Reserved on :28.07.2026
Pronounced on :05.08.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.8190 OF 2025

BETWEEN:

1 .
W/O
AGED ABOUT 69 YEARS
PERMANENTLY RESIDING AT

2 .
AGED ABOUT 60 YEARS
PERMANENTLY RESIDING AT

3 .
AGED ABOUT 68 YEARS
PERMANENTLY RESIDING AT

4 .

AGED ABOUT 36 YEARS
PERMANENTLY RESIDING AT

... PETITIONERS

(BY SRI ANKITH S.REDDY, ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA BY
EAST WOMEN POLICE STATION
PULAKESHI NAGAR SUB-DIVISION
BENGALURU
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

2 .
AGED ABOUT 29 YEARS

PERMANENTLY RESIDING AT

... RESPONDENTS

(BY SMT.DEEPTHI ALVA, HCGP FOR R-1;
, PARTY-IN-PERSON R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, PRAYING TO QUASH THE FIR IN CR. NO.41/2025 BEFORE THE EAST WOMEN P.S, PULAKESHINAGAR SUB-DIVISION, BANGALORE CITY FOR O/U/S 352 AND 85 OF THE BNS, 2023 R/W

SEC. 3 AND 4 OF THE D.P ACT, 1961, BEFORE THE XI ACMM COURT MAYO HALL, BANGALORE, IN THE INTEREST OF JUSTICE, FAILING WHICH GREAT LOSS AND SUFFERING WILL BE CAUSED TO THE PETITIONER HEREIN.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.07.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioners/accused Nos. 2 to 5 are before the Court calling in question registration of a crime in Crime No.41 of 2025, registered for the offences punishable under Sections 85 and 352 of the BNS and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The husband – accused No.1 is not before the Court.

2. Heard Sri Ankith S.Reddy, learned counsel appearing for the petitioners, Smt. Deepthi Alva, learned High Court Government Pleader appearing for respondent No.1 and Mrs. , respondent No.2, party-in-person.

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

The second respondent who appears in person is the complainant, wife of accused No.1, . The two get married on 13-05-2024. Even before completion of a year, it appears that the relationship between the complainant and accused No.1 or the present petitioners, members of the family turned sore. Floundering of the said relationship, results in the complainant registering several proceedings against the husband and members of the family. One such proceeding is the one that is brought before the Court. The complaint comes to be registered on 05-04-2025, which becomes a crime in Crime No.41 of 2025 for the afore-mentioned offences. The crime is registered on 05-04-2024 and the present petition is preferred on 10-06-2025 and an interim order of stay is granted by a coordinate Bench of this Court, which is in subsistence even as on date. The respondent No.2 appearing in person has preferred an application seeking vacation of the interim order. Therefore, the matter is heard at that stage with the consent of the parties.

4. The learned counsel appearing for the petitioners submits that accused No.1, husband of the complainant is not before the Court. He is facing investigation. The other accused, the present petitioners, mother-in-law, brothers-in-law and the relative of the husband have nothing to do with the dispute between the husband and the wife. They are without any rhyme or reason dragged into the web of proceedings. The learned counsel submits that if investigation is permitted against these petitioners it would, on the face of it, become an abuse of the process of law or result in miscarriage of justice. On this score, he would seek quashment of the proceedings.

5. *Per contra,* respondent No.2 – in-person who has filed objections running into 200 pages, takes this Court through every document to demonstrate that there is torture on the demand of dowry by the in-laws and therefore, the present proceedings must not be terminated against any of the persons, the petitioners. The respondent would take this Court through the notice issued by the husband seeking annulment of marriage and a complaint registered by him against her. Several WhatsApp messages form part of the

objections. The 2nd respondent submits that investigation against these persons must be permitted to continue as there is a clear case of torture by all of them and the entire torture is narrated in the complaint.

6. The learned High Court Government Pleader appearing for respondent No.1 – State would also toe the lines of the complainant in seeking investigation in the least in the matter on the score that it does amount to certain allegations becoming the ingredients of the offence.

7. I have given my anxious consideration to the submissions made by the respective learned counsel as also respondent No.2, party in-person and have perused the material on record.

8. The afore-narrated facts are a matter of record. The marriage between accused No.1, who is not before the Court and the complainant happens on 13-05-2024. The relationship appears to have floundered between the two. The floundering of the relationship initially results in the husband himself registering a complaint before the jurisdictional Police alleging harassment by the

wife. Whether it is before registration of the subject complaint or after registration of the subject complaint is immaterial for consideration of the issue in the *lis* as the husband is not before Court. Therefore, the subject complaint is required to be noticed. It reads as follows:

"5th April, 2025

To,

Police Inspector,
Womens Police Station,
Shivajinagar, Bengaluru-001.

