣೆ ಕೊಡಬೇಕೆಂತಲೂ ಕೋರಿಕೊಳ್ಳುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ,

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-

(ರಜನಿ.ಎ)”

It is the case of the complainant that after marriage which takes place on 20-04-2018, the wife moved into the house of her husband and together lived for 19 days and on 09-05-2018 her husband on his avocation leaves to America and the complainant is said to have been residing with the mother-in-law and the father-

law, petitioners 1 and 2. It is here the fulcrum of the allegation spring.

10. However, a close reading of the complaint indicates that a common place domestic discord and minor skirmishes, not uncommon in a joint family setting, have been elevated to the pedestal of criminality. The allegations are largely general and omnibus in nature, devoid of specific particulars as to time, date or overt acts. Even in respect of dowry demands, the narration pertains predominantly to pre-marital discussions spanning between December 2017 to February 2018 ostensibly in the context of marriage expenses. The complaint thus, does not delineate any concrete demand of dowry attributable to the petitioners, nor does it articulate conduct, meeting the statutory threshold of cruelty, as obtaining under Section 498A of the IPC.

11. The afore-mentioned complaint becomes a crime in crime No.333 of 2018 for offences punishable under Sections 498A r/w 34 of the IPC and under the Act. The Police conduct investigation and

file a charge sheet against these petitioners. The summary of the charge sheet as obtaining in Column No.7 reads as follows:

