Reserved on : 18.08.2026
Pronounced on : 04.11.2026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO.4532 OF 2024

BETWEEN:

RAJA HUSSAIN @ RAJA @ HUSSAIN
S/O G.HUSSAIN SAB
AGED ABOUT 47 YEARS
9TH MAIN CROSS, 29TH WARD
MJ NAGAR, VIJAYANAGAR
HOSAPETE – 583 201.

...PETITIONER

(BY SRI PARAMESWARAPPA C., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   BY UDUPI WOMEN PS
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   OFFICE AT BENGALURU
   OFFICE AT HIGH COURT BUILDING
   OPPOSITE VIDHANA SOUDHA
   BENGALURU – 560 001.

Digitally signed by CHETAN B C
Location: High Court of Karnataka

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2. THABASUM
W/O G.RAJA HUSSAIN
AGED ABOUT 30 YEARS
RESIDING AT MANDAVI
PRINCE PALACE
10TH FLOOR, AMBAGILU PUTTUR
UDUPI – 576 105.

…RESPONDENTS

(BY SRI K.NAGESHWARAPPA, HCGP FOR R-1;
SMT.HALEEMA AMEEN, ADVOCATE FOR R-2)

THIS CRL.P FILED U/S 482 OF CR.P.C., PRAYING TO QUASH THE CHARGE SHEET DATED 03.04.2023 ARISING OUT OF CR.NO.57/2022 REGISTERED BY THE RESPONDENT NO.1 UDUPI WOMEN P.S., UNDER SECTIONS 498A, 323, 504, 506 OF IPC AT ANNEXURE-C NOW PENDING AS C.C.NO.2125/2023, BEFORE THE PENDING ON THE FILE OF HON'BLE 2ND ADDL. SR. CIVIL JUDGE AND ACJM UDUPI, WHEREIN THE PETITIONER IS ARRIVED AS ACCUSED NO.1.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner, said to be a politician, is now knocking at the doors of this Court, calling in question proceedings in C.C.No.2125 of 2023 arising out of crime in Crime No.57 of 2022 registered for offences punishable under Sections 498A, 323, 504, 506 r/w 34 of the IPC.

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

The 2nd respondent is the complainant. The petitioner gets married to the 2nd respondent on 13-01-2022. The marriage is said to have been mediated or brokered by a mutual friend. The petitioner and the complainant along with the family members of the petitioner continued to reside in the same roof after the marriage for a brief period. The relationship between the petitioner and the complainant is said to have floundered. The floundering of the relationship led to skirmishes between the husband and the wife. This leads to certain proceedings initiated by the 2nd respondent over the husband and other members of the family.

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This becomes a crime in Crime No.57 of 2022 for the afore-quoted offences. The police then conduct investigation and file a charge sheet against the husband and dropped others. Filing of the charge sheet and taking of cognizance by the concerned Court has driven the petitioner to this Court in the subject petition.

3. Heard Sri **Parameswarappa C.**, learned counsel appearing for the petitioner, Sri **K. Nageshwarappa**, learned High Court Government Pleader appearing for respondent No.1 and Smt. **Haleema Ameen**, learned counsel appearing for respondent No.2.

4. The learned counsel appearing for the petitioner would vehemently contend that there is not a single ingredient of the offences so alleged present in the case at hand. It is a habit of the 2nd respondent/complainant to get married, bring up rift in the family, file cases after cases, settle them and make money out of it. The learned counsel would take this Court through the documents appended to the petition to demonstrate that the complainant, with 30 years of age now, has married nine times and on every occasion the modus operandi is the same that: she marries, fixes up a fight,

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files cases and settles the disputes. He would submit that every one of the acts of the complainant is placed before the Court by way of an affidavit.

5. *Per contra*, the learned counsel Smt. Haleema Ameen appearing for the 2nd respondent would vehemently refute the submissions in contending that the marriage certificates produced to show or demonstrate that the petitioner is the 7th husband are all fake. The pictures are morphed, as the petitioner is a politician and he can get it done the way he wants. The learned counsel acknowledges that the complainant has had few marriages, but would submit that the complainant has undertaken those marriages after she has obtained divorce, talaq or khula from all of them and there is no overlap of marriage is what is contended. However, the learned counsel would admit four marriages i.e., marriages-1, 3, 5 and 7. The learned counsel would however, submit that the proceedings against the petitioner must not be quashed, as there is abundant material against the husband/petitioner for having indulged in cruelty on the score of demand of dowry. The learned counsel seeks dismissal of the petition.

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

7. In the light of the afore-narrated facts, and before embarking upon an examination of the controversy that has brought the parties before this Court, I deem it appropriate to traverse the matrimonial history of the complainant, as projected by the petitioner on the strength of documents placed on record. The said history, according to the petitioner, is not merely a narration of successive matrimonial alliances, but discloses a recurring pattern of marriages, matrimonial discord, institution of criminal proceedings and their eventual culmination in settlements. It is this alleged pattern of conduct that forms the foundation of the petitioner's plea that the criminal proceedings now instituted against him are yet another manifestation of an abuse of the process of law. The marriages, as projected in the petition, are therefore noticed in their chronological sequence.

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1st marriage:

8. The matrimonial journey of the complainant is said to have commenced in the year 2004, when she was barely 16 years of age. On the premise that her personal law permitted marriage at that age, she is said to have entered into wedlock with one Mohammed Hussain. Two children are stated to have been born from the said wedlock. The marriage, however, did not endure. Allegations of infidelity attributed to the husband are said to have brought the matrimonial relationship to an end, culminating in a divorce. Thus, the first chapter of the complainant's matrimonial life came to a close.

2nd marriage:

9. A few years after the dissolution of the first marriage, the complainant is said to have entered into a second matrimonial alliance with one Abdul Hameed. Matrimonial discord appears to have travelled beyond the confines of the household and entered the corridors of criminal litigation, with this husband initiating proceedings in C.C.No.1119 of 2018 against the complainant and

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the third husband. Thus, the curtain fell on the second marriage as well.

3rd marriage:

10. On 04-08-2026, the 2nd respondent marries one Anwar. He becomes the third husband of the 2nd respondent. This marriage is also said to have ended, not by itself but, in a case registered against the husband and the complainant herein by the second husband.The offences alleged were cheating as obtaining under Sections 418, 419, 420 and 464 of the IPC. Another proceeding had also been filed by the complainant against the 3rd husband invoking the provisions of the Domestic Violence Act in Crl.Misc.60 of 2019. This also comes to be settled by a joint memo.

4th marriage:

11. The fourth marriage is stated to have been solemnized on 06-12-2019 with one Apsar Pasha. The marriage certificate evidencing the said alliance is appended to the memo of documents placed before this Court. Thus, another matrimonial chapter is said

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to have commenced and concluded with the death of this husband on 29-03-2021.

5th marriage:

12. The complainant is said to have married one Mohammed Rafeeq on 06-06-2020, who, according to the petitioner, became her fifth husband. The relationship once again appears to have been followed by threat of criminal litigation. The complainant is stated to have threatened to register a complaint against Mohammed Rafeeq, alleging dowry harassment, which came to light in the course of investigation of Crime No.40 of 2023, filed later, against the complainant for her fraud.

13. An intriguing circumstance, however, emerges from the documents. The proceedings instituted by the complainant against her 3rd husband in Criminal Miscellaneous No.60 of 2019 are stated to have been brought to a close upon payment of permanent alimony of ₹4,00,000/-. Thus, according to the petitioner, the dispute arising out of the third matrimonial alliance was settled only after the complainant had entered into her fourth and fifth

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marriages. The petitioner seeks to draw significance from this sequence of events to contend that the matrimonial relationships and the litigation arising therefrom did not necessarily conclude in the same chronological order in which the marriages were solemnized. Thus, according to the petitioner's narrative, five matrimonial alliances had come and gone, leaving behind a succession of disputes , threats and settlements.

6th marriage:

14. The sixth marriage is stated to have been with one Ham Jad. Photographs purporting to depict the solemnization of the said marriage are placed on record. No further documentary material, however, is produced to establish the circumstances in which the said relationship came to an end. The photographs are relied upon by the petitioner to contend that the complainant had entered into a sixth matrimonial alliance.

15. Another circumstance is also brought to the notice of this Court. On 29-03-2021, Apsar Pasha, the fourth husband, passed away. The death certificate appended to the memo of documents describes the complainant as the wife of the deceased Apsar Pasha.