From,

Subject- Request to file FIR on my husband and 4 more relatives for their mental cruelty towards me.

Respected Madam,

Before came to see me on Jan 21st (Sunday) at my home, my sister had clearly informed him that we will not give dowry and we do not have own house, my parents are old and are not working. He said he is not expecting any dowry. Only then we agreed to meet him. Jan 24th(wednesday), we got a call from his mom that they like me. They invited my parents to their home on 26th(Friday) to talk about marriage arrangements.

On 26th Jan, my parents visited their home. His sister and her husband were also present. They asked what my parents will do for me in marriage.

My parents told them that we had already informed before he came to see her, that we will not give dowry.

Upon further talks, my parents agreed to put 7 savaran gold (as I had only 3 savaran gold saved for my marriage from childhood and my mom was willing to give her 4 savaran gold for me).

It was my flowering ceremony, where relatives from both sides gathered to exchange plates. s uncle (my mother-in-law's brother) asked my dad what he will be doing for me in marriage. My dad told him it was already discussed that he will be giving 7 savaran gold for me. Then asked my dad what he did for my sister's wedding. My dad told them that since my sister had to set up a new house in Bangalore, he had to buy all kitchen utensils, fridge, washing machine and other house items, which cost around 1.5 lakhs. My mother-in-law mentioned that they have all those things already at their residence and hence will not require them from me. She also mentioned that she had got her two daughters married with 50 savaran gold each. Her husband(my father-in-law) had to take out a loan to marry off their daughters as all wedding expenses too were managed by them. asked my dad to put 3 savaran gold more instead of household things. So totalling to 10 savaran gold.

It was my flowering ceremony, all relatives had gathered, neighbours new about this event. So, my dad told them we have put a gold chit for , which will mature in October, so we can conduct the marriage in October if you want 3 more savaran gold. But they did not agree, they wanted the marriage to happen in April or May as was turning 34years in Feb 2024. Her siste came inside and told us that her relatives are like that, they will ask for more gold and asked us not to stress about it.

With no option left, my sister agreed to give me her 3 savaran gold.

My parents visited home along with one of my aunt and uncle to decide on wedding arrangements. Only , her husband, and his mom were present. Again his mom asked what will my dad do for me in marriage. My dad told them that for now we have only 7 savaran gold. My mother-in-law said you promised 10 savaran gold on 11th february, she stick to your words. Then they asked 2 more savaran gold(which included Gold chain for Yuvaraja and gold ring). Thus rounding of to 12 savaran gold. They told us that since your daughter will be wearing it, what is the difficulty in giving your daughter. They agreed to put one hara for me and gold chain and ring. Marriage expenses were decided to be shared equally (50:50) by both sides.

Since they kept on demanding for more gold, my relatives cautioned us to be careful. So, we sent them a whatsup message, just to keep as proof, because when marriage date is approaching, they should not demand for more gold or money.

On 17th May, told me that the house is not safe to keep gold jewellery as we will be going for honeymoon. He took all my gold(12 savaran) and kept it in his bank locker. Before keeping the gold in the locker, weighed the gold to make sure it was 12 savaran. He told me that "gold worth 5000" was less.

After returning from honeymoon trip, in few days I found out that my mother in law had all her jewels at home. I questioned my husband as to why he kept mine in his bank locker. He said he will get them for me on any special occasions. On Sundays, my mother in law use to make me wear one gold chain and ring (that belonged to my mother-in-law) to church. After returning from church, she use to take it back. I kept asking for my jewels, but my husband kept procrastinating.

On Sep 22nd, My husband picked up an argument with me for visiting my parents home once in every week for just 3 hours (that too after I completed all the household work). My mother-in-law interfered and converted it into a fight. She called up my dad and mom to come and take me home. My parents came home, handled the situation. After my parents left she started speaking to herself, that it was all her fault. She should have kept me in the place I deserved. When I asked her in what place

I should have been kept, she asked my husband to send me away from the house (in tamil - "tho-ru-thu da"). My husband also started saying the same thing, go out of my house.

Conversation between my husband and sister- where himself mentions that he said he will divorce me. He also asks my sister not to trigger me to ask back my jewels from bank locker. Which clearly proves he had my jewels and was not giving it despite me asking him multiple times.

