



CNR: KAHC010435012026

NC: 2026:KHC:46939
CRL.P No. 9264 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 9264 OF 2026

BETWEEN:

TANUSHREE. M,
(TANUSHREE AS PER FIR),
D/O MANJUNATH R,
AGED ABOUT 26 YEARS,
R/AT NO. 23/1, 2ND CROSS,
PIPE LINE ROAD, NEAR CHAWARA
CHURCH, EJIPURA, BANGALORE SOUTH,
BANGALORE 560047.

...PETITIONER

(BY SRI GAGANDEEP.E FOR SRI AJIT.P.B, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
REP. BY CENTRAL WOMEN POLICE STATION,
HALASURGATE SUB-DIVISION,
BENGALURU CITY-560002,
REP. BY HIGH COURT
GOVERNMENT PLEADER,
HIGH COURT OF KARNATAKA,
BANGALORE 560 001.
2. SMT. PRATHIKSHA.S,
W/O DHANUSH KUMAR.M,
AGED ABOUT 26 YEARS,

Digitally
signed by
CHETAN B C

Location:
High Court
of Karnataka



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R/AT #386, DODDATHOGURU,
VELANKANI ROAD, ELECTRONIC CITY,
BENGALURU CITY, KARNATAKA-560 100.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;
SRI P.M GOPI, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) TO
QUASH THE FIR BEARING CR.NO.22/2026 DATED 06.06.2026
(ANNEXURE-A) REGISTERED BY THE RESPONDENT NO.1
(CENTRAL WOMEN P.S.), FOR THE OFFENCES P/U/S
85,74,352,351(2), R/W SEC.3(5) OF BNS, 2023, SEC. 3 AND 4
OF D.P ACT, 1961, PENDING IN 6TH ACJM COURT,
NRUPATUNGA ROAD, BANGALORE IN SO FAR AS THE PRESENT
PETITIONER/ACCUSED NO.4 IS CONCERNED.

THIS PETITION, COMING ON FOR ADMISSION, 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.22/2026, pending
before the 6th Additional Chief Judicial Magistrate Court,
Bengaluru, for the offences under Sections 74, 85, 352, 351(2)



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r/w. 3(5) of the BNS and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard Sri Gagandeep E., learned counsel for the petitioner, Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1 and Sri P.M. Gopi, learned counsel for respondent No.2.

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

Accused No.1 and respondent No.2 are husband and wife. The two have a dispute. In the said dispute, the petitioner / accused No.4 is caught on the allegation that the petitioner is the alleged paramour of the husband - accused No.1 and she is the reason for floundering of the relationship between the husband and the wife.

4. Learned counsel for the petitioner takes this Court through the complaint to demonstrate that the only allegation against the petitioner is that she is the paramour of the husband/accused No.1 and has criminally intimidated the wife. Be that as it may.



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5. The offence alleged against the petitioner is the one punishable under Section 85 of the BNS, *inter alia*, for which the petitioner cannot be drawn into the web of the proceedings, in the light of the settled principle of law that a paramour cannot be a member of the family and tried for the said offence.

6. The issue in the case at hand need not detain this Court for long or delve deep into the matter as an identical issue stands already answered by the Apex Court in the case of **DECHAMMA I.M. @ DECHAMMA KOUSHIK v. STATE OF KARNATAKA AND ANOTHER¹**. The Apex Court has held as follows:

"....

8. This Court, in the case of *U. Suvetha* (supra), had an occasion to consider a question as to whether the girlfriend or a woman with whom a man has had romantic or sexual relations outside of marriage would be a "relative of the husband" for the purposes of prosecution under Section 498A of IPC.

9. This Court, after considering the earlier judgments of this Court and the dictionary meaning of a relative, observed thus:—

¹ 2024 SCC OnLine SC 3853



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"18. By no stretch of imagination would a girlfriend or even a concubine in an etymological sense be a "relative". The word "relative" brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise."

10. It could thus be seen that this Court has, in unequivocal terms, held that a girlfriend or even a woman with whom a man has had romantic or sexual relations outside of marriage could not be construed to be a relative.

11. Apart from that for bringing a case under Section 498A of IPC, the material placed on record should show that the ill treatment was meted out by the husband or a relative, which is connected with non-fulfilment of demand of dowry.

12. Taking the allegations at their face value in the FIR or even in the entire material placed in the charge-sheet, it will show that there is no averment or material to show that the appellant was in any way concerned with causing harassment to respondent No. 2 on account of non-fulfilment of demand of dowry.

13. In that view of the matter, we are of the considered view that the continuation of the criminal proceedings against the appellant herein would be nothing else but an abuse of process of law. We find that the present appeal deserves to be allowed."

(Emphasis supplied)

In the light of the bedrock of the law elucidated by the Apex Court, if the facts obtaining in the case at hand are observed, a paramour of the husband - accused No.1 cannot be termed as



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a relative of the husband. There are other offences also alleged. If the other offences are pitted against what is narrated in the complaint, none of the ingredients of any of the offences can be found against the petitioner. Thus, the petition deserves to succeed.

8. For the aforesaid reasons, the following:

ORDER

- a. The criminal petition is allowed.
- b. The impugned crime in Crime No.22/2026, pending before the 6th Additional Chief Judicial Magistrate Court, for the offences under Sections 74, 85, 352, 351(2) r/w. 3(5) of the BNS and Sections 3 and 4 of the Dowry Prohibition Act, 1961, qua the petitioner, stands quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
List No.: 2 Sl No.: 104