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The petitioner seeks to place reliance upon this circumstance, read with the documents relating to the subsequent marriages, to demonstrate what he describes as an overlapping and unusual sequence of matrimonial relationships. The documentary significance of these circumstances must, however, be appreciated in the context in which they are placed before the Court.

7th marriage:

16. It is at this juncture that the petitioner enters the matrimonial narrative. The petitioner and the complainant are stated to have solemnized their marriage before the office of the Sub-Registrar on 13-01-2022. The petitioner thus claims to have become the seventh husband of the complainant. What followed the marriage, according to the petitioner, is the genesis of the present controversy. It is specifically averred that within four days of the marriage, the complainant demanded a sum of ₹5,00,000/- from the petitioner and threatened to institute criminal proceedings against him in the event of his failure to accede to the demand. The matrimonial relationship thereafter appears to have become irretrievably strained. On 09-07-2022, the complainant registered

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the complaint which forms the fulcrum of the present proceedings. The complaint reads as follows:

"ರಿಂದ,

ತಬಸ್ಸುಮ್,
ಸುಮಾರು 30 ವರ್ಷ,
ಬಿನ್. ದಿವಂಗತ ಇಸ್ಮಾಯಿಲ್,
ವಾಸ: ಮಾಂಡವಿ ಪ್ರಿನ್ಸ್ ಪ್ಯಾಲೇಸ್, 10ನೇ ಮಹಡಿ,
ಅಂಬಾಗಿಲು,
ಉಡುಪಿ ತಾಲೂಕು ಮತ್ತು ಜಿಲ್ಲೆ.
(6362993878).

ರಿಗೆ,

ಠಾಣಾಧಿಕಾರಿಯವರು,
ಉಡುಪಿ ಮಹಿಳಾ ಪೋಲಿಸ್ ಠಾಣೆ,
ಉಡುಪಿ ತಾಲೂಕು ಮತ್ತು ಜಿಲ್ಲೆ.

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ನನ್ನ ಗಂಡ ಜಿ. ರಾಜ ಹುಸೇನ್ ಹಾಗೂ ಆತನ ಮನೆಯವರಾದ ಹೆಂಡತಿ ಶಹನಾಜ್ ಬೇಗಂ, ಆಕೆಯ ಅಣ್ಣ ಶಬ್ಬಿರ್, ಅಣ್ಣನ ಹೆಂಡತಿ ಶಮ ಪರ್ವಿನ್ ಹಾಗೂ ನನ್ನ ಗಂಡನ ಮಕ್ಕಳಾದ ಅಜರುದ್ದೀನ್ ಹಾಗೂ ಇರ್ಫಾನ್ ಎಂಬವರು ನನಗೆ ಕಿರುಕುಳ ನೀಡಿ, ಮಾನಸಿಕ ಹಿಂಸೆ ಹಾಗೂ ದೈಹಿಕ ಹಲ್ಲೆ ಮಾಡಿ, ಅವ್ಯಾಚ್ಯ ಶಬ್ದಗಳಲ್ಲಿ ನಿಂದಿಸಿ, ಬೆದರಿಕೆ ಹಾಕಿದ ಬಗ್ಗೆ:-

ನಾನು ಈ ಮೇಲಿನ ವಿಳಾಸದಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ಮಣಿಪಾಲದಲ್ಲಿ ಹೀನಾ ಎಂಟರ್ಪ್ರೈಸಸ್ ಎಂಬ ವ್ಯವಹಾರವನ್ನು ಮಾಡಿಕೊಂಡಿದ್ದು, ಈಗ ಉಡುಪಿಯ ಮೀನು ಮಾರ್ಕೆಟಿನ ಬಳಿ ಸ್ಥಳಾಂತರಿಸಿಕೊಂಡು ವ್ಯವಹಾರ ನಡೆಸಿಕೊಂಡಿರುತ್ತೇನೆ. ನಾನು ದಿನಾಂಕ 13-01-2022 ರಂದು ಹೊಸಪೇಟೆ ನಿವಾಸಿ ರಜಿಯಾ ಬೇಗಂ ಎಂಬವರ ಮಗ ಜಿ. ರಾಜ ಹುಸೇನ್ ಎಂಬವರನ್ನು ಉಡುಪಿಯ ಸಬ್ ರಿಜಿಸ್ಟರ್ ಆಫೀಸಿನಲ್ಲಿ ರಿಜಿಸ್ಟ್ರಿ ಮದುವೆಯಾಗಿರುತ್ತೇನೆ. ಆತನ ಪರಿಚಯ

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ಬೆಂಗಳೂರಿನಲ್ಲಿ ಸಮಾರಂಭ ಒಂದರಲ್ಲಿ ಆಗಿರುತ್ತದೆ. ಮದುವೆ ಸಮಯದಲ್ಲಿ ಸಮಯದಲ್ಲಿ 1 ವಾಚ್ ಹಾಗೂ ರೂ. 1,50,000/- ಹಣವನ್ನು ನೀಡಿರುತ್ತೇನೆ. ಮದುವೆಯಾದ ನಂತರ ಕೆಲವು ಸಲ ಆತನ ಮನೆಗೆ ಹೋಗಿರುತ್ತೇನೆ. ನಂತರ ನಮ್ಮ ದಾಪಂತ್ಯ ಜೀವನವನ್ನು ಮಣಿಪಾಲದ ಬಾಡಿಗೆಯ ಪ್ಲಾಟ್ ಹಾಗೂ ಈ ಮೇಲಿನ ವಿಳಾಸದಲ್ಲಿ ನಡೆಸಿರುತ್ತೇವೆ. ಮದುವೆಯಾದ ಒಂದು ವಾರ ಮಾತ್ರ ಆತ ನನ್ನೊಂದಿಗೆ ಸರಿಯಾಗಿ ಇದ್ದು, ನಂತರ ಆತ ಬಳಿ ಹಣಕ್ಕಾಗಿ ಮಾನಸಿಕ ಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದ. ನಂತರ ನನಗೆ ಆತ ಊರಿನಲ್ಲಿ ಸಾಲ ಮಾಡಿರುತ್ತಾನೆಂದು ತಿಳಿದು ಬಂತು. ಆತನ ಬೆದರಿಕೆಗೆ ಹೆದರಿ ಆತನಿಗೆ ಹಣ ಕೊಡುತ್ತಿದ್ದೆ. ಈ ಮದ್ಯೆ ನನಗೆ ಆತನಿಗೆ ಮತ್ತೊಂದು ಮದುವೆಯಾಗಿರುವುದೆಂದು ತಿಳಿದು ಬಂತು. ಆದಾಗಿಯು ನಾನು ನನಗೆ ಆಸರೆಯಾಗಿ ಯಾರೂ ಇಲ್ಲ ಎಂಬ ಕಾರಣದಿಂದ ನಾನು ಆತನೊಂದಿಗೆ ಸಂಸಾರ ಮುಂದುವೆರೆಸಿಕೊಂಡು ಹೋಗಬೇಕೆಂಬ ಕಾರಣದಿಂದ ಸುಮ್ಮನ್ನಿದೆ. ಒಂದು ಬಾರಿ ಆತನ ಮನೆಯವರಾದ ಗಂಡನ ಹೆಂಡತಿ ಶಹನಾಜ್ ಬೇಗಂ, ಆಕೆಯ ಅಣ್ಣ ಶಬ್ಬಿರ್, ಅಣ್ಣನ ಹೆಂಡತಿ ಶಮ ಪರ್ವಿನ್, ಗಂಡನ ಮೊದಲನೇ ಹೆಂಡತಿಯ ಮಗ ಅಜರುದ್ದೀನ್ ಹಾಗೂ ಇರ್ಫಾನ್ ಎಂಬವರು ಮನೆಗೆ ಬಂದಿದ್ದು, ಅವರುಗಳು ನನ್ನಲ್ಲಿ ಚಿನ್ನ ಹಾಗೂ ಹಣ ಕೊಡಬೇಖೆಂದು ಬೆದರಿಸುತ್ತಿದ್ದರು. ಕಾರಣ ಆತನ ಅಂಗಡಿ ನಷ್ಟದಲ್ಲಿದೆ ಎಂದು ಹೇಳಿದಾಗ, ನಾನು ಅವರ.....