On Oct 24th, returned my gold and shot a video. He sent a screenshot through whatsup and made me acknowledge that I received it. I didnt have the slightest doubt at that

time, that my husband is preparing to get rid of me. He acted normally after returning from Pune trip (Oct 19th), he made me feel things were getting better between us, but in disguise he was plotting to desert me without having any legal repercussions.

As per my knowledge, only twice 's bank locker has been opened-on May 17th to keep my jewels and on 24th Oct to return it to me.

<u>Salary</u>-My husband agreed to give Rs. 10000 towards my parents takecare on the condition that I transfer the remaining salary to him. Whenever I needed money (to pay in office for some colleagues sendoff party), upon asking, he sent 500 once. He sent another 500 as I had cancelled cab one day and was coming home early as I had fever.

October month, I did not send my salary but made a fixed deposit of it in my account.

On Oct 21st and Oct 24th he sent back all my salary after subtracting the wedding photo album cost which was outstanding from my end. (He did not make the album as I had not given him the money for it). <u>Marriage Mistrust</u> - had trust issues. He use to check my phone. When I had missed my periods in the month of July, my mother-in-law thought that I was pregnant, as some pregnancy symptoms were seen. But it turned out to be a false pregnancy. But kept asking me how it is possible. He did not want me to go out anywhere alone.

absconded with all my belongings-His house(rental apartment in Doddabanswadi) was locked from Nov 12th and he has vacated the appartment in last week of Decemeber.

Dark green colour Mysore silk saree worth rupees
8000 Kanchipuram Blue saree worth rupees 10000

Pink silk saree worth rupees 7000
Maroon silk saree worth rupees
7000 Red saree worth rupees 5000

Brown work saree worth rupees
3500 Violet work saree worth rupees
3500 Lehanga worth rupees 20000

White Gown with accessories worth rupees 18000
Shoes-3 (white, blue, pink)

Sandals-4 (white, gloden(2), black)
Makeup items and accessories worth
7000 Jeans -4

Chudhidhar set - 7
Household clothes

Ring worth rupees 35000
Office documents and
notes

My Books and notes(about 15 books)

<u>Defamation</u>-On 31st Oct at around 7pm, called on my Family group and defamed me. He said all possible lies and mentioned I was insane.

His uncle told my house owner I have a mental issue. also mentioned - "If she was my daughter, I would have cut her into pieces". called up my uncle and spoke for half an hour, where he defamed me and mentioned I have mental issue. He kept asking my dad too while recording, if they had noticed mental issue problem in me from my childhood.

<u>Physical and Mental Abuse</u>-

s uncle came to hit my mom before the Ramamurthy Nagar police station on Oct 31st, at around 5:50pm, this happened before my eyes. He asked me to break all ties with my parents if I had to live with . He abused me with filthy words throughout the car journey from Ramurthinagar police station to my house(around 6:20pm, Oct 31st). He spoke about my character by standing outside my house and all neighbours were watching. He abused my parents and sister with filthy language.

's cousin brother hit me and my husband controlled him from hitting me further, all this happened before the Ramamurthy Nagar Police station on Oct 31st at around 5:55pm. He visited my advocates office at and mentioned to my advocate that I am a criminal.

<u>Toxic Mother in law-</u>

My mother in law use to pretend to be nice to me before my husband but behind his back she use to torture me in the following ways-

I was required to wake up at 6am sharp everyday.

I should have a bath and only then enter kitchen. During periods, I should not enter kitchen without a head bath.

Sharp 6:30am, I should enter kitchen to make breakfast.

My mother-in-law would keep all the ingredients on the table for cooking breakfast. Even chilli powder(one spoon), turmeric powder (half spoon) was kept on a plate. She decided the quantity of ingredients to be used, what has be cooked and how it has to be cooked. I was just her maid. After serving her dosa's, I had to clean her room.

I was asked not to eat until I served my husband food. My husband use to wake up at 9:30am. He use to wake up, directly on his laptop, then brush his teeth. Subsequently, I had to make dosa's for him as my husband preferred to eat hot dosa's. Around 10am, my husband will finish his breakfast, then I was allowed to have my dosa's.

At 11am, my mother in law, would start calling me to start lunch preparations. Again the same thing repeats, she use to keep all the ingredients and instruct me to cook. Around 12:30pm lunch was ready. I would have lunch and get ready to leave to office. Even at that time my mother in law would ask me to wash few vessels like pressure cooker, mixer, big vessels(because the maid was complaining we give her too many vessels for washing and was asking for 500 rupees extra). At 1:10pm, my cab use to arrive.