“ಈ ದೋಷಾರೋಪಣಾಪಟ್ಟಿಯ ಕಾಲಂ ನಂ: 6 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಾಕ್ಷಿ-2 ಮತ್ತು ಸಾಕ್ಷಿ-3 ರವರು 2017 ನೇ ಇಸವಿಯಲ್ಲಿ ಅವರ ಮಗಳಾದ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಮದುವೆ ಮಾಡಲೆಂದು, ವರನನ್ನು ಹುಡುಕಿಕೊಡುವಂತೆ ಸಾಕ್ಷಿ-5 ರವರಿಗೆ ತಿಳಿಸಿದ್ದು, ಸಾಕ್ಷಿ-5 ರವರು ಈ ವಿಚಾರವನ್ನು ಕಾಲಂ ನಂ: 4 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಆರೋಪಿತರುಗಳಿಗೆ ತಿಳಿಸಿದ್ದು, ಅನಂತರದ ದಿನಗಳಲ್ಲಿ ಎ-2 ಮತ್ತು ಎ-3 ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಬೆಂಗಳೂರಿನ .2 ಯುಬಿ ಸಿಟಿ ಬಳಿಯ ಕಾಫಿ ಸ್ಟೈರ್‌ಗೆ ಕರೆಸಿಕೊಂಡು ಮಾತನಾಡಿ, ಸಾಕ್ಷಿ-1 ರವರ ಮೊಬೈಲ್ ನಂಬರ್ ಅನ್ನು ಪಡೆದುಕೊಂಡು ಹೋಗಿ ಎ-2 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರ ಜೊತೆ ಸುಮಾರು 3 ತಿಂಗಳುಗಳ ಕಾಲ ಫೋನಿನಲ್ಲಿ ಮಾತನಾಡುತ್ತಾ, ಸಾಕ್ಷಿ-1 ರವರ ಮನೆಯ ಆರ್ಥಿಕ ಪರಿಸ್ಥಿತಿಯನ್ನು ತಿಳಿದುಕೊಂಡು ದಿನಾಂಕ: 23-11-2017 ರಂದು ಎ-1 ರಿಂದ ಎ-4 ಆರೋಪಿಗಳು ಇದೇ ಬೆಂಗಳೂರು ನಗರ ಬಸವೇಶ್ವರನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ಬಸವೇಶ್ವರನಗರ 3ನೇ ಸ್ಟೇಜ್, 4ನೇ ಬ್ಲಾಕ್, ಮಾಡಲ್ ಎಲ್.ಐ.ಸಿ ಕಾಲೋನಿಯ ನವಮಿ ಜೋತ್ಸಾ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ನ ಪ್ಲಾಟ್ ನಂ: 002 ಕ್ಕೆ ಬಂದು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ನೋಡಿಕೊಂಡು ಹೋಗಿ ಅನಂತರ ದಿನಾಂಕ: 27-11-2017 ರಂದು ಮತ್ತೆ ಸಾಕ್ಷಿ-1 ರವರ ಮನೆಗೆ ಎ-1 ರಿಂದ ಎ-4 ಆರೋಪಿಗಳು ಅವರ ಸಂಬಂಧಿಕರ ಜೊತೆಯಲ್ಲಿ ಬಂದು ಸಾಕ್ಷಿ-1 ರಿಂದ ಸಾಕ್ಷಿ-5 ಹಾಗೂ ಸಾಕ್ಷಿ-7, ರಿಂದ ಸಾಕ್ಷಿ-10 ರವರ ಸಮಕ್ಷಮ ಮದುವೆ ಮಾತುಕತೆ ಮಾಡಿದ್ದು, ಆರೋಪಿಗಳು ಮದುವೆ ಮಾತುಕತೆಯ ಸಮಯದಲ್ಲಿ ವರದಕ್ಷಿಣೆಯಾಗಿ 300 ಗ್ರಾಂ ಚಿನ್ನ, 3 ಕೆ.