ಅದಲ್ಲದೆ ಆತನ ಸಾಲಕ್ಕಾಗಿ ಆತನಿಗೆ 1 ಲಕ್ಷ ಹಣ ನೀಡಿದ್ದೆ. ಹೀಗಿರುವಾಗ ಮೊನ್ನೆ ದಿನಾಂಕ 07-07-2022ರಂದು ನಾನು ಹಬ್ಬದ ಸಲುವಾಗಿ ಹೊಸಪೇಟೆಗೆ ಹೋಗಿದ್ದೆವು. ಆ ಸಮಯದಲ್ಲಿ ಕಾರಿನವನಿಗೆ ರೂ. 80,000/- ಕೊಟ್ಟು ನನ್ನ ಗಂಡನ ಕಾರನ್ನು ಹಿಂದಕ್ಕೆ ಪಡೆದಿರುತ್ತೇನೆ. ನಂತರ ನಾವು ಊರಿಗೆ ಹಿಂತಿರುಗುವಾಗ ಆತನ ಹೆಂಡತಿಯ ಮನೆಗೆ ನನ್ನನ್ನು ಕರೆದುಕೊಂಡು ಹೋದ ನಂತರ ಊರಿಗೆ ಹಿಂತಿರುಗಿದೆವು. ಮನೆಗೆ ಬಂದವನೇ, ರಾತ್ರಿ ಸುಮಾರು 10ಕ್ಕೆ ನನ್ನ ಗಂಡ ಜಿ. ರಾಜ ಹುಸೇಣ್ ನನಗೆ ಆತನ ಹೆಂಡತಿಯ ಮುಂದೆ ಯಾಕೆ ಗಲಾಟೆ ಮಾಡಿದೆ ಎಂದು ಗಲಾಟೆ ಮಾಡಿ ಮುಖಕ್ಕೆ, ಹೊಟ್ಟೆಗೆ ಕೈ ಕಾಲು ಕಾಲಿನಿಂದ ಹೊಡೆದು ತುಳಿದಿರುತ್ತಾನೆ. ನಾನು ಆ ಸಮಯ ಗರ್ಭವತಿ ಎಂದು ತಿಳಿದು ಕೂಡ ನನಗೆ ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾನೆ. ಆ ಸಮಯ ಆತ ನನಗೆ ಬ್ಯಾವರ್ಸಿ, ರಂಡೆ ಸೂಳೆ, ಇನ್ನೂ ನನ್ನ ಮನೆಯವರ ವಿಷಯದಲ್ಲಿ ನೀನು ಸುಮ್ಮನೆ ಇರಬೇಕು ನಾನು ಮತ್ತು ನನ್ನ ಮನೆಯವರು ಕೇಳಿದಷ್ಟು ಹಣ ಕೊಡಬೇಕು ಇಲ್ಲದಿದ್ದರೆ ನನ್ನ ಮಕ್ಕಳನ್ನು ಕರೆಸಿ ನಿನ್ನನು ಇಲ್ಲಿಯೇ ಕೊಂದು ಬಿಸಾಡುವುದಾಗಿ ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾನೆ. ಈ ಮೊದಲು ಸಹಾ ನನಗೆ ಆತ ನೀಡಿದ ಹಲ್ಲೆಯಿಂದ ಮಗುವಿನ ಗರ್ಭಪಾತವಾಗಿರುತ್ತದೆ. ಈಗ ಆತ ನನಗೆ ತಿಳಿಸದೇ ಮನೆ ಬಿಟ್ಟು ಹೋಗಿರುತ್ತಾನೆ.

ಆದುದರಿಂದ ತಾವುಗಳು ನನಗೆ ಕಿರುಕುಳ, ಮಾನಸಿಕ ಹಿಂಸೆ ನೀಡಿ, ದೈಹಿಕ ಹಲ್ಲೆ ಮಾಡಿ, ಅವ್ಯಾಚ್ಚ ಶಬ್ದಗಳಲ್ಲಿ ನಿಂದಿಸಿ, ಬೆದರಿಕೆ ಹಾಕಿದ ನನ್ನ ಗಂಡ ಜಿ. ರಾಜ ಹುಸೇನ್, ಹೆಂಡತಿ

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ಶಹನಾಜ್ ಬೇಗಂ, ಆಕೆಯ ಅಣ್ಣ ಶಬ್ಬಿರ್, ಅಣ್ಣನ ಹೆಂಡತಿ ಶಮ ಪರ್ವಿನ್, ನನ್ನ ಗಂಡನ ಮಕ್ಕಳಾದ ಅಜರುದ್ದೀನ್ ಹಾಗೂ ಇರ್ಫಾನ್ ವಿರುದ್ದ ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕಾಗಿ ವಿನಂತಿ.

ಸ್ಥಳ: ಉಡುಪಿ
ದಿನಾಂಕ:13-08-2022

ಇತೀ ತಮ್ಮ
ವಿಶ್ವಾಸಿ
ಸಹಿ/-"

The police conduct investigation and file a charge sheet. The summary of the charge sheet as obtaining in column No.17 reads as follows:

"17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಅಂಕಣ ನಂಬ್ರ 12 ರಲ್ಲಿ ಹೆಸರು, ವಿಳಾಸ ನಮೂದಿಸಿದ ಆಪಾದಿತನು ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ದಿನಾಂಕ:13/01/2022 ರಂದು ಸಾಕ್ಷಿ 1ನೇಯವರ ವಾಸ್ತವ್ಯದ ಮನೆಯಾದ ಉಡುಪಿ ತಾಲೂಕು, ಅಂಬಾಗಿಲು ಎಂಬಲಿ,ರುವ ಮಾಂಡವಿ ಪ್ರಿನ್ಸ್ ಪ್ಯಾಲೇಸ್‌ನ ಬಿ ವಿಂಗ್ ನ 10 ನೇ ಮಹಡಿಯಲ್ಲಿ,ರುವ ಫ್ಲ್ಯಾಟ್ ನಂಬ್ರ 1003/10ಸಿ ರಲ್ಲಿ ಮೌಲಾನ ರವರ ಸಮಕ್ಷಮ ಮುಸ್ಲಿಂ ಧರ್ಮದ ಪದ್ಧತಿಯಂತೆ ಮದುವೆಯಾಗಿದ್ದು, ದಿನಾಂಕ: 04/04/2022 ರಂದು ಉಡುಪಿ ಸಬ್ ರಿಜಿಸ್ಟರ್ ಆಪೀಸ್‌ನಲ್ಲಿ ವಿವಾಹ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ಮದುವೆಯಾಗುವ ಮೊದಲೇ ಆಪಾದಿತನು ಇನ್ನೊಂದು ಮದುವೆಯಾಗಿದ್ದು, ಮೊದಲನೆಯ ಹೆಂಡತಿಯಿಂದ ವಿಚ್ಚೇದನ ಹೊಂದದೇ ಇದ್ದು, ಈ ವಿಚಾರವು ಸಾಕ್ಷಿ 1ನೇಯವರಿಗೆ ಆಪಾದಿತನನ್ನು ಮದುವೆಯಾದ ನಂತರದ ದಿನಗಳಲ್ಲಿ ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಆಪಾದಿತ ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ಮದುವೆಯಾದ ನಂತರ 1 ವಾರ ಮಾತ್ರ ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ಒಳ್ಳೆಯ ರೀತಿಯಲ್ಲಿ ನೋಡಿಕೊಂಡು ನಂತರದ ದಿನಗಳಲ್ಲಿ ಆಪಾದಿತನು ತನ್ನ ಮೊದಲನೆ ಹೆಂಡತಿ ಹಾಗೂ ಮಕ್ಕಳ ಖರ್ಚಿಗಾಗಿ ಸಾಕ್ಷಿ 1ನೇಯವರಿಂದ ಹಣ ಕೇಳಿ ಪಡೆಯುತ್ತಿದ್ದು, ಸಾಕ್ಷಿ 1ನೇಯವರು ಹಣ ಕೊಡಲು ನಿರಾಕರಿಸಿದರೆ ಸಾಕ್ಷಿ 1ನೇಯವರಿಗೆ ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ಬಿಟ್ಟು ಹೋಗುವುದಾಗಿ ಹೆದರಿಸಿ ಮಾನಸಿಕ ಮತ್ತು