I use to work in the shift-2pm to 11pm(office cabs for pickup and drop). It is completely safe as escort is provided and we have routematic app where we are tracked by the company. We can raise alarm whenever we feft unsafe. So, in the reply notice, what my husband has mentioned that my work is not safe is not true.

Infact, my mother-in law was happy with this shift of mine, as I was able to fulfill all my duties-cooking, cleaning etc.

My mother in law would make ragi ball for my husband exactly at 1pm, when I was leaving for office. I was not given food rich in nutrients.

For lunch she use to make chapati for her son. My husband would order non veg for dinner. During the initial months, he kept two pieces kabab for me. I use to return from office at 11:30pm and have it. But from july onwards, he asked me to eat in office itself and told me ill put on weight if I have dinner at 11:30pm. At office, only veg food was served.

My husband and mother-in-law, use to have non-veg food for dinner and would not keep anything for me. I use to eat non-veg only on sunday's, that too only chicken.

Our house maid use to wash vessels, sweep the floor(only hall and kitchen). My room and my mother in law's room I had to clean. The maid use to clean only the floor of the bathroom. Commots of both toilets were cleaned by me twice a week. They use to pay Rs 2800 to the maid every month. Because she asked 500 rupees extra, my mother in law aksed me to wash half vessels. I use to clean the entire house. The maid would only sweep the floor. My mother in law kept saying that the maid was not working properly and is demanding more money. She asked me to inform the maid that she need not come for work from sept 1st. Its not my decision to stop the maid but it was my mother in law who had actually stopped her.

My mother in law kept saying that she had giving 50 savaran gold to her daughters. Her husband took loan and met all their daughter's marriage expenses. She told me that I was fortunate to have her as my mother in law, as they demanded only 12 savaran gold from us.

My mother in law would stop me from visiting my parents. For the first 4 months, I visited my parents monthly once. In september, I told my parents, ill be visiting them once in every week. My mother i law was against this. She told me her daughters don't visit her and it is not good to go to mom's house every now and then.

My husband has too sister's- resides in US, she didnt visit India even when her dad passed away, or when her younger sister gave birth to twins nor our marriage. His another sister resides in Whitefield. She visited our home only once for 5 and a half months I stayed at my in laws place. So they expect from me too that I not visit my parents.

When I had hairfall in september, my mother in law started saying I might be suffering from cancer, we cheated their son by not informing before marriage. She asked me to do blood test and confirm.

My mother in law is so toxic, that before my husband she use to act like being nice to me, but behind his back would torture me. Actual torture started in september month. She would body shame that I have put on weight and will not be able to conceive if I continue putting on weight. When my mother-in-law came to know that I didnt give my October month salary to my husband, she stopped me from cooking in kitchen.

She went to the extent to make her son sleep in her room.

<u>Controlling husband</u>-

My husband was a narcissist. He always thinks he is perfect. He use to control me in the following ways-

Face cream- He forced me to apply face cream. Specially the night cream. I dont feel comfortable sleeping after applying cream at night. But my husband forced the cream on my face, that too he use to put a lot of cream and I found it oily and uncomfortable.

Shampoo- He forced me to change my shampoo from Meera to Dove. Hair Straightener- My husband used to himself straighten my hair.

He use to force me to do unnatural sex. When I use to deny, he use to hit me and not talk to me for a day or so.

He never acted in a manner to have kids.

He use to body shame me and comment on my appearance. He told me that I cannot go with him outside if I keep dressing up the way I do, (he feels insulted to walk next to me).

For about 5 months (from Nov 1st 2024), I am in pain and agony and all these incidents have caused mental trauma to me. I have come before the authorities now seeking justice for the mental agony I have been going through. Hence I'm filing this FIR on April 5th on the following people-

1. (my husband)

2. (my mother-in-law)

3. (my mother-in-law's brother) 4 (Yuvaraja's uncle)

5. (Yuvaraja's counsin)

Thanking you,
Signature:Sd/-

Date -5th April 2025"

(sic)

(Emphasis added)

The narration in the complaint is to be considered to know whether it forms ingredients of Section 85 of the BNS against these petitioners.