ಜಿ ಬೆಳ್ಳಿ, 25 ಲಕ್ಷ ಹಣ, 10 ಕೆ.ಜಿ ಸ್ವೀಲ್ ಪಾತ್ರೆಗಳನ್ನು, 15 ರೇಷ್ಮೆ ಸೀರೆಗಳನ್ನು ಕೊಡುವಂತೆಯೂ ಹಾಗೂ ಐ.ಟಿ.ಸಿ ಗಾರ್ಡೇನಿಯಾದಲ್ಲಿ ಎಂಗೇಜ್‌ಮೆಂಟ್, ಮೈಸೂರಿನ ಲಲಿತ ಮಹಲ್ ಪ್ಯಾಲೇಸಿನಲ್ಲಿ ಮದುವೆ, ಅಮೇರಿಕಾದಲ್ಲಿ ಹುಡುಗನಿಗೆ ಬಾಡಿಗೆ ಮನೆ ಮಾಡಿಕೊಡಬೇಕು ಎಂಬಿತ್ಯಾದಿಯಾಗಿ ಒತ್ತಾಯ ಮಾಡಿ ಕೇಳಿದ್ದು, ಸಾಕ್ಷಿ-2 ಮತ್ತು ಸಾಕ್ಷಿ-3 ರವರು ಆರೋಪಿಗಳ ಒತ್ತಾಯದಿಂದ ದಿನಾಂಕ: 07-12-2017 ರಂದು ಸುಮಾರು 9 ಲಕ್ಷ ರೂಗಳನ್ನು ಖರ್ಚು ಮಾಡಿ ಐ.ಟಿ.ಸಿ ಗಾರ್ಡೇನಿಯಾ ಹೋಟೆಲ್‌ನಲ್ಲಿ ಎಂಗೇಜ್‌ಮೆಂಟ್ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಅನಂತರ ಆರೋಪಿತರು ಸಾಕ್ಷಿ-1 ರಿಂದ ಸಾಕ್ಷಿ-3 ಹಾಗೂ ಸಾಕ್ಷಿ-5 ರವರನ್ನು ಮೈಸೂರಿಗೆ ಕರೆಸಿಕೊಂಡು ಎ-1 ಆರೋಪಿಯು ಲಲಿತ ಮಹಲ್ ಪ್ಯಾಲೇಸ್ ಬುಕ್ ಮಾಡಲು 1 ಲಕ್ಷ ರೂ ನಗದು ಹಣವನ್ನು ಪಡೆದು ಲಲಿತ ಮಹಲ್ ಪ್ಯಾಲೇಸ್ ಅನ್ನು ಬುಕ್ ಮಾಡಿದ್ದು, ಅನಂತರದ ದಿನಗಳಲ್ಲಿ ಎ-1, ಎ-2 ಹಾಗೂ ಎ-3 ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1, ಸಾಕ್ಷಿ-2 ರವರಿಗೆ ಮೇಲಿಂದ ಮೇಲೆ ಕರೆಗಳನ್ನು ಮಾಡುತ್ತಾ 25 ಲಕ್ಷ ರೂ ವರದಕ್ಷಿಣೆಗಾಗಿ ಒತ್ತಾಯ ಮಾಡುತ್ತಿದ್ದರಿಂದ ಸಾಕ್ಷಿ-2 ಮತ್ತು ಸಾಕ್ಷಿ-3 ರವರು ಸಾಕ್ಷಿ-1 ರವರ ಒಡವೆಗಳನ್ನು ಅಡವಿಟ್ಟು ಅದರಿಂದ ಬಂದ 3 ಲಕ್ಷ ರೂ ಹಣವನ್ನು ದಿನಾಂಕ: 15-12-2017 ರಂದು ಸಾಕ್ಷಿ-4 ರವರ ಖಾತೆಯಿಂದ ಎ-2 ಆರೋಪಿತರ ಖಾತೆಗೆ ವರ್ಗಾವಣೆ ಮಾಡಿದ್ದು, ಅನಂತರ ಎ-1 ರಿಂದ ಎ-4 ಆರೋಪಿಗಳು ಬಾಕಿ ಉಳಿದ ವರದಕ್ಷಿಣೆ ಹಣವನ್ನು ಬೇಗನೆ ಕೊಡುವಂತೆ, ಇಲ್ಲವಾದಲ್ಲಿ ಮದುವೆ ಮಾಡಿಕೊಳ್ಳುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದರಿಂದ ಸಾಕ್ಷಿ-2 ರವರು ಅವರ ಹೆಸರಿನಲ್ಲಿ ತಿಪಟೂರಿನಲ್ಲಿ ಇದ್ದ ಸೈಟುಗಳನ್ನು ಅಗ್ರಿಮೆಂಟ್ ರಿಜಿಸ್ಟರ್ ಮಾಡಿ 45 ಲಕ್ಷ ರೂಗಳನ್ನು ಸಾಲ ಪಡೆದು ಆ ಹಣದಲ್ಲಿ ಸಾಕ್ಷಿ-2 ರವರು ದಿನಾಂಕ: 08-01-2018 ರಂದು 5 ಲಕ್ಷ, ದಿನಾಂಕ: 16-01-2018