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ದೈಹಿಕ ಹಿಂಸೆ ನೀಡುತ್ರಿದ್ದವನು ಅಪಾದಿತ ದಿನಾಂಕ: 07/07/2022 ರಂದು ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ಆತನ ಊರಾದ ಹೊಸಪೇಟೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಲ್ಲಿ ಆತನ ಮೊದಲನೆ ಹೆಂಡತಿಯ ಮನೆಗೆ ಕರೆದಕೊಂಡು ಹೋಗಿದ್ದು, ಅಲ್ಲಿ ಆಪಾದಿತ ಸಾಕ್ಷಿ 1ನೇಯವರೊಂದಿಗೆ ಗಲಾಟೆ ಮಾಡಿ ನಂತರ ಸಾಕ್ಷಿ 1ನೇಯವರನ್ನು ವಾಪಾಸು ಉಡುಪಿಗೆ ಕರೆದುಕೊಂಡು ಬಂದು ದಿನಾಂಕ: 09/07/2022 ರಂದು ರಾತ್ರಿ ಸುಮಾರು 10:00 ಗಂಟೆಗೆ ಸಾಕ್ಷಿ 1 ನೇಯವರ ವಾಸ್ತವ್ಯದ ಮೇಲ್ಕಾಣಿಸಿದ ಫ್ಲ್ಯಾಟಿನಲ್ಲಿ ಸಾಕ್ಷಿ 1ನೇಯವರಲ್ಲಿ "ನೀನು ನನ್ನ ಹೆಂಡತಿಯ ಮುಂದೆ ಯಾಕೆ ಗಲಾಟೆ ಮಾಡಿದೆ ಬೇವರ್ಸಿ, ರಂಡೆ, ಸೂಳೆ" ಎಂದು ಅವಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ಬೈದು ಸಾಕ್ಷಿ 1ನೇಯವರ ಮುಖಕ್ಕೆ ಹೊಟ್ಟೆಗೆ ಕೈಯಿಂದ ಹೊಡೆದು ಕಾಲಿನಿಂದ ತುಳಿದು "ಇನ್ನು ಮುಂದಕ್ಕೆ ನನ್ನ ಮನೆಯವರ ವಿಷಯದಲ್ಲಿ ನೀನು ಸುಮ್ಮನೆ ಇರಬೇಕು ನಾನು ಕೇಳಿದಷ್ಟು ಹಣ ಕೊಡಬೇಕು ಇಲ್ಲದಿದ್ದರೆ ನನ್ನ ಮಕ್ಕಳನ್ನು ಕರೆಸಿ ನಿನ್ನನ್ನು ಇಲ್ಲಿಯೇ ಕೊಂದು ಬಿಸಾಡುತ್ತೇನೆ" ಎಂದು ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿ ಹೋಗಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಡಪಟ್ಟಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ 1ನೇ ಆಪಾದಿತ ಕಲಂ 498(ಎ), 323, 504, 506 ಐಪಿಸಿ ಐಪಿಸಿಯಂತೆ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾನೆ ಎಂಬುದಾಗಿ ಸಲ್ಲಿಸಿದ ಆರೋಪಣ ಪಟ್ಟಿ."

Simultaneously, the complainant instituted Criminal Miscellaneous No.28 of 2022 against the petitioner and his family members invoking Section 12 of the Protection of Women from Domestic Violence Act, 2005. In the said proceedings, maintenance of ₹6,000/- per month was awarded to the complainant, which the petitioner is stated to be paying. The proceedings under the Domestic Violence Act are stated to be pending consideration before the competent Court. It is the charge sheet filed in Crime No. 57 of 2022 and the criminal proceedings instituted for the allegation of

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cruelty under Section 498A of the IPC that is called in question in the present petition. The petitioner contends that the criminal law has been invoked not for redressal of any genuine criminal wrong, but as an instrument of coercion to compel him to yield to the monetary demands allegedly made by the complainant.

8th marriage:

17. The matrimonial narrative, however, does not end with the petitioner. During the pendency of the proceedings initiated against him, the complainant is stated to have entered into yet another matrimonial alliance with one Mohammed Mustaq. The marriage certificate evidencing the said marriage is appended to the memo of documents. According to the petitioner, this was the eighth marriage of the complainant. Upon coming to know of the said marriages and what he describes as the recurring modus operandi of the complainant, the petitioner lodged a complaint against respondent No.2, alleging offences punishable under Sections 384, 420, 494 and 495 of the IPC, which came to be registered as Crime No.40 of 2023.

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18. The complainant challenged the registration of the said crime before the Dharwad Bench of this Court in Criminal Petition No.102969 of 2023. The said petition is stated to be pending consideration, and no interim order staying the investigation is said to have been granted. The police thereafter proceeded with the investigation and filed a charge sheet against the complainant and others, which has culminated in C.C.No.49 of 2023. The said complaint reads as follows:

> "10. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ ವಿವರಗಳು
>
> ಪಿರ್ಯಾಧಿ ರಾಜಾ ಹುಸೇನ್ ಇವರು ಮಾನ್ಯ ಎಸಿಜೆ ಮತ್ತು ಜೆ.ಎಂ.ಎಫ್.ಸಿ ನ್ಯಾಯಾಲಯ, ಹೊಸಪೇಟೆ ಇವರಲ್ಲಿ, ಪಿಸಿ.ನಂ.63/2023 ರಲ್ಲಿ ಸಲ್ಲಿಸಿಕೊಂಡ ಖಾಸಗಿ ದೂರು ರೆಫರ್ ಆಗಿ ಬಂದಿದ್ದು ದೂರಿನ ಸಾರಾಂಶ ಏನೆಂದರೆ- ಪಿರ್ಯಾಧಿದಾರರು ಈ ಹಿಂದೆ ಬೆಂಗಳೂರಿನಲ್ಲಿ ಒಂದು ರಾಜಕೀಯ ಸಮಾರಂಭಕ್ಕೆ ಹೋಗಿದ್ದಾಗ ಶ್ರೀಮತಿ ತಬಸುಮ್ ಇವರು ಪರಿಚಯ ಆಗಿದ್ದು, ಒಬ್ಬರಿಗೊಬ್ಬರ ತಮ್ಮ ಮೊಬೈಲ್ ನಂಬರ್ ಪಡೆದುಕೊಂಡು ಮಾತನಾಡುತ್ತಿದ್ದು, ಹೀಗಿರುವಾಗ ಆರೋಪಿತ ಮಹಿಳೆ ಪಿರ್ಯಾಧಿದಾರರಿಗೆ ಭಾವನಾತ್ಮಕವಾಗಿ ಮಾತನಾಡಿ ತಮಗೆ ಮದುವೆಯಾಗುವಂತೆ ಪ್ರಸ್ತಾಪ ಮಾಡಿ ದಿನಾಂಕ: 13.01.2022 ರಂದು ಉಡುಪಿಯಲ್ಲಿ ಮದುವೆ ಮಾಡಿಕೊಂಡಿದ್ದು, ನಂತರ ಪಿರ್ಯಾದಿದಾರರಿಗೆ ಸದರಿ ಮಹಿಳೆಗೆ ಈ ಹಿಂದೆ ಬೇರೆ ಬೇರೆ ವ್ಯಕ್ತಿಗಳೊಂದಿಗೆ ಮದುವೆ ಮಾಡಿಕೊಂಡಿರುವುದು ತಿಳಿದುಬಂದಿದ್ದು, ಮದುವೆಯಾದ ನಂತರ ತಬಸುಮ್ ಇವರು ಪಿರ್ಯಾಧಿದಾರರಿಗೆ ರೂ.5,00,000/- ಹಣ ಕೊಸುವಂತೆ ಒತ್ತಾಯ ಮಾಡುತ್ತಿದ್ದು, ಇಲ್ಲವಾದಲ್ಲಿ, ಪಿರ್ಯಾಧಿದಾರರ ಮೇಲೆ ಕೇಸು ಮಾಡುವುದಾಗಿ ಬೆದರಿಕೆ ಹಾಕಿದ್ದು, ಪಿರ್ಯಾಧಿದಾರರು ಉಡುಪಿಗೆ ಹೋಗಿ ವಿಚಾರಣೆ ಮಾಡಿದಾಗ ತಬಸುಮ್ ಇವರು ಈ ಹಿಂದೆ ಹಲವಾರು ವ್ಯಕ್ತಿಗಳಿಗೆ ಸುಳ್ಳು ಹೇಳಿ ಮದುವೆ ಮಾಡಿಕೊಂಡು ಹಣ ಪಡೆದುಕೊಂಡು ಮೋಸ ಮಾಡಿರುವುದು ಮತ್ತು ಇವರ ಮೇಲೆ ಉಡುಪಿ ಮತ್ತು ಇತರೆ ಕಡೆ ಪ್ರಕರಣಗಳು ವರಧಿಯಾಗಿರುವುದು ತಿಳಿದುಬಂದಿದ್ದರಿಂದ ಪಿರ್ಯಾಧಿದಾರರು ತಮಗೆ ಸುಳ್ಳು ಹೇಳಿ ಈ ಹಿಂದೆ

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ಆಗಿರುವ ಮದುವೆಗಳ ಬಗ್ಗೆ ವಿಷಯ ಮುಚ್ಚಿಟ್ಟು ತಮ್ಮೊಂದಿಗೆ ಮದುವೆ ಮಾಡಿಕೊಂಡು ಮೋಸ ಮಾಡಿದ ಮತ್ತು ಹಣ ನೀಡುವಂತೆ ಬೆದರಿಸಿ ಒತ್ತಾಯ ಮಾಡುತ್ತಿದ್ದರಿಂದ ಈ ಬಗ್ಗೆ ಘನ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಸಲ್ಲಿಸಿದ ಖಾಸಗಿ ದೂರು ರೆಫರ್ ಆಗಿ ಬಂದಿದ್ದನ್ನು ಹೆಚ್.ಸಿ.288 ಇವರು ಹಾಜರುಪಡಿಸಿದ್ದನ್ನು ಸ್ವೀಕರಿಸಿ ಪ್ರಕರಣ ದಾಖಲಿಸಿ ತನಿಖೆ ಕೈಗೊಂಡಿದೆ."

