



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 10716 OF 2024

BETWEEN:

R

...PETITIONER

(BY SRI ANAND K, ADVOCATE)

AND:

1.

2.





...RESPONDENTS

(BY

THIS CRL.P IS FILED U/S.482 CR.P.C TO QUASH THE FIR IN CRIME NO. 377/2024, PENDING BEFORE 30TH ADDL. CHIEF METROPOLITAN MAGISTRATE, CMM COURT, BENGALURU, REGISTERED BY THE R1 SUBRAMANYAPURA POLICE ON THE COMPLAINT FILED BY THE R2 AGAINST THIS PETITIONER FOR THE OFFENCES PUNISHABLE SECTIONS 498(A), 312, 504, 506 OF INDIAN PENAL CODE AND SECTIONS 3 AND 4 OF DP ACT, BY ALLOWING THIS CRIMINAL PETITION.

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

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

ORAL ORDER

Petitioner – accused No.4 is before the Court calling in question registration of a crime in Crime No.377/2024, for the offences under Sections 498A, 312, 504 and 506 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, now pending



before the 30th Additional Chief Metropolitan Magistrate, CMM Court, Bengaluru.

2. Heard Sri Anand K., learned counsel for petitioner, Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1 and Sri B. Siddeshwar, learned counsel for respondent No.2.

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

The petitioner is drawn as accused No.4. She is the sister-in-law of respondent No.2 - complainant. Respondent No.2 is the wife of accused No.1, the daughter in-law of accused Nos.2 and 3. Accused No.1 gets married to the complainant on 23.07.2022. A year or so, thereafter, it transpires that the relationship between accused No.1 and the complainant flounders. On foundering of the relationship, several proceedings spring by the wife against the husband or the husband against the wife, as a case would be. A complaint then comes to be registered before the jurisdictional police against the four accused. Accused No.1 is the husband, accused No.2 is the mother in-law and accused No.3 is the father in-law and accused No.4 is the sister in-law, the



petitioner. Filing of the complaint has driven the petitioner to this Court in the subject petition.

4. Learned counsel appearing for the petitioner would submit that accused No.4 is the sister in-law who stays in Luxemburg and not even an iota of allegation can be laid against the petitioner. The petitioner gets married in the year 2017, long before the subject wedding and flies to Luxemburg, where she stays even today. Therefore, the petitioner is without rhyme or reason, drawn into the web of the proceedings.

5. *Per contra*, learned counsel for respondent No.2 would contend that there are allegations against the petitioner as well. She may not be present in India or with the family, but over the phone has always tortured the complainant. Therefore, it is a matter of investigation against the petitioner for the aforesaid offences, as the ingredients of the offences are clearly met in the case at hand.

6. Learned High Court Government Pleader appearing for the State would also submit that it is a matter of investigation



in the least, as the complaint points certain allegations against the petitioner at certain point.

7. This Court in the year 2024 had granted an interim order of stay of the investigation and therefore, no charge sheet is drawn against the present petitioner, while the trial is said to be continuing against the other accused.

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

9. The afore-narrated facts are not in dispute. The relationship between the petitioner and the complainant is as narrated hereinabove. The complaint which is registered on 27.09.2024, so far it concerns the petitioner reads as follows:

"XXXXXXXXX ನಾನು ತವರು ಮನೆಯಿಂದ ವರದಕ್ಷಿಣೆಯಾಗಿ ಹೆಚ್ಚಿನ ಹಣ ತರಲಿಲ್ಲ ಎಂಬ ಕಾರಣಕ್ಕೆ ನನ್ನನ್ನು ಕುರಿತು ಅಲ್ಲದೆ ನನ್ನ ನಾದಿನಿ ವಿದ್ಯಾಶ್ರೀ ರವರು ನಮ್ಮ ಅತ್ತೆ-ಮಾವ ರವರಿಗೆ ಪ್ರತಿದಿನ ಕರೆ ಮಾಡಿ ಮಾತನಾಡುವಾಗ, ನನ್ನೊಂದಿಗೂ ಸಹ ಮಾತನಾಡಿದ್ದು. ಆ ಸಮಯದಲ್ಲಿ ವಿದ್ಯಾಶ್ರೀ ರವರು ನನಗೆ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ಹಣವನ್ನು ತರುವಂತೆ ಒಂದು ವೇಳೆ ತರದೇ ಹೋದಲ್ಲಿ ನೀನು ನನ್ನ ತಮ್ಮನೊಂದಿಗೆ ಹೇಗೆ ಜೀವನ ನಡೆಸುತ್ತೀಯಾ ನೋಡುತ್ತೇನೆ ಎಂದು ಪ್ರತಿದಿನ ನಮ್ಮ ಅತ್ತೆ-ಮಾವರಿಗೆ ಕರೆಮಾಡಿದಾಗ ನನಗೆ ಬೆದರಿಸಿ ಹಿಂಸಿಸುತ್ತಿದ್ದರು.