ರಂದು 3 ಲಕ್ಷ, ದಿನಾಂಕ: 19-01-2018 ರಂದು 3 ಲಕ್ಷ ಹಾಗೂ ದಿನಾಂಕ: 27-02-2018 ರಂದು 6 ಲಕ್ಷ ರೂಗಳನ್ನು ಎ-2 ಆರೋಪಿತರ ಖಾತೆಗೆ ಹಾಕಿದ್ದು, ಸಾಕ್ಷಿ-1 ರವರು ಎ-4 ಆರೋಪಿತರ ಖಾತೆಗೆ 50, ಸಾವಿರ ರೂಗಳನ್ನು ಹಾಗೂ ದಿನಾಂಕ: 27-03-2018 ರಂದು ಸಾಕ್ಷಿ-4 ರವರು ಎ-2 ರವರ ಖಾತೆಗೆ 3 ಲಕ್ಷ ರೂಗಳನ್ನು ಹಾಕಿದ ಬಳಿಕ ದಿನಾಂಕ: 19-04-2018 ಹಾಗೂ ದಿನಾಂಕ: 20-04-2018 ರಂದು ಸಾಕ್ಷಿ-1 ಹಾಗೂ ಎ-1 ಆರೋಪಿತರ ಮದುವೆಯು ಮೈಸೂರಿನ ಲಲಿತ ಮಹಲ್ ಪ್ಯಾಲೇಸಿನಲ್ಲಿ ಹುಡುಗ ಹಾಗೂ ಆತನ ಕಡೆಯವರು ಕೇಳಿದ್ದಂತೆ ಸುಮಾರು 50 ಲಕ್ಷ ರೂಗಳನ್ನು ಖರ್ಚು ಮಾಡಿ ಅದ್ದೂರಿಯಾಗಿ ಜರುಗಿದ್ದು, ಮದುವೆಯ ಬಳಿಕ ಆರೋಪಿತರು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಮೈಸೂರು ನಗರದ ವಿ.ವಿ ಪುರಂ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ಗೋಕುಲಂ 3ನೇ ಸೇಜ್, 7ನೇ ಮೈನ್‌ನಲ್ಲಿರುವ ಮನೆ ನಂ: 140 ರಲ್ಲಿ ಇರಿಸಿಕೊಂಡು ಎ-1 ರಿಂದ ಎ-4 ರವರುಗಳು ಇನ್ನು ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ತರುವಂತೆ, ಇನ್ನು ಹೆಚ್ಚು ಚಿನ್ನದ ಒಡವೆ ಹಾಗೂ ಆಸ್ತಿಯನ್ನು ತರುವಂತೆ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಮಾನಸಿಕ ಹಿಂಸೆ ನೀಡಿ ಆನಂತರ ಎ-1 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆಷಾಡಕ್ಕೆಂದು ತವರು ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಬಂದು ಬಿಟ್ಟು ಕೆಲಸಕ್ಕೆಂದು ಅಮೇರಿಕಾಕ್ಕೆ ಹೋಗಿದ್ದ, ಆಷಾಡ ಮುಗಿದ ಮೇಲೂ ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗದೇ ಇದ್ದರಿಂದ ಸಾಕ್ಷಿ-1 ರವರು ಇತರ ಸಾಕ್ಷಿಗಳ ಜೊತೆ ನಾಲ್ಕು ಬಾರಿ ಮೈಸೂರಿನ ಗಂಡನ ಮನೆಯ ಬಳಿ ಹೋಗಿ ಮನೆಗೆ ಸೇರಿಸಿಕೊಳ್ಳುವಂತೆ ಬೇಡಿಕೊಂಡರೂ ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಮನೆಯ ಒಳಗೆ ಬಿಟ್ಟುಕೊಳ್ಳದೇ ಇನ್ನು ಹೆಚ್ಚಿನ ಹಣ ತರದೇ ಹೋದರೆ ಮನೆಗೆ ಸೇರಿಸಿಕೊಳ್ಳುವುದೇ ಇಲ್ಲವೆಂದು ಹೇಳಿ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಮನೆಗೆ ಸೇರಿಸಿಕೊಳ್ಳದೇ, ಸಾಕ್ಷಿ-1 ರವರ ಬೆಲೆಬಾಳುವ ಬಟ್ಟೆಗಳನ್ನು, ಚಿನ್ನದ ಒಡವೆಗಳನ್ನು ಸಹ ನೀಡದೇ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಕಿರುಕುಳ ನೀಡಿರುವುದು ಹಾಗೂ ಎ-1 ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಕೇಸನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳುವಂತೆ, ಇಲ್ಲವಾದಲ್ಲಿ ಕೊಲೆ ಮಾಡುವುದಾಗಿ ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿರುವುದು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಸಂಗ್ರಹಿಸಿದ ಸಾಕ್ಷಾಧಾರಗಳಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ.”