As observed hereinabove, the police conduct investigation and file a charge sheet in Crime No.40 of 2023. The summary of the charge sheet as obtaining in Column No.17 is as follows:

"17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ದಿನಾಂಕ: 13.01.2022 ರಂದು ಸಾಕ್ಷಿ-1 ಜಿ. ರಾಜಾಹುಸೇನ್ ರವರ ಮದುವೆಯು ಉಡುಪಿಯಲ್ಲಿರುವ ಆರೋಪಿತೆ ತಬಸೂಮ್ ತನ್ನ ಮನೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಮದುವೆ ಆಗಿದ್ದು ಮದುವೆಯ ಸಮಯದಲ್ಲಿ ತಬಸೂಮ್ ಳಿಗೆ ಸಾಕ್ಷಿ -01, ರವರು 11.900 ಗ್ರಾಂ ಬಂಗಾರದ ಆಭರಣಗಳ ಬೆಲೆ ಅಂದಾಜು 1 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ಆರೋಪಿತೆಗೆ ನೀಡಿದ್ದು, ತದನಂತರ ಆರೋಪಿತೆಯು ಮೋಸ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಸಾಕ್ಷಿ -1 ರಾಜಾ ಹುಸೇನ್ ರವರ ಬಳಿ ತಾನು ಗರ್ಭಣಿ ಇದ್ದೇನೆ ಎಂದು ಸುಳ್ಳು ಹೇಳಿ ಅವರಿಂದ ನಗದು ಹಣ 1,50,000 ರೂ ಗಳನ್ನು ಹೊಸಪೇಟೆಯ ಸಾಕ್ಷಿ1 ರವರ ಮನೆಯಲಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಹಾಗೂ ಆರೋಪಿತೆಯು ತಾನು ಸರ್ಕಾರದ ವತಿಯಿಂದ ಅಲ್ಪಸಂಖ್ಯಾತರ ಇಲಾಖೆಯಿಂದ ಲೋನ್ ಕೊಡಿಸುವುದಾಗಿ ಸಾಕ್ಷಿ-12 ಮಹೇಬೂಬ್ ಸಾಕ್ಷಿ-13 ಇಮಾಮ್ ಸಾಬ್ ಸಾಕ್ಷಿ -14 ಚಾಂದ ಪಾಷ, ಸಾಕ್ಷಿ-15 ಜಾಫರ್ ಸಾಕ್ಷಿ - 17 ಆನೀಸ್ ಸಾಕ್ಷಿ- 20 ಸೈಯ್ಯದ್ ಜುನೈದ್ ಸಾಕ್ಷಿ-21 ಸನಾಭಾಷು ಶಬ್ಬಿರ್ ಸಾಕ್ಷಿ-22 ಶರ್ಫೂನ್ನಿಸಾ, ರವರಿಗೆ ನಂಬಿಸಿ ಅವರಿಂದ ಹಣ ಪಡೆದು ಅವರಿಗೆ ಲೋನ್ ಕೊಡಿಸದೇ ಮೋಸ ಮಾಡಿರುತ್ತಾಳೆ, ಮತ್ತು ಈಕೆಯು ಮೋಸ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಸಾಕ್ಷಿ-01 ರಾಜಾಹುಸೇನ್, ಸಾಕ್ಷಿ-09 ಮಹ್ಮದ್ ರಫೀಕ್, ಸಾಕ್ಷಿ-18 ಅನ್ವರ ಹಾಗೂ ಅಮ್ ಜಾದ್, ಅಪ್ಸರ್, ಮುಸ್ತಾಕ್, ಮೊಹ್ಮದ್ ಹುಸೇನ್ ರವರೊಂದಿಗೆ ಸಹ ಮದುವೆ ಆಗಿ ಅವರಿಂದ ಹಣವನ್ನು ಪಡೆದು ಅವರ ಮೇಲೆ ಡೌರಿ ಕೇಸು ಇತ್ಯಾದಿ ಕೇಸು ಮಾಡಿಸುವುದಾಗಿ ಹೇಳಿ ಬೆದರಿಸಿ ಅವರಿಂದ ಹಣ ಪಡೆದುಕೊಂಡಿರುತ್ತಾಳೆ, ಆರೋಪಿತೆ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಮೋಸಮಾಡಿರುತ್ತಾಳೆ. ಸದರಿ ಆರೋಪಿತೆಯು ಪ್ರಮುಖ ವ್ಯಕ್ತಿಗಳನ್ನು ಗುರುತಿಸಿ ಪೇಸ್ ಬುಕ್, ಫೋನ್ ನಂಬರ್, ಮೂಲಕ ಅವರಿಗೆ ಪರಿಚೇಯಿಸಿಕೊಂಡು ನಂತರ ಅವರಿಗೆ ಪ್ರೀತಿಯ ಭಾವನೆ ಬೆಳಸಿ ಮದುವೆ ಮಾಡಿಕೊಂಡು

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ಅವರಿಂದ ಹಣ ಪಡೆದು ಇನ್ನು ಹೆಚ್ಚಿನ ಹಣಕ್ಕಾಗಿ ಬೇಡಿಕೆ ಇಟ್ಟುಕೊಡದೆ ಇದ್ದಲ್ಲಿ ಅವರ ಮೇಲೆ ಕೇಸು ಮಾಡಿರುತ್ತಾಳೆ ಎಂದು ತನಿಖೆ ಯಿಂದ ತನಿಖೆಯಿಂದ ಧೃಢ ಪಟ್ಟಿರುತ್ತದೆ.

ಆದ ಕಾರಣ ಈ ಮೇಲ್ಕಂಡ ಕಲಂಗಳ ಅನ್ವಯ ಆರೋಪಿತೆಯ ವಿರುದ್ಧ ಈ ದೋಷಾರೋಪಣ ಪತ್ರವನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ನಿವೇದಿಸಿಕೊಳ್ಳಲಾಗಿದೆ."

The complaint lodged by the petitioner seeks to portray a recurring course of conduct on the part of the complainant entering into matrimonial alliances, developing disputes with the respective husbands, invoking or threatening to invoke criminal proceedings and thereafter bringing such proceedings to a close through settlements, allegedly involving monetary consideration in certain instances. The petitioner would contend that the recurrence of such events cannot be viewed as a mere coincidence, but must be examined as part of the attendant circumstances surrounding the registration of the present crime. According to him, his marriage was the seventh in the series, and the criminal proceedings instituted against him constitute yet another link in what he alleges to be a continuing chain of matrimonial litigation employed for collateral purposes.