ಒಂದು ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ಹಣ ತೆಗೆದುಕೊಂಡು ಬರಬೇಕು ಇಲ್ಲಾ ಅಂದ್ರೆ ನೀನು ಮನೆ ಬಿಟ್ಟು ತೊಲಗಬೇಕು ಎಂದು ಹೆದರಿಸುತ್ತಿದ್ದಳು.

ನಂತರ ನಮ್ಮ ಅತ್ತೆ ನಾನು ತವರು ಮನೆಯಿಂದ ಹೆಚ್ಚಿನ ಹಣ ವರದಕ್ಷಿಣೆ ತಂದುಕೊಡಲಿಲ್ಲ ಎಂಬ ಕಾರಣಕ್ಕೆ 'ನನ್ನನ್ನು ಕುರಿತು ನನ್ನ ಮಗಳು ವಿದ್ಯಾಶ್ರೀಗೆ ಮದುವೆಯಾಗಿ 7 ವರ್ಷ ಆದರೂ ಮಕ್ಕಳಾಗಿಲ್ಲ ನಿನಗೂ ಮಕ್ಕಳಾಗದಂತೆ ಮಾಡುತ್ತೇನೆ ನೋಡು ಎಂದು ಬೈದು ಬೆದರಿಸಿ. ನನ್ನ ಗಂಡನಿಗೆ ಕುಮ್ಮಕ್ಕು ನೀಡಿ ನನ್ನ ಗಂಡ ನನಗೆ ಗರ್ಭಪಾತವಾಗುವ ಮಾತ್ರೆಯನ್ನು ತಂದು ಬಲವಂತವಾಗಿ ನನಗೆ ನುಂಗಿಸಿದರು. ನಂತರ ನನ್ನ ಗಂಡ ನನ್ನೊಂದಿಗೆ ಸರಿಯಾಗಿ ಸಂಸಾರ ಮಾಡದ ಹಾಗೇ ಮಾಡಿ ಹಿಂಸಿಸುತ್ತಿದ್ದರು. ನನ್ನ ಗಂಡ ಮದುವೆಯಾದ ನಂತರ ನನ್ನನ್ನು ತವರು ಮನೆಗಾಗಲೀ ಅಥವಾ ಯಾವುದೇ ಕಾರ್ಯಕ್ರಮಗಳಿಗಾಗಲಿ, ದೇವಸ್ಥಾನಗಳಿಗಾಗಲಿ ಎಲ್ಲಿಯೂ ಕರೆದುಕೊಂಡು ಹೋಗದೆ ನೀನು ಸೂಳೆ ಯಾರನ್ನೋ ಇಟ್ಟುಕೊಂಡಿದ್ದೀಯಾ ಅದಕ್ಕೆ ನೀನು ನಾನು ಹೇಳಿದ ಮಾತು ಕೇಳುತ್ತಿಲ್ಲಾ ಎಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈಯ್ದು ಹಿಂಸಿಸುತ್ತಿದ್ದರು. ಅಲ್ಲದೆ ನನ್ನ ಅತ್ತೆ-ಮಾವ ನನ್ನನ್ನು ಕುರಿತು 'ನನ್ನ ಮಗನಿಗೆ ನಿನ್ನನ್ನು ಬಿಟ್ಟು ಬೇರೆ ಯಾರನ್ನಾದರೂ ಹಣ ಇರುವವರನ್ನು ಮದುವೆ ಮಾಡಿಸಿದ್ದರೆ ಕೋಟ್ಯಾಧೀಶ್ವರನಾಗಿರುತ್ತಿದ್ದ ಎಂದು ಹಿಂಸಿಸುತ್ತಿದ್ದರು. ಈ ವಿಚಾರವನ್ನು ನಾನು ನಮ್ಮ ತವರು ಮನೆಯವರಿಗೆ ಅಂದರೆ ನಮ್ಮ ತಂದೆ-ತಾಯಿ ಹಾಗೂ ಅಣ್ಣ ಶಶಿಕುಮಾರ್ ಹಾಗೂ ತಂಗಿ ಪ್ರಿಯಾರವರಿಗೆ ತಿಳಿಸಿದಾಗ ಹಲವಾರು ಬಾರಿ ರಾಜೀ-ಪಂಚಾಯಿತಿ ಮಾಡಿ ನಾವು ಹೆಣ್ಣು ಹೆತ್ತವರು ನೀನೆ ಸ್ವಲ್ಪ ಹೊಂದಾಣಿಕೆ ಮಾಡಿಕೊಂಡು ಹೋಗು ಎಂದು ಬುದ್ಧಿವಾದ ಹೇಳಿ ಕಳುಹಿಸುತ್ತಿದ್ದರು. ಆಗ ನಾನು ನಮ್ಮ ತವರು ಮನೆಯ ಮರ್ಯಾದೆ ಹೋಗುತ್ತದೆ ಎಂದು ಈ ಬಗ್ಗೆ ಎಲ್ಲಯೂ ವರದಕ್ಷಿಣೆ ಕಿರುಕುಳದ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸದೆ ಹೊಂದಾಣಿಕೆ ಮಾಡಿಕೊಂಡು ಜೀವನ ನಡೆಸುತ್ತಿದ್ದೆನು. ಈಗಿರುವಾಗ್ಗೆ ಈಗ್ಗೆ ಸುಮಾರು 4 ತಿಂಗಳ ಹಿಂದೆ ನನ್ನ ಗಂಡ ಮತ್ತು ಅತ್ತೆ-ಮಾವ ನನ್ನನ್ನು ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ಹಣ ಹಾಗೂ ಕಾರನ್ನು ತೆಗೆದುಕೊಂಡು ಆರುವಂತೆ ಮನೆ ಬಿಟ್ಟು ಓಡಿಸಿದರು. ನಂತರ ನಾನು ನನ್ನ ಗಂಡನಿಗೆ ಹಲವಾರು ಬಾರಿ ಕರೆ ಮಾಡಿ ನನ್ನನ್ನು ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುವಂತೆ ಕೇಳಿಕೊಂಡರೂ ಸಹ ಬೇರೆ ಮನೆ ಮಾಡುತ್ತೇನೆ ಕಾಲಾವಕಾಶ,