The charge sheet in substance, mirrors the complaint and is further predicated upon a subsequent statement recorded nearly 3 years later on 20-02-2021. This supplementary statement appears to embellish the original allegations. Even otherwise, when the two, the complaint and the summary, read in tandem, fails to satisfy the essential ingredients of the alleged offences against the petitioners.

Section 498A of the IPC contemplates cruelty of a nature likely to

drive a woman to suicide or cause grave injury or harassment with a view to coerce unlawful demands for property. The *sine qua non* of the offence is not mere marital discord, but cruelty of a grave character tied to unlawful demands.

12. If the complaint and summary of charge sheet are read in juxtaposition, it only speaks of expenditure incurred in the course of marriage ceremonies. Even if it is taken as correct, cannot in the absence of cogent material, retroactively transmute into a dowry demand, so as to implicate every member of the husband's family. Thus, mother-in-law, father-in-law and sister-in-law are without any rhyme or reason dragged into the web of proceedings.

13. Jurisprudence is replete with the judgments of the Apex Court on the issue, as to whether investigation or trial must be permitted in such cases.

13.1. The Apex Court in the case of **RAJESH CHADDHA v. STATE OF UTTAR PRADESH**¹, has held as follows:

¹2025 SCC OnLine SC 1094

ANALYSIS

7. Having heard the learned counsel for the respective parties and having perused the record, the question remains whether the High Court vide Impugned Order dt. 14.11.2018 whilst exercising its revisionary jurisdiction, was correct in upholding the conviction of the Appellant under Section 498A IPC & Section 4 D.P. Act, 1961. In that respect, it is prudent to examine the statutory provisions, which are 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."

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 subsection (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 : Page 12 of 26 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."*

8. At the outset, an act of 'cruelty' for the purpose of Section 498A, corresponds to a willful conduct of such nature, that may cause danger to the life, limb and health of the woman, which is inclusive of the mental and physical health and the harassment caused to her, by coercing her to meet unlawful demands or impossible standards. Further, the demand for dowry in terms of Section 3 and Section 4 of the D.P. Act, 1961 refers to both a direct or indirect manner of demand for dowry made by the husband or his family members. In order to meet the threshold of the offences under Section 498A IPC & Sections 3 & 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air.

9. In the present case, the allegations made by the Complainant are vague, omnibus and bereft of any material particulars to substantiate this threshold. Apart from claiming that Appellant husband harassed her for want of dowry, the Complainant has not given any specific details or described any particular instance of harassment. The allegations in the FIR, and the depositions of the prosecution witnesses suggest that on multiple occasions, the Complainant wife was ousted from the matrimonial house, and kicked and punched in the presence of her father, PW-2 herein and she was

repeatedly tormented with dowry demands, and when she was unable to honor them, the Appellant and her family physically beat her up; whereas she has not mentioned the time, date, place, or manner in which the alleged harassment occurred. It is alleged that the Complainant suffered a miscarriage, as she fell down, when the Appellant and her family who pushed her out of the house; however, no medical document from any medical institution or hospital or nursery was produced to substantiate the allegations.

10. Upon carefully considering the record, we find that apart from the statements of PW-1 and PW-2, there is no evidence to substantiate the allegations of harassment and acts of cruelty within the scope of Section 498A of IPC, and Section 4 of the D.P. Act, 1961. For this reason, we find merit in the submission of the learned Counsel for the Appellant, and are of the considered view that there is no material on record to establish the allegations of hurt or miscarriage, and of hurt and criminal intimidation in terms of Section 323 r/w 34 and Section 506 IPC respectively. The Trial Court has rightly held that evidence of the Complainant is the only strong evidence that she sustained injuries on various parts of her body due to the physical assault by the accused persons, and that there was no medical examination conducted by the Complainant, so as to prove that the miscarriage was a consequence of the physical assault.

11. The Trial Court has indeed applied its judicial mind to the material on record whilst acquitting the Appellant and the co-accused parents-in-law for offences under Section 323 r/w 34 & Section 506 IPC. However, it appears that the Trial Court had passed the order of conviction of the Appellant under Section 498A IPC & Section 4 of the D.P. Act, 1961, merely on the possibility that the allegations and the depositions of the PW-1 corroborated by PW2, are true and correct. **Although one cannot deny the emotional or mental torture that the Complainant may have undergone in the marriage, however a cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act, 1961, especially to obviate malicious criminal prosecution of family members in matrimonial disputes.** In this respect,

we also cannot ignore that the FIR dt. 20.12.1999 was registered after the Appellant had filed the Divorce Petition under Section 13 of Hindu Marriage Act, 1955 on 06.02.1999. In consideration thereof and that the Complainant had cohabited with the Appellant only for a period of about a year, it appears that the FIR registered by the Complainant was not genuine.