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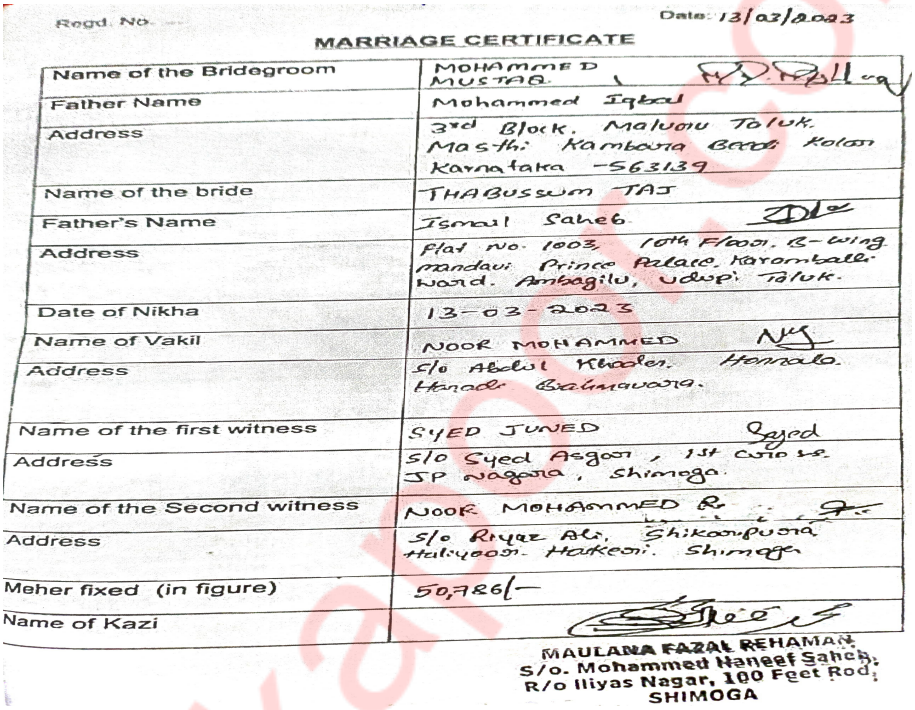
19. As observed hereinabove, the 8th marriage happens with one Mohammed Mustaq. The marriage certificate is as follows:



Regd. No. ... Date: 13/03/2023

MARRIAGE CERTIFICATE

Name of the Bridegroom	MOHAMMED MUSTAQ
Father Name	Mohammed Iqbal
Address	3rd Block, Maluru Taluk, Masthi Kambara Beedi Kolar Karnataka -563139
Name of the bride	THABUSSUM TAJ
Father's Name	Ismail Saheb
Address	Flat No. 1003, 10th Floor, B-wing mandavi Prince Palace, Karomballi ward, Ambagilu, Udupi Taluk.
Date of Nikha	13-03-2023
Name of Vakil	NOOR MOHAMMED
Address	S/o Abdul Khader, Hennala, Harade Brahmavara.
Name of the first witness	SYED JUNED
Address	S/o Syed Asgar, 1st Cross, JP Nagara, Shimoga.
Name of the Second witness	NOOR MOHAMMED R.
Address	S/o Riyaz Ali, Shikaripura, Haliyoor, Harkeri, Shimoga
Meher fixed (in figure)	50,786/-
Name of Kazi	

MAULANA FAZAL REHAMAN
S/o. Mohammed Haneef Saheb,
R/o Iliyas Nagar, 100 Feet Rod,
SHIMOGA

9th marriage:

20. On 27-08-2023 the complainant marries for the ninth time. The marriage certificate of the ninth time of marrying one Gafur K.Patel is as follows:

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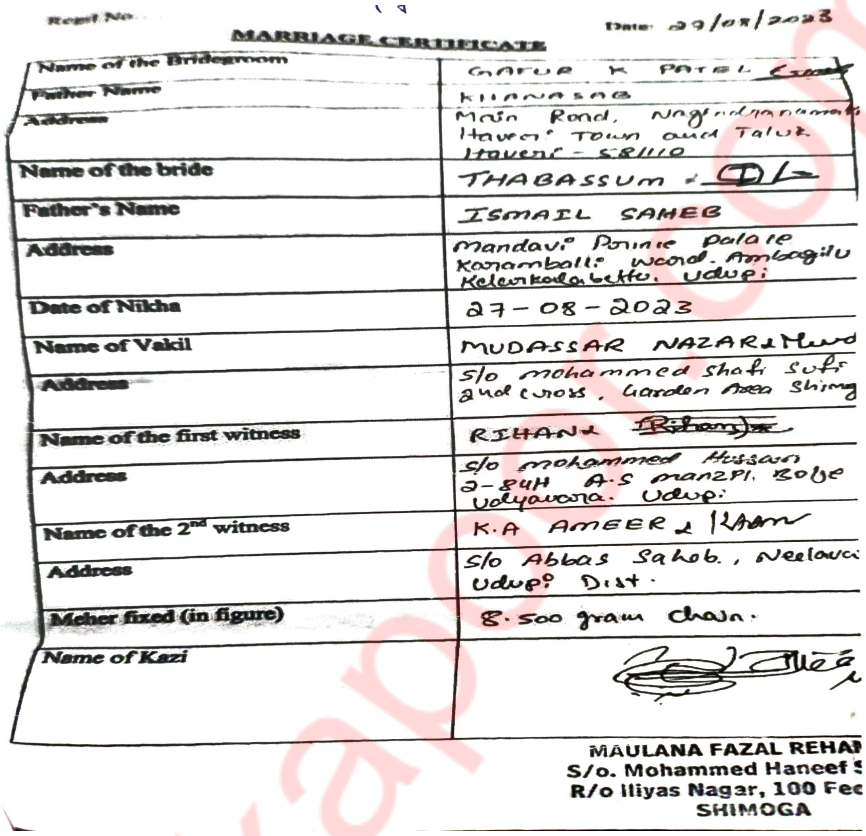

Regd No.

Date: 29/08/2023

MARRIAGE CERTIFICATE

Name of the Bridegroom	GAFUR K PATEL
Father Name	KHANASAB
Address	Main Road, Nagendranamati Haveri Town and Taluk Haveri - 581110
Name of the bride	THABASSUM
Father's Name	ISMAIL SAHEB
Address	Mandavi Prince Palace Karamballi ward. Ambagilu Kelarkalabettu. Udupi
Date of Nikha	27-08-2023
Name of Vakil	MUDASSAR NAZAR & Mud
Address	S/o mohammed shafi sufi 2nd cross, Garden Area Shimg
Name of the first witness	RIHAN & Rihan
Address	S/o mohammed Hussain 2-84H A.S manzil. Bolje Udyavara. Udupi
Name of the 2nd witness	K.A AMEER & KAM
Address	S/o Abbas Saheb., Neelavai Udupi Dist.
Meher fixed (in figure)	8.500 gram chain.
Name of Kazi	

MAULANA FAZAL REHAN
S/o. Mohammed Haneef S
R/o Iliyas Nagar, 100 Fee
SHIMOGA

The ninth husband, Gafur K. Patel, has also placed an affidavit before this Court, alleging that the complainant threatened to institute criminal proceedings for dowry harassment against him and his family members, unless the monetary demands made by her were satisfied.

21. Thus unfolds, according to the petitioner, a matrimonial history extending across nine marriages, accompanied by repeated

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allegations of discord, institution of proceedings and their eventual settlement. The petitioner contends that while the earlier disputes were brought to a close through compromise, he has chosen to question the very foundation of the criminal proceedings instituted against him.

22. The question that now falls for consideration is not whether a person can marry more than once, nor whether the institution of matrimonial proceedings by a woman who has contracted successive marriages is, by itself, a circumstance of suspicion. The question is, whether in the peculiar facts of the present case, the criminal prosecution instituted against the petitioner discloses the essential ingredients of the offences alleged, or whether it represents an attempt to employ the criminal process for a purpose alien to the administration of criminal justice?

23. The complaint and the summary of the charge sheet, extracted hereinabove, must be examined in that light. On a consideration of the allegations as presented, the petitioner contends that they are wholly bald, omnibus and bereft of particulars capable of constituting the offences alleged. No specific

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act of harassment, attributable to the petitioner and satisfying the statutory ingredients of the offences invoked, is said to emerge from the material placed on record. The prosecution seeks to place reliance upon statements of witnesses recorded during investigation. The petitioner disputes their probative worth and contends that the witnesses have merely supported the version projected by the complainant, without furnishing any concrete particulars of the alleged criminal conduct.

24. The criminal law cannot be permitted to become a convenient instrument for the enforcement of private demands. Equally, a person's matrimonial history, however unusual it may appear, cannot by itself furnish a legal foundation for disbelieving an allegation of criminal wrongdoing. It is the existence or absence of the ingredients of the alleged offences, viewed in the setting of the attendant circumstances, that must govern the exercise of jurisdiction by this Court.

25. If the allegations in the complaint and the material collected during investigation, even when taken at their face value, fail to disclose the commission of the offences alleged, compelling

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the petitioner to undergo the rigours of a criminal trial would serve no legitimate purpose. A criminal trial is not to be permitted merely because a complaint has been registered and a charge sheet has followed. The process of law is intended to vindicate justice, not to become the punishment itself.