ಕೊಡು ಎಂದು ಹೇಳುತ್ತಾ ಕೊನೆಗೆ ಆಗ-ಈಗ ಮನೆ ಮಾಡುತ್ತೇನೆ ಎಂದು ಸಬೂಬು ಹೇಳಿಕೊಂಡು ನನ್ನ ಮೊಬೈಲ್ ನಂಬರ್ ಅನ್ನು ಬ್ಲಾಕ್ ಮಾಡಿ ಅಂದಿನಿಂದ ನನ್ನ ಸಂಪರ್ಕಕ್ಕೆ ಸಿಗಲಿಲ್ಲ. ಈಗಿರುವಾಗ ದಿನಾಂಕ:-02-07-2024 ರಂದು ನಾನು ನಮ್ಮ ತಂದೆ-ತಾಯಿ ಹಾಗೂ ಹಿರಿಯೊಂದಿಗೆ ನಮ್ಮ ಗಂಡನ ಮನೆ ಬಳಿ ಹೋದಾಗ ನನ್ನ ಗಂಡ ಅತ್ತೆ-ಮಾವರು ನಮ್ಮನ್ನು ಮನೆ ಒಳಗಡೆಗೆ ಹೋಗಲು ಅವಕಾಶ ಮಾಡಿಕೊಡದೆ ದಾರಿಯಲ್ಲಿ ನಿಲ್ಲಿಸಿ ಸುಮಾರು 2 ಗಂಟೆಗಳ ಕಾಲ ರಾಜೀ ಪಂಚಾಯಿತಿ ಮಾಡಿ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ಹಣವನ್ನು ತರುವವರೆಗೂ ನನ್ನನ್ನು ಮನೆಗೆ ಸೇರಿಸಿಕೊಳ್ಳುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿ ಅವರ ಕಡೆಯ ಸುಮಾರು 10-15 ಜನ ಗೂಂಡಾಗಳನ್ನು ಕರೆಯಿಸಿ ಬೆದರಿಸಿ ಕಳುಹಿಸಿರುತ್ತಾರೆ. ನಂತರ ನಾವು ಅಲ್ಲಂದ ವಾಪಸ್ ಬಂದಾಗ ಏಕಾಏಕಿ ನಮ್ಮ ಅತ್ತೆಯವರು ದಿನಾಂಕ:-03-07-2024 ರಂದು ತುಮಕೂರು ನಗರದ ಜಯನಗರ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ನನ್ನ. ನನ್ನ ತಂದೆ ಹಾಗೂ ನನ್ನ ಅಣ್ಣನ ವಿರುದ್ಧ ಸುಳ್ಳು ಬೆದರಿಕೆ ದೂರು ದಾಖಲಿಸಿದ್ದು. ಈ ಕೇಸಿನಲ್ಲಿ ನಮ್ಮನ್ನು ಕರೆದು ಹೇಳಿಕೆ ಪಡೆದುಕೊಂಡು ಕೇಸನ್ನು ಮುಕ್ತಾಯ ಮಾಡಿರುತ್ತಾರೆ. ಈ ಕೇಸನ್ನು ಮುಕ್ತಾಯ ಮಾಡಿಕೊಂಡ ಸಮಯದಲ್ಲಿ ನನ್ನ ಗಂಡ ಮತ್ತು ಅತ್ತೆ-ಮಾವಂದಿರು ನನ್ನನ್ನು ಅವರ ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುತ್ತೇವೆ ಎಂದು ಹೇಳಿದರು ಆ ಕಾರಣಕ್ಕಾಗಿ ಇಲ್ಲಿವರೆಗೂ ನಾನು ದೂರು ನೀಡದೇ ಸುಮ್ಮನಿದ್ದು, ಈ ದಿನ ತಡವಾಗಿ ಬಂದು ದೂರು ನೀಡಿರುತ್ತೇನೆ.