9. In the afore-quoted complaint, there is an item titled as 'physical and mental abuse'. It is stated therein that accused No.3 is said to have hit the mother of the complainant and also asked the complainant to break all ties with her parents, if she wants to live with accused No.1. He also appears to have abused her with filthy

words. The husband's cousin brother is said to have hit the complainant and her husband is said to have controlled him from further hitting the complainant. Another allegation is titled 'Toxic Mother in law'. The mother-in-law is said to have kept a spoon of chilli powder and turmeric powder on a plate whenever she was cooking. She was asked to serve food to the husband as the husband was waking up at 9.30 a.m. and without brushing his teeth would eat food. The mother-in-law is said to be making ragi balls only to the husband. The complainant was not given food rich in nutrients. Another, item is titled as 'Controlling husband'. The husband is said to have forced her to apply some kind of shampoo which had resulted in her hair loss and used to body shame her for her appearance. These form the contents of the complaint among others. The grievances galore against the husband. It is for the husband to answer those allegations as he is not before the Court. The persons who are before the Court are the mother-in-law and distant relatives. Bald and vague allegations are made against the mother-in-law or even the other three accused.

10. In the considered view of the Court, they do not form the ingredients of the offence under Section 85 of the BNS or Section 498A of the IPC, the earlier regime. Interpretation of what could become the offence under Section 498A of the IPC need not detain this Court for long or delve deep into the matter.

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

"….. ….. …..

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*

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[1]**2025 SCC OnLine SC 1094**

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."

10.2. 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 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:

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[2] **2025 SCC OnLine SC 1301**

> *"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."

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

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[3]**2025 SCC OnLine SC 2913**

"….. ….. …..

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-AIPC 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."

10.4. 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**

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[4] 2026 SCC OnLine SC 338

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 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."

10.5. The Apex Court in the case of **ARTI MEHTA v. STATE OF MADHYA PRADESH**[5], has held as follows:

"…. …. ….

21. As regards the present appellants, namely, Arti Mehta, Shrivati Bai Dhakad, Manisha Dhakad and Vikram Dhakad, the allegations are essentially omnibus and generalised in nature. **In the FIR, the complainant merely states that the husband and the in-laws "*started abusing me and would tell me to go and live with my parents*" and that the appellants "*would demand dowry from me every day and would tell me that if I did not bring dowry, I should go back to my parental home.*" Beyond these broad and sweeping assertions, no specific incident, date, overt act or particular role has been attributed individually to any of the appellants. The allegations do not disclose as to which appellant made what demand, on which occasion, in whose presence, or in what manner any specific act constituting cruelty under Section 498A IPC was committed.**

22. Significantly, even in the elaborate divorce petition subsequently filed by the complainant/wife, the allegations continue to remain substantially vague insofar as the present appellants are concerned. The detailed allegations of cruelty, harassment and mental trauma overwhelmingly revolve around the conduct of the husband at Sheopur, where admittedly the complainant was residing with him in the government accommodation allotted to him. The complainant herself states in paragraph 2 of the divorce petition that "*after some time of marriage, the non-applicant took the applicant to live in his government quarter in Sheopur.*" She further reiterates in

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[5] 2026 SCC OnLine SC 933

paragraph 3 that during the second Karva Chauth, "*the applicant and the non-applicant lived in the government quarters of Sheopur.*" These pleadings clearly indicate that the matrimonial residence of the parties was at Sheopur and not at Shivpuri, where the present appellants were residing.

The complainant, however, in the counter affidavit as well as in the written submissions filed before this Court, has attempted to explain the aforesaid position by contending that while she was residing with her husband at Sheopur, the husband along with the present appellants used to harass her for dowry and that whenever the husband left her at the in-laws' house at Shivpuri, the appellants also used to harass her and prevent her from residing peacefully in the matrimonial home. It has further been contended on behalf of the complainant that these aspects are also reflected in the translated divorce petition and the prosecution's story.

Even if the aforesaid explanation is accepted at its face value, the allegations against the present appellants nevertheless remain broad, generalised, and bereft of specific particulars. Neither in the FIR nor in the divorce petition nor even in the subsequent pleadings before this Court has the complainant specified any particular date, incident or overt act attributable individually to any of the present appellants which would *prima facie* constitute cruelty or unlawful demand of dowry within the meaning of Section 498A IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations essentially remain collective assertions that the appellants "used to harass" the complainant or "supported" the husband, without any clear delineation of the precise role allegedly played by each of them. Mere use of omnibus expressions against all family members, in the absence of specific factual assertions, would not by itself justify continuation of criminal proceedings against the present appellants.

23. In fact, the complainant's own pleadings substantially dilute the allegations sought to be levelled against the appellants in the FIR. While the FIR creates an impression of continuous harassment by all in-laws collectively, the divorce petition narrates specific acts, almost entirely concerning the husband. Even the allegation regarding the demand for money is primarily against the husband, wherein the complainant states that "*the non-applicant told the applicant that my entire salary is spent on my father's treatment, and now I am unable to bear your expenses. … now bring some money from your parents.*" The subsequent allegation that the husband became angry and started abusing and slapping her is also directed solely against him. The appellants are not alleged to have actively participated in any specific demand or act of cruelty.