12. In respect thereof, the High Court while exercising its revisionary jurisdiction ought to have examined the correctness of decision of the Trial Court in light of the material on record, which reveals nothing incriminatory against the Appellant to sustain a conviction under Section 498A IPC or Section 4 of the D.P. Act, 1961. Although we do not agree with the submission on behalf of the Appellant that the Impugned Order dt. 14.11.2018 was passed *in absentia*, however the High Court was well within its revisionary powers to discern whether an FIR and the proceedings emanating therefrom were sustainable. In all certainty, it could have saved 6 years' worth of time for the Appellant, who has endured litigation for over 20 years as of today.

13. Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of *Dara Lakshmi Narayana v. State of Telangana* appropriately encapsulates this essence 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 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, 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."

14. The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the Appellant will only tantamount to an abuse of process of law."

13.2. The Apex Court in **GHANSHYAM SONI v. STATE (GOVERNMENT OF NCT OF DELHI)**² has held as follows:

"...."

10. A perusal of the FIR shows that the allegations made by the complainant are that in the year 1999, the Appellant

² 2025 SCC OnLine SC 1301

inflicted mental and physical cruelty upon her for bringing insufficient dowry. The Complainant refers to few instances of such atrocities, however the allegations are generic, and rather ambiguous. The allegations against the family members, who have been unfortunately roped in, is that they used to instigate the Appellant husband to harass the Complainant wife, and taunted the Complainant for not bringing enough dowry; however, there is no specific incident of harassment or any evidence to that effect. Similarly, the allegations against the five out of six sisters that they used to insult the Complainant and demanded dowry articles from her, and upon failure beat her up, but there is not even a cursory mention of the incident. An allegation has also been made against a tailor named Bhagwat that he being a friend of the Appellant instigated him against the Complainant, and was allegedly instrumental in blowing his greed. Such allegations are merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired. For this reason alone, and that the evidence on record is clearly inconsistent with the accusations, the version of the Complainant seems implausible and unreliable. The following observation in *K. Subba Rao v. State of Telangana Represented by Its Secretary, Department of Home*, fits perfectly to the present scenario:

"6. The Courts 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 instances of their involvement in the crime are made out."

11. As regards the Appellant, the purportedly specific allegations levelled against him are also obscure in nature. Even if the allegations and the case of the prosecution is taken at its face value, apart from the bald allegations without any specifics of time, date or place, there is no incriminating material found by the prosecution or rather produced by the complainant to substantiate the ingredients of "cruelty" under section 498A IPC, as recently observed in the case of *JaydedeepsinhPravinsinh Chavda v. State of Gujarat*³ and *Rajesh Chaddha v. State of Uttar Pradesh*⁴. The Complainant has admittedly failed to produce any medical records or injury reports, x-ray reports, or any witnesses to substantiate her allegations. We cannot ignore

the fact that the Complainant even withdrew her second Complaint dt. 06.12.1999 six days later on 12.12.1999. There is also no evidence to substantiate the purported demand for dowry allegedly made by the Appellant or his family and the investigative agencies in their own prudence have not added sections 3 & 4 of the Dowry Prohibition Act, 1961 to the chargesheet.

12. In this respect, the Sessions Court has applied its judicial mind to the allegations in the FIR & the material on record, and has rightly discharged the Appellants of the offences under section 498A & 34 IPC. Notwithstanding the said observation by the Sessions Court that the possibility of false implication cannot be ruled out, the discharge of the Appellant merely because the Complainant is a police officer is erroneous and reflects poorly on the judicial decision making, which must be strictly based on application of judicial principles to the merits of the case. On the other hand, the High Court vide the Impugned Order has traversed one step further and overtly emphasised that simply because the Complainant is a police officer, it cannot be assumed that she could not have been a victim of cruelty at the hands of her husband and in-laws. We agree with the sensitive approach adopted by the High Court in adjudicating the present case, however a judicial decision cannot be blurred to the actual facts and circumstances of a case. In this debate, it is only reasonable to re-iterate that the Sessions Court in exercise of its revisionary jurisdiction and the High Court in exercise of its inherent jurisdiction under section 482 CrPC, must delve into the material on record to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted *in toto*. In the present case, such scrutiny of the allegations in the FIR and the material on record reveals that no *prima facie* is made out against the Appellant or his family. It is also borne from the record that the divorce decree of their marriage, has already been passed, and the same has never been challenged by the Complainant wife, and hence has attained finality. Upon consideration of the relevant circumstances and that the alleged incidents pertain to the year 1999 and since then the parties have moved on with their