ಆದ್ದರಿಂದ ನನಗೆ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆ ತರುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿ, ದೈಹಿಕ ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ಕೊಟ್ಟಿರುವ ಹಾಗೂ ನನಗೆ ಬಲವಂತವಾಗಿ ಗರ್ಭಪಾತ ಮಾಡಿಸಿರುವ ಮತ್ತು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈಯ್ದು, ದೈಹಿಕ ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿರುವ ನನ್ನ ಗಂಡ ರಾಕೇಶ್.ಎನ್, ಅತ್ತೆ ಸುನೀತಾ ಮೂರ್ತಿ, ಮಾನ ನರಸಿಂಹಮೂರ್ತಿ ಹಾಗೂ ನಾದಿನಿ ವಿದ್ಯಾಶ್ರೀ ರವರ ಮೇಲೆ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಿ ನನಗೆ ನ್ಯಾಯ ಕೊಡಿಸಬೇಕಾಗಿ ಕೋರುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ”

(Emphasis added)



All that the petitioner is alleged of in the complaint is that, she was filling in the ear of mother in-law and father in-law by repeatedly calling over the telephone, from Luxemburg. Except this, there is no other allegation against the petitioner.

10. Instigation that too, by way of telephonic conversation would not mean that it would become an ingredient of Section 498A of the IPC. Permitting further proceedings against this petitioner would run foul of the judgment of the Apex Court in the case of **KAHKASHAN KAUSAR v. STATE OF BIHAR**¹, wherein, it is held as follows:

“Issue involved

10. Having perused the relevant facts and contentions made by the appellants and respondents, in our considered opinion, the foremost issue which requires determination in the instant case is whether allegations made against the appellant in-laws are in the nature of general omnibus allegations and therefore liable to be quashed?

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-AIPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times,

¹ (2022) 6 SCC 599 or 2022 SCC Online SC 162



matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-AIPC as instruments to settle personal scores against the husband and his relatives.

12. This Court in its judgment in *Rajesh Sharma v. State of U.P.* [*Rajesh Sharma v. State of U.P.*, (2018) 10 SCC 472; (2019) 1 SCC (Cri) 301], has observed : (SCC pp. 478-79, para 14)

"14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression "cruelty" in Section 498-A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. [Explanation to Section 498-A.] It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement."

13. Previously, in the landmark judgment of this Court in *Arnesh Kumar v. State of Bihar* [*Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273; (2014) 3 SCC (Cri) 449], it was also observed : (SCC p. 276, para 4)

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed



object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in *Preeti Gupta v. State of Jharkhand* [*Preeti Gupta v. State of Jharkhand*, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , it has also been observed : (SCC pp. 676-77, paras 32-36)

"32. It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment,



agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. 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 of husband's close relations 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 complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful."

15. In *Geeta Mehrotra v. State of U.P.* [*Geeta Mehrotra v. State of U.P.*, (2012) 10 SCC 741: (2013) 1 SCC (Civ) 212 : (2013) 1 SCC (Cri) 120] it was observed : (SCC p. 749, para 21)

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in *G.V. Rao v. L.H.V. Prasad* [*G.V. Rao v. L.H.V. Prasad*, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12)



12. ... There has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their cases in different courts.'

The view taken by the Judges in this matter was that the courts would not encourage such disputes."

16. Recently, in K. Subba Rao v. State of Telangana [K. Subba Rao v. State of Telangana, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605] , it was also observed that : (SCC p. 454, para 6)

"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."