26. In the circumstances projected in the petition, the successive matrimonial proceedings and the settlements relied upon by the petitioner may furnish relevant background for examining his plea of *mala fides*. They cannot, however, substitute the indispensable scrutiny of the complaint and the charge sheet. Upon such scrutiny, if the prosecution is found to rest upon allegations that are vague, sweeping and devoid of the essential ingredients of the offences alleged, its continuation would amount to permitting the machinery of criminal justice to be employed without a legally sustainable foundation.

JUDICIAL LANDSCAPE

27. Jurisprudence is replete with observations of the Apex Court on the increasing misuse of criminal law in minor marital

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skirmishes through allegations under Section 498A of the IPC or Section 85 of the BNS.

27.1. The Apex Court in **DR. LOKESH B.H. v. STATE OF KARNATAKA**[1] has held as follows:

"…. …. ….

Object of 498A

a. *B.S. Joshi* v. *State of Haryana*, (2003) 4 SCC 675: 2003 SCC (Cri) 848 (2 Judge Bench):

> "**14.** There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Penal Code, 1860 was to prevent torture to a woman by her husband or by relatives of her husband. **Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. <u>The hypertechnical view would be counterproductive and would act against interests of women and against the object for which this provision was added.</u> There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier.** That is not the object of Chapter XX-A of the Penal Code, 1860."

b. *Janshruti* v. *Union of India*, 2025 SCC OnLine SC 909 (2 Judge Bench):

> **"5.** Section 498A of the Penal Code, 1860 was, in fact, introduced by the Legislature through the Criminal Law (Second Amendment) Act, 1983 (Act 46 of 1983),

[1] **2026 SCC OnLine SC 1470**

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with effect from 25.12.1983. The enactment of this provision was prompted by the widespread and deeply entrenched exploitation of women through traditional practices such as the dowry system. **The Legislature recognized the pressing need for a specific legal provision to address the grave suffering inflicted upon married women as a result of dowry-related offences and cruelty, which had become a pervasive social menace in Indian society.**

6. **Be that as it may, the Legislature, in its wisdom, has continued to retain this provision over the decades, presumably in recognition of the persistent and deep-rooted nature of the underlying social malaise. While it is true that instances of misuse have emerged over time—occasionally with the intent to harass families or extort money, such concerns by themselves, are rarely sufficient to warrant striking down a statutory provision or diluting its effect. This Court has consistently held, in a catena of decisions, that the mere possibility or occasional misuse of a legal provision does not render it constitutionally infirm, either procedurally or substantively. Even in the context of Section 498A, this Court has reiterated that while misuse must be guarded against, the provision cannot be trivialized or undermined merely because it has, in some instances, been invoked unscrupulously. However, this Court has also cautioned that it is not to be treated as a tool to prank assistance or as a means to 'cry wolf'.**

7. In assessing the constitutionality of such penal provisions, it becomes imperative to strike a delicate balance. While it is acknowledged that certain individuals may face hardship due to the misuse of the provision, it is equally important to look beyond these instances and recognize that the provision serves a constitutionally sound objective. It is aimed at protecting a vulnerable Section of society that often requires legal support and institutional safeguards to shield them from systemic abuse and exploitation."

Misuse of 498A

a. *Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667: (2010) 3 SCC (Cri) 473 (2 Judge Bench):

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"32.<u>It is a matter of common experience that most of these complaints under Section 498A 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</u>.....

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 498A 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.**

.....

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 complainant are

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required to be scrutinised with great care and circumspection."

b. *Arnesh Kumar* v. *State of Bihar*, (2014) 8 SCC 273: (2014) 3 SCC (Cri) 449 (2 Judge Bench):

> **"4.** There is a phenomenal increase in matrimonial disputes in recent years. **The institution of marriage is greatly revered in this country. Section 498A IPC 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 498A 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 a quite number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested.** "Crime in India 2012 Statistics" published by the National Crime Records Bureau, Ministry of Home Affairs shows arrest of 1,97,762 persons all over India during the year 2012 for the offence under Section 498A IPC, 9.4% more than the year 2011. **Nearly a quarter of those arrested under this provision in 2012 were women i.e. 47,951 which depicts that mothers and sisters of the husbands were liberally included in their arrest net. Its share is 6% out of the total persons arrested under the crimes committed under the Penal Code. It accounts for 4.5% of total crimes committed under different Sections of the Penal Code, more than any other crimes excepting theft and hurt. The rate of charge-sheeting in cases under Section 498A IPC is as high as 93.6%, while the conviction rate is only 15%, which is lowest across all heads. As many as 3,72,706 cases are pending trial of which on current estimate, nearly 3,17,000 are likely to result in acquittal**."

c. *Rinku Baheti* v. *Sandesh Sharda*, (2025) 3 SCC 686: (2025) 2 SCC (Cri) 329 (2 Judge Bench):

> **"67.** The provisions in the criminal law are for the protection and empowerment of women but sometimes are used by certain women more for purposes that they are never meant for. In recent times, the invocation of Sections 498A, 376, 377, 506 IPC as a combined package in most of the complaints related to matrimonial disputes is a practice which has been condemned by this Court on several occasions. **In certain cases, the wife and her family tend to use a criminal complaint with all the above serious offences as a platform for negotiation and as a mechanism and a tool to get the husband and his family to comply with their demands, which are mostly monetary in nature. Sometimes this is done in a fit of rage after a marital dispute, while at times it is a planned strategy in other cases. Unfortunately, it is not just the parties who are involved in this abuse of the process of law. They are understandably fuelled by the emotions of the situation. But other stakeholders also worsen the situation as they may often devise such crafty strategies for the women to adopt such arm-twisting tactics for their ulterior motives. Further, the police personnel are sometimes quick to jump into action in selective cases and arrest the husband or even their relatives including aged and bedridden parents and grandparents of the husband. The trial courts are hesitant in granting bail to the accused persons being swayed by the "gravity of the offences" mentioned in the FIR. The collective effect of this chain of events is often overlooked by the actual individual players involved therein, which is that even minor disputes between husband and wife tend to snowball into ugly prodigious battles of ego and reputation and washing dirty linen in public, eventually leading to the relationship turning sour to the extent that there remains no possibility of a reconciliation or cohabitation**. The women need to be careful about the fact that these strict provisions of law in their hands are beneficial legislations for their welfare and not means to chastise, threaten, domineer or extort from their husbands."

d. *Dara Lakshmi Narayana* v. *State of Telangana*, (2025) 3 SCC 735: (2025) 2 SCC (Cri) 370 (2 Judge Bench):

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> **"30.** The inclusion of Section 498A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, **in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A 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 498A 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.**"

e. *Achin Gupta* v. *State of Haryana*, (2025) 3 SCC 756: (2025) 2 SCC (Cri) 387 (2 Judge Bench):

> **"32.** Many times, the parents including the close relatives of the wife make a mountain out of a molehill. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues. The first thing that comes in the mind of the wife, her parents and her relatives is the police, as if the police is the panacea of all evil. No sooner the matter reaches up to the police, then even if there are fair chances of reconciliation between the spouses, they would get destroyed. **The foundation of a sound marriage is tolerance, adjustment and respecting one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated**

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> **and blown out of proportion to destroy what is said to have been made in the heaven. The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status. A very technical and hypersensitive approach would prove to be disastrous for the very institution of the marriage**…."

f. *Rajesh Chaddha* v. *State of U.P.*, 2025 SCC OnLine SC 1094 (2 Judge Bench):

> "**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**…"
>
> …. …. ….

9. Keeping the judicial development of the Section in view, as captured above, we now deal with the appellant's contention that Section 498A being a penal provision has to be interpreted strictly, confined only to a husband married to a woman in the traditional sense. This contention is rejected. **The purpose of penalising cruelty by a husband and his relatives was to introduce a factor of deterrence against the reprehensible behaviour that was exhibited by such family members toward a married woman, which was not addressed by the existing laws at the time. The objective, quite obviously, was reformative, cloaked with punishment. Since the provision was aimed at solving a societal issue, it is this larger objective of securing equality for women, stepping away from the superiority of males that is an inheritance from bygone days, that**

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has to inform the understanding in interpretation and implementation of the Section. Given this purpose, implementation necessarily has to be not literal/conservative or technical but instead informed and aware of the objective. So, while it is true that penal statutes have to receive strict construction, the light of that principle cannot dim the objective of one part of the statute. It has also to be understood that forty-three years ago, when this provision was introduced in 1983, there were only two laws dealing specifically with domestic cruelty. *One* being the general law of the IPC and the *other*, the Dowry Prohibition Act, 1961. Hence, short of introducing entirely new legislation, this one Section, as an option, it appears, in the hands of the legislative branch was duly exercised."