24. The allegations against the appellant No. 4 - Vikram Dhakad are also of a generalised nature and do not disclose any criminal intent or overt act constituting an offence under Section 498A IPC. In paragraph 6 of the divorce petition, the complainant merely states that Vikram Dhakad remarked that "*guests keep coming to our house*" and questioned why she was residing at Shivpuri while her husband was staying in Sheopur. Even if the said allegations are accepted at their face value, they merely indicate a domestic disagreement regarding her stay at the matrimonial house and do not amount to cruelty or unlawful dowry demand within the meaning of the penal provisions invoked.

25. Similarly, the allegations against the appellant No. 1 Arti Mehta are confined to assertions that the complainant had informed her regarding the conduct of the husband and that she did not react in the manner expected by the complainant. In paragraph 9 of the divorce petition, the complainant states that "*The non-applicant's elder sister Aarti Mehta also came to Sheopur many times. The applicant informed her regarding all types of acts, such as beating and abuse by the non-applicant. No statement was made on the incident told by the applicant.*" Mere failure to intervene in a matrimonial dispute between spouses, without any specific allegation of active participation in cruelty or dowry demand, cannot by itself attract criminal liability.

26. It is also pertinent to note that the complainant herself states in paragraph 9 of the divorce petition that she travelled from Sheopur to Shivpuri on the occasion of Raksha

Bandhan along with the appellant No. 1 Arti Mehta. The relevant portion states that "*the applicant came from Sheopur to Shivpuri on 8.9.2022 on the festival of Raksha Bandhan with the non-applicant's sister.*" This circumstance assumes significance because it becomes difficult to readily accept that the complainant would voluntarily travel with the very same appellant whom she alleges to have been continuously harassing and tormenting her for dowry. Though this circumstance by itself may not be determinative, it certainly weakens the allegation of persistent and active cruelty attributed to the appellant No. 1.

27. Further, **the complainant's own pleadings demonstrate that there was no continuous shared household with the present the appellants. The repeated references in the divorce petition indicate that the complainant was residing with her husband at Sheopur in his government accommodation and that the visits to Shivpuri were occasional and temporary in nature. Thus, even on the complainant's own showing, the principal matrimonial relationship and the alleged acts of cruelty were centred around the husband at Sheopur.**

28. What, therefore, emerges from a cumulative reading of the FIR and the divorce petition is that while there are specific allegations against the husband relating to physical assault, verbal abuse, neglect and suspicious conduct, the allegations against the present appellants remain bald, generalised, and devoid of material particulars. No independent or specific role has been attributed to any of the present appellants so as to disclose prima facie commission of offences under Sections 498A/34 IPC or Sections 3 and 4 of the Dowry Prohibition Act. The allegations against them appear to be omnibus assertions made on account of their relationship with the husband rather than on the basis of any distinct criminal acts allegedly committed by them.

29. It is a matter of common judicial experience that matrimonial disputes are often accompanied by heightened emotions, strained relationships and deep-seated personal grievances. In such circumstances, **complaints alleging cruelty and harassment frequently tend to implicate not**

only the spouse but also the entire family of the spouse, including those relatives who may have had little or no active role in the matrimonial discord. Quite often, family members who may have remained passive spectators, failed to intervene, or merely sided with one party in a domestic disagreement, are also arrayed as accused. However, mere familial association with the husband, or failure to support the complainant in a marital dispute, cannot by itself constitute a criminal offence in the absence of specific allegations disclosing active participation in acts amounting to cruelty, harassment or unlawful demand of dowry.

30. It must also be borne in mind that when matrimonial relationships deteriorate and bitterness sets in, there is a natural tendency for allegations to be amplified or broadly worded out of anger, frustration or emotional distress. While the anguish of a complainant in a failed marriage cannot be lightly disregarded, equally, criminal law cannot be permitted to be set in motion against every relative of the husband merely on the basis of generalised and omnibus allegations lacking a specific factual foundation. Courts, therefore, are required to exercise greater caution and carefully scrutinise whether the allegations genuinely disclose the commission of cognizable offences against each accused individually, lest the criminal process itself becomes a tool of harassment and misuse.

…. …. ….

34. Insofar as the present appellants are concerned, the allegations in the DV complaint remain broadly worded and largely collective in nature. The complainant states that due to refusal to bring money from her parental home, "*my husband and in-laws … used to get angry with me. In this way they started torturing me physically and mentally.*" However, beyond the use of such omnibus expressions, the complaint does not disclose any specific incident, date, act or conduct individually attributable to any of the appellants which would constitute "domestic violence" within the meaning of the DV Act.