respective lives, it would be unjust and unfair if the Appellants are forced to go through the tribulations of a trial.

13. It is rather unfortunate that the Complainant being an officer of the State has initiated criminal machinery in such a manner, where the aged parents-in-law, five sisters and one tailor have been arrayed as an accused. Notwithstanding the possibility of truth behind the allegations of cruelty, this growing tendency to misuse legal provisions has time and again been condemned by this Court. The observations in *Dara Lakshmi Narayana v. State of Telangana*, *Preeti Gupta v. State of Jharkhand* aptly captures this concern."

13.3. The Apex Court in the case of **MARAM NIRMALA v. STATE OF TELANGANA**³, has held as follows:

"....."

12. The appellant(s) herein are the mother-in-law and father-in-law of respondent No. 2. They had filed a petition under Section 482 of the CrPC seeking quashing of the proceedings instituted against them in C.C. No. 338/2023 pending on the file of the Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda alleging offences punishable under Sections 498-A, 323, 504 read with Section 34 of the IPC and Sections 3 and 4 of the DP Act.

13. By the impugned order, the said criminal petition has been disposed of reserving liberty to the appellant(s) herein to seek discharge in accordance with law. Hence, this appeal.

14. The case at hand pertains to allegations of cruelty and dowry demand made by the respondent No. 2 against the appellant(s) herein. A bare perusal of the FIR however, shows that the allegations made by respondent No. 2 are vague and omnibus inasmuch as there is an

³2025 SCC OnLine SC 2913

absence of any specific instance or occasion detailed with particulars wherein the appellant(s) demanded dowry from respondent No. 2 and on refusal of the same, subjected her to mental and physical cruelty. The only allegations levelled by respondent No. 2 against the appellants herein are that subsequent to the birth of her daughter, the conduct of her husband underwent a change, which is stated to have been on account of the alleged inducement exercised by the in-laws including the appellant(s) herein for the purpose of demanding additional dowry and that pursuant to the counselling conducted at the Women Police Station, Nalgonda, although the husband of respondent No. 2 and his family assured that she would be treated properly, they nevertheless continued to subject respondent No. 2 to mental and physical cruelty.

15. We therefore find that the aforesaid allegations levelled against the appellant(s), even if taken at their face value, do not *prima facie* disclose the commission of the alleged offences so as to warrant the initiation of criminal proceedings.

16. During the course of submissions, learned counsel for the appellant(s) brought to our notice the judgment of this Court in the case of *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 ("*Dara Lakshmi Narayana*") as well as other judgments which squarely apply to this case. We have perused the same.

17. This Court speaking through one of us (B.V. Nagarathna, J.) in *Dara Lakshmi Narayana*, while dealing with the issue of quashing of criminal proceedings instituted by the respondent wife therein against her husband and in-laws who were charged with offences punishable under Sections 498A of the IPC and Sections 3 and 4 of the DP Act, 1961, held as follows:

"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.

xxx

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.

xxx

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.

xxx

34. We, therefore, are of the opinion that the impugned FIR No. 82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal scores and grudges against Appellant 1 and his family members i.e. Appellants 2 to 6 herein. Hence, the present case at hand falls within Category (7) of illustrative parameters highlighted in *Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426]*. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."

(underlining by us)

18. Having regard to the facts and circumstances of this case, we find that the judgment of this Court in *Dara Lakshmi Narayana* would apply. Hence, the impugned order of the High Court is set aside. The proceedings instituted against the appellant(s) in C.C. No. 338/2023 pending on the file of the Judicial First Class Magistrate (Prohibition and Excise offence) at Nalgonda stand quashed in relation to the appellants herein."