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of



matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

18. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy". Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

19. Furthermore, regarding similar allegations of harassment and demand for car as dowry made in a previous FIR Respondent 1 i.e. the State of Bihar, contends that the present FIR pertained to offences committed in the year 2019, after assurance was given by the husband Md. Ikram before the learned Principal Judge, Purnea, to not harass the respondent wife herein for dowry, and treat her properly. However, despite the assurances, all accused continued their demands and harassment. It is thereby contended that the acts constitute a fresh cause of action and therefore the FIR in question herein dated 1-4-2019, is distinct and independent, and cannot be termed as a repetition of an earlier FIR dated 11-12-2017.

20. Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate



transactions, the present complaint fails to establish specific allegations against the in-laws of the respondent wife. Allowing prosecution in the absence of clear allegations against the appellant in-laws would simply result in an abuse of the process of law.

21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the appellant-accused, it would be unjust if the appellants are forced to go through the tribulations of a trial i.e. general and omnibus allegations cannot manifest in a situation where the relatives of the complainant's husband are forced to undergo trial. It has been highlighted by this Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must, therefore, be discouraged."

(Emphasis supplied)

10.1. The Apex Court in the case of **MARAM NIRMALA v. STATE OF TELANGANA** reported in **2025 SCC OnLine SC 2913**, 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 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.

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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.

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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.

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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.”

(Emphasis supplied)

If the facts obtaining in the case at hand, *i.e.*, the allegation made in the complaint and the afore-quoted judgments of the Apex Court, what would unmistakably emerge is, permitting further investigation / proceedings against the petitioner - accused No.4 would become an abuse of the process of the law *qua* the offence punishable under Section 498A of the IPC.

11. The other offences alleged are the ones punishable under Sections 312, 504 and 506 of the IPC, the ingredients of which are found in Section 503 of the IPC. The interpretation of what should be the ingredients of the said offences need not detain this Court for long or delve deep into the matter. The



Apex Court in the case of **MOHAMMAD WAJID AND ANOTHER v. STATE OF U.P.** reported in **2023 SCC OnLine SC 951** considering the very offences has held as follows:

“SECTIONS 503, 504 AND 506 OF THE IPC

24. Chapter XXII of the IPC relates to Criminal Intimidation, Insult and Annoyance. Section 503 reads thus:—

“Section 503. Criminal intimidation. — Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.”

25. Section 504 reads thus:—

“Section 504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”



26. Section 506 reads thus:—

"Section 506. Punishment for criminal intimidation.—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc.—And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

27. An offence under Section 503 has following essentials:—

1) Threatening a person with any injury;

- (i) to his person, reputation or property; or
- (ii) to the person, or reputation of any one in whom that person is interested.

2) The threat must be with intent;

- (i) to cause alarm to that person; or
- (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or
- (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

28. Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public



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peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self control or having been subjected to abject terror by the offender. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

29. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant. In King Emperor v. Chunnibhai



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Dayabhai, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:—

“To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds.”

(Emphasis supplied)

30. A bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

31. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.”

(Emphasis supplied)



If the exposition of law rendered by the Apex Court in the afore-quoted judgments is juxtaposed with the facts obtaining in the case at hand, the inevitable conclusion that emerges is that, the foundational ingredients of the offences alleged against the petitioner, including the offence punishable under Section 312 of the IPC, remain conspicuously absent. In such circumstances, permitting the machinery of criminal investigation to continue against the petitioner on the aforesaid allegations would not merely be contrary to the principles enunciated by the Apex Court, but would also amount to a palpable abuse of the process of the law, culminating in a grave miscarriage of justice.

12. Learned counsel appearing for respondent No.2-complainant would, however, seek to contend that grave allegations subsist against the petitioner. It is urged that the petitioner, while residing in Luxembourg, would repeatedly call the complainant in India and threaten her with dire consequences. **Even if such allegation is accepted at its highest, it scarcely advances the case of the complainant. To accept such a contention in its**



unqualified breadth would be to dangerously widen the dragnet of criminal law, so much so that every telephonic communication by an in-law to a daughter-in-law could be projected as criminal culpability. Such an interpretation would be wholly untenable. This Court notices the submission only to reject it outright, as the allegation, even if taken on its face value, does not satisfy the essential ingredients of the offence under Section 498A of the IPC, nor does it otherwise disclose any cognizable offence against the petitioner.

13. For the aforesaid reasons, the following:

ORDER

- a. The criminal petition is allowed.
- b. The impugned crime in Crime No.377/2024, pending before the 30th Additional Chief Metropolitan Magistrate, CMM Court, Bengaluru, *qua* the petitioner, stands quashed.

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