35. Even the allegations concerning the complainant's brother-in-law, namely, Vikram Dhakad (Appellant No. 4), are essentially in the nature of statements allegedly advising the complainant regarding her matrimonial life. The complaint states that Vikram Dhakad questioned why the complainant was staying at Shivpuri while the husband was residing at Sheopur and allegedly told her that "*you bring money from your maternal home as per our demand and either stay in Sheopur or stay in your maternal home in Guna.*" Thereafter, it is alleged that Vikram Dhakad, along with Manisha Dhakad and Ganesh Dhakad, did not permit her to continue residing at Shivpuri. Even if these allegations are accepted at their face value, they do not disclose any specific act of physical violence, criminal intimidation or overt conduct of such nature as would independently attract criminal liability under the provisions of the DV Act.

36. Similarly, the allegations against the complainant's mother-in-law, namely, Shrivati Bai Dhakad (Appellant No. 2) and the wife of the complainant's brother-in-law, namely, Manisha Dhakad (Appellant No. 3), are confined to broad assertions that "*they used to insult me on small matters and demand money.*" **The complaint is conspicuously silent regarding the particulars of such alleged demands, the time and place where such incidents occurred, or the manner in which such demands were allegedly made. General allegations of "insult" or "harassment" without supporting particulars cannot by themselves form the basis for continuation of criminal proceedings.**

37. As regards the complainant's sister-in-law Arti Mehta (Appellant No. 1), the allegation is essentially that when the complainant informed her about the husband's conduct, she allegedly scolded the complainant and advised her to remain quiet and fulfil the family's demands. The relevant allegation reads that "*I told his sister Aarti Mehta about his activities many times, then she scolded me and said that you should keep quiet, otherwise it will not be good.*" **The allegation, even if accepted in entirety, merely suggests that appellant No. 1 sided with her brother in the matrimonial dispute. Mere failure to support the complainant, or advising her to continue in the matrimonial relationship,**

without any further overt act, would not *ipso facto* amount to domestic violence so as to justify criminal prosecution.

…. …. ….

39. What ultimately emerges from a cumulative reading of the DV complaint is that while the complainant has narrated several detailed allegations concerning the husband's conduct and the strained matrimonial relationship between the spouses, the allegations against the present appellants remain generalised and derivative in character. The complaint does not disclose any specific or direct act individually attributable to the appellants constituting domestic violence, physical abuse, verbal abuse, emotional abuse or economic abuse within the meaning of the DV Act. The allegations against them are essentially that they supported the husband, failed to intervene in the matrimonial dispute, or asked the complainant to adjust to the situation. Such omnibus and broadly worded allegations, in the absence of clear particulars and specific overt acts, would not justify continuation of proceedings against the present appellants.

40. We have also taken note of the fact that during the pendency of the present proceedings, the marriage between the complainant and her husband already stood dissolved by a decree passed by the competent Family Court. In such circumstances, continuation of the proceedings under the DV Act qua the present appellants, in the absence of specific and substantiated allegations against them as of now, would serve no useful purpose. It is, however, clarified that the complainant would be at liberty to avail such remedies against the husband as may be permissible to her in accordance with law.

41. It is further required to be stated that the invocation of the criminal process is not a matter of course. **The coercive machinery of criminal law carries serious civil and personal consequences and, therefore, can be legitimately set in motion only where the allegations disclose specific acts constituting offences punishable under the penal law. This principle assumes even greater significance in cases arising out of matrimonial and**

domestic discord. Family relationships are founded upon emotional bonds, mutual trust, affection and shared responsibilities, and cannot be viewed through the same lens as ordinary commercial, civil disputes or criminal cases. It is not uncommon that when matrimonial relationships deteriorate, allegations are made in the heat of emotional turmoil and bitterness, often resulting in the entire family of the spouse being drawn into criminal litigation. However, criminal law cannot be permitted to become an instrument for venting personal grievances or settling familial scores in the absence of clear, specific and legally sustainable allegations. Courts must therefore exercise a heightened degree of caution and judicial scrutiny before permitting criminal prosecution against relatives who are sought to be implicated merely by virtue of their relationship with the spouse.