27.2. The Apex Court further interprets what cruelty under Section 498A of the IPC should consist of in **PRASANTA KUMAR DHAR v. STATE OF WEST BENGAL[2],** holding as follows:

"…. …. ….

16. Though the aforesaid broad principles laid down in *Bhajan Lal* would be the guidelines, this Court has to also keep in mind the peculiar nature of a criminal case which arises essentially out of a domestic dispute. In this regard, one may also refer to the decision of this Court in *Arti Mehta* v. *State of Madhya Pradesh*, 2026 SCC OnLine SC 933, which specifically pertains to proceedings out of the Protection of Women from Domestic Violence Act, 1961.

"14…..*However, mere filing of the charge-sheet or pendency of proceedings under the DV Act would not by itself preclude this Court from interfering with the criminal proceedings, if upon examination of the FIR, the*

[2] **2026 SCC OnLine SC 2061**

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DV complaint and the material collected during investigation, it is found that no prima facie case is made out against the present appellants and that continuation of the proceedings would amount to abuse of the process of law.

XXXXXXXX

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. …***

XXXXXXXX

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.*** *…"*

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17. Therefore, in view of the peculiarities of criminal cases arising out of domestic disputes, this Court has highlighted the need for a nuanced approach and to be circumspect when applying stringent criminal principles to domestic disputes. In that context, this Court has made the following observations in *Geddam Jhansi* v. *State of Telangana*, 2025 SCC OnLine SC 263:

> ***"31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the penal code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences."***

18. The chargesheet filed mentions the offences under Sections 498A, 406, 506, 323 IPC and Sections 3 and 4 of the DP Act. The charge under Section 323 IPC was quashed by the High Court and the remaining charges survived. We, therefore,

must examine each section to see if *prima facie* materials exist corresponding to each of the offences.

19. Cruelty under Section 498A IPC would consist of either:

(a) Any wilful conduct that

i. is likely to drive a woman to commit suicide, *or*

ii. cause grave injury or danger to her life, limb, or health (whether mental or physical); *or*

(b) Harassment

i. to coerce her or any persons related to her to meet any unlawful demand for property or valuable security, *or*

ii. harassment on account of failure to meet such demand."

The unmistakable principle emerging from these pronouncements is that every matrimonial disagreement, domestic altercation, ordinary wear and tear of married life or even conduct constituting cruelty for the purposes of matrimonial relief does not, *ipso facto*, constitute criminal cruelty under Section 498A of the IPC. The conduct, complained of, must answer the statutory description of cruelty: it must either be of such gravity as is likely to drive the woman to commit suicide or cause grave injury or danger to her life, limb or health, whether mental or physical, or constitute

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harassment intended to coerce compliance with an unlawful demand for property or valuable security. The gravity of the conduct, its nature, persistence and proximity to the complaint assume significance in determining whether the statutory threshold stands crossed.

28. The Apex Court sounded a note of caution against the growing tendency to convert matrimonial discord into sweeping criminal accusations, implicating the husband and his entire family, sometimes with the object of extracting monetary settlements or settling personal scores. The protective armour of law, the Apex Court cautions, cannot be transformed into an instrument of intimidation, vengeance or extortion. Thus, the law draws a delicate but unmistakable distinction between genuine matrimonial cruelty deserving the stern intervention of criminal law and the invocation of criminal law as a weapon in the aftermath of matrimonial discord. The former must receive the fullest protection of the statute; the latter must be subjected to searching judicial scrutiny. **A legislation conceived as a shield for the vulnerable cannot**

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be permitted to become a sword in the hands of those who seek to employ it for purposes alien to its legislative object.

29. This is also considered by the Apex Court in **DARA LAKSHMI NARAYANA v. STATE OF TELANGANA**[3],which observes as follows:

"…. …. ….

> **30. The inclusion of Section 498-AIPC 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-AIPC 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.**
>
> **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-AIPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid

[3] **(2025) 3 SCC 735**

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-AIPC 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.

32. In the above context, this Court 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] observed as follows: (SCC p. 698, para 12)

> "*12*. There has been an outburst of matrimonial disputes 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.**"

33. Further, this Court in *Preeti Gupta* v. *State of Jharkhand* [*Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667: (2010) 3 SCC (Cri) 473] held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realties into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never

> **visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection."**

What emerges is that the mere use of the expressions 'cruelty', 'harassment' or 'dowry demand' cannot, by the magic of nomenclature, constitute an offence under Section 498A of the IPC. The complaint must disclose the factual foundation upon which the statutory ingredients can reasonably be inferred. Criminal culpability cannot rest upon adjectives bereft of particulars. The law requires allegations of conduct, not merely conclusions about conduct.

30. The other offence alleged against the petitioner is the ones punishable under Section 323 of the IPC. Section 323 IPC is interpreted by the Apex Court in **USHA CHAKRABORTY v. STATE OF WEST BENGAL**[4] as follows:

> "…. …. ….
>
> **14.** The basic requirements/ingredients to bring home the accusations under the alleged offences are hereunder:

[4] **(2023) 15 SCC 135**

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14.1. Offence punishable under Section 323 IPC:

(*i*) Causation of hurt by another person;

(*ii*) that he caused such hurt voluntarily;

(*iii*) that such a case is not covered under Section 334 IPC."

If what the Apex Court considers to be ingredients of the said offence, even offence under Section 323 is lacking in the case at hand.

31. When the complaint and the summary of the charge sheet in the case at hand are tested on the aforesaid touchstone, what emerges is a conspicuous absence of the foundational ingredients necessary to constitute an offence under Sections 498A and 323 of the IPC. The allegations, as noticed hereinabove, are sweeping and omnibus, without disclosing specific acts of such gravity, as would attract either limb of the statutory definition of cruelty. The mere existence of matrimonial discord between the petitioner and the complainant cannot, in the absence of the requisite factual foundation, be elevated into criminal cruelty. In such circumstances, whether the power under Section 482 of the CrPC or 528 of the BNSS should be exercised or otherwise is also

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considered by the Apex Court in **SAJAL BOSE v. STATE OF WEST BENGAL**[5] holding as follows:

"…. …. ….

23. Keeping in view the aforesaid principles, it is evident that the inherent jurisdiction of the High Court under Section 482 of CrPC is intended to be exercised, *inter alia*, where the allegations made in the FIR, even if taken at their face value, do not *prima facie* constitute any offence, or where the uncontroverted allegations and the material collected fail to disclose the commission of an offence, or where the criminal proceeding is manifestly attended with *malafide* and instituted with an ulterior motive for wreaking vengeance. The categories illustratively enumerated in paragraph 102 of *Bhajan Lal* (supra) serve as guiding principles to prevent abuse of the process of law and to secure the ends of justice. Tested on the anvil of these settled parameters, it becomes necessary to examine whether the allegations in the present case, read as they stand along with the material on record including the CCTV footage, disclose the essential ingredients of the offences alleged against the appellants, or whether the continuation of proceedings *qua* them would amount to permitting the criminal process to be used as an instrument of harassment.

…. …. ….

29. We are further constrained to note that by the very same impugned judgment, and on the basis of the same set of allegations arising out of the same FIR and chargesheet, the High Court proceeded to quash the criminal proceedings against two of the co-accused, while declining similar relief to the appellants. **The impugned judgment does not disclose any cogent or discernible reasoning for drawing such a distinction, particularly when the allegations stem from a common incident and are founded on substantially similar**

[5] **2026 SCC OnLine SC 525**

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assertions. In the absence of a clear rationale justifying differential treatment, the approach adopted by the High Court is legally and factually unsustainable.

…. …. ….

31. In view of the foregoing discussion and upon a cumulative consideration of the allegations in the FIR, the material collected during investigation, and the evidence placed before us, we are of the considered opinion that the present case falls squarely within the illustrative categories (1), (3) and (7) enumerated in paragraph 102 of *Bhajan Lal* (supra). Even if the allegations in the FIR and the material collected during investigation are taken at their face value and accepted in their entirety, they do not *prima facie* constitute the necessary ingredients of offences alleged against the appellants. Further, the uncontroverted material available on record, to be specific, the CCTV footage, completely belies the allegation of their participation in the alleged offences so as to justify their being put to trial. Additionally, the attendant circumstances, particularly the admitted pre-existing disputes between the parties and the absence of specific and distinct overt acts attributed to the appellants, lend substance to their contention that the criminal proceedings are manifestly attended with *malafide* and have been initiated with an ulterior motive. In such circumstances, permitting the continuation of prosecution of the appellants would not advance the cause of justice but would instead amount to an abuse of the process of law.

32. Recently, this