13.4. Recently in **DR. SUSHIL KUMAR PURBEY v. STATE OF BIHAR**⁴, the Apex Court has held as follows:

“... ..”

7. Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (Respondent 3). A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them.

8. It is further pertinent to note that the marriage was solemnised in July 2019, and the husband filed the divorce petition as early as March 2021. The criminal complaint against the appellants was, however, lodged only in March 2022, nearly a year after the filing of the divorce petition. Though this delay, standing alone, would not constitute a sufficient ground for quashing the criminal proceedings against the appellants. However, viewed in conjunction with the absence of any specific allegations attributable to them, the delay lends credence to the submission that the criminal complaint against the in-laws may

⁴ 2026 SCC OnLine SC 338

have been instituted by way of a counter-blast to the divorce proceedings initiated by the husband. When these two considerations are read together, we are satisfied that the continuation of the criminal proceedings against the present appellants cannot be sustained.

9. Before moving forward, we consider it necessary to clarify that the observations made hereinabove are confined to the question of the maintainability of the criminal proceedings against the present appellants, and must not be construed as an expression of any opinion on the merits of the case as a whole. The criminal proceedings against the husband shall continue in accordance with law. We note, in this context, that the husband did not seek quashing of the proceedings against him before the High Court under Section 482 CrPC; it was only the present appellants and the sister-in-law who did so. The husband is also not before this Court in the present appeal. We therefore find no occasion to comment upon the allegations levelled against him, and the proceedings against him shall be governed by law.

10. In view of the foregoing, we are of the considered opinion that the High Court erred in applying different standards to persons who stand on an identical footing insofar as the nature of the allegations against them is concerned. Since the allegations against the present appellants and the sister-in-law are, in substance, the same, the reasoning that led the High Court to quash the proceedings against the sister-in-law ought equally to have led to the quashing of proceedings against the present appellants. The impugned order, to the extent that it declined to extend such relief to the appellants, cannot be sustained."

(Emphasis supplied at each instance)

The Apex Court in **RAJESH CHADDHA v. STATE OF UTTAR PRADESH - 2025 SCC OnLine SC 1094** observed that Section **498A is a cruel misuse against members of the family**

without there being any rhyme or reason or maliciously roped in by the complainant/wife against aged parents, distant relatives, married sister living separate who are being deliberately drawn as accused in matrimonial matters. The growing tendency to append every relative of the husband casts serious doubt on the veracity of the allegation.

The Apex Court in **GHANSHYAM SONI** *supra* **underscores the imperative for the Courts to sift through allegations with care and circumspection, particularly where aged relatives are implicated on the basis of sweeping and unspecific accusations. The Apex Court cautions against permitting criminal law to be wielded as a weapon, to ensnare entire families in the vortex of matrimonial discord.**

Similarly, in **SUSHIL KUMAR PURBEY** *supra* the Apex court reiterates that general allegations bereft of specific overt acts cannot sustain criminal prosecution under Section 498A of the IPC. **Mere existence of quarrels or strained relations does not**

***ipso facto* constitute cruelty within the meaning of the provision.**

14. Viewed through the prism of the afore-quoted judgments of the Apex Court, the case at hand projects a classic illustration of trivial discords amplified into criminal prosecution. To permit the proceedings to continue against these petitioners, the mother-in-law, the father-in-law and the sister-in-law would become an abuse of the process of the law and subject them to the ordeal of protracted trial without foundational basis, resulting in miscarriage of justice.

15. For the aforesaid reasons, the following:

ORDER

- (i) Criminal Petition is **allowed**.
- (ii) Entire proceedings in C.C.No.23089 of 2021 pending before the XXIV Additional Chief Metropolitan

Magistrate, Bengaluru stands quashed insofar as petitioners 1 to 3/accused 2 to 4 are concerned.

Consequently, I.A.No.1 of 2024 also stand disposed.

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

Bkp

CT: MJ