42. At the same time, this Court is equally conscious of the reality that genuine cases of cruelty and domestic violence do occur within the confines of the matrimonial home and often remain concealed from public gaze. Acts of emotional, verbal, economic or physical abuse within the domestic sphere may not always leave behind readily available evidence or independent witnesses, and the absence of such evidence at the threshold cannot by itself be a ground to disbelieve a victim. It is precisely to address this social evil that legislations such as the Protection of Women from Domestic Violence Act, 2005 and the penal provisions relating to cruelty and dowry harassment have been enacted with wide amplitude and protective intent. The object of such statutes is to ensure meaningful legal protection to women subjected to domestic abuse and harassment within the matrimonial home.

43. However, **while safeguarding the rights and dignity of victims of domestic violence remains of paramount importance, courts are simultaneously required to ensure that the rigours of criminal law are not indiscriminately extended to every member of the family without a clear factual foundation. In prosecutions arising out of matrimonial disputes, the allegations against each accused must be specific, distinct and supported by prima facie material indicating**

active involvement in the alleged acts of cruelty, harassment or unlawful demand of dowry. Mere allegations that family members "supported" the husband, failed to intervene, or advised the complainant to adjust in the matrimonial relationship, without anything further, would not *ipso facto* attract criminal liability. There may indeed be situations where certain relatives remain passive spectators or fail to come to the aid of the complainant; however, such conduct, though morally questionable, cannot automatically be elevated to the status of criminal culpability unless the surrounding circumstances clearly disclose their active complicity or participation in the alleged offences.

44. It must therefore be emphasised that each case arising out of matrimonial discord or allegations of domestic violence must necessarily turn on its own peculiar facts and the nature of allegations levelled against the accused concerned. The observations made herein should not be construed to mean that relatives of the husband can never be prosecuted under the relevant penal provisions. **Where the material on record discloses specific overt acts, active participation, or direct involvement in perpetrating cruelty, harassment or domestic violence, such relatives would undoubtedly be liable to face prosecution in accordance with the law. What the Court is required to carefully examine is whether the allegations are genuine, specific and supported by foundational facts, or whether they are merely a consequence of matrimonial acrimony resulting in sweeping and omnibus implication of all family members. In the absence of such specific allegations and *prima facie* material, continuation of criminal proceedings against such relatives would amount to abuse of the process of law.**

45. Having given our anxious consideration to the allegations contained in the FIR, the complaint under the DV Act, the pleadings exchanged between the parties in the matrimonial proceedings and the material placed on record, we find that the substratum of the allegations primarily concerns the matrimonial discord between the complainant and her husband. The allegations relating to physical assault, abusive conduct, emotional neglect, suspicion regarding extramarital relationship, threats, restriction on movement and denial of marital companionship are overwhelmingly directed against the husband. Insofar as the present appellants are concerned, the allegations remain generalised, omnibus and lacking in material particulars.

As discussed hereinabove, **neither the FIR nor the DV complaint nor even the subsequent pleadings before the Family Court disclose any specific overt act individually attributable to the present appellants so as to prima facie constitute offences punishable under Sections 498A/34 IPC, Sections 3 and 4 of the Dowry Prohibition Act or the provisions of the DV Act. The allegations against the appellants essentially proceed on broad assertions that they "supported" the husband, "used to harass" the complainant, or advised her to either adjust with the husband or return to her parental home. However, no distinct incident, date, specific demand, act of physical cruelty, unlawful intimidation or active participation in the alleged harassment has been clearly attributed to any of the appellants individually.**

46. Though their behaviour as projected in the complaint appear to be reproachable otherwise, yet these may not be sufficient to attract criminal liabilities. Permitting the proceedings to continue against the appellants in the absence of specific and legally sustainable allegations would amount to an abuse of the process of law."

(Emphasis supplied at each instance)

The Apex Court repeatedly holds that, relatives and family members of the husband cannot be drawn into proceedings under Section 498A of the IPC on the basis of vague and omnibus allegations in the absence of specific allegations attributing a distinct role to them.

11. If the facts obtaining in the case at hand or the complaint is considered on the bedrock of the elucidation of law declared by the Apex Court in the afore-quoted judgments, what would unmistakably emerge is, permitting further investigation even against these petitioners would become an abuse of the process of law and result in miscarriage of justice.

12. For the aforesaid reasons, the following:

O R D E R

(i) Criminal petition is **allowed**.

(ii) FIR in Crime No.41 of 2025 registered before the East Women Police Station, Pulakeshinagar Sub-Division, Bengaluru, *qua* the petitioners/accused Nos.2 to 5, stands quashed.

(iii) It is made clear that the observations made in the course of the order are only for the purpose of consideration of the case of the petitioners and the same would not become applicable to the case of accused No.1 or any other proceedings pending between the parties.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
CT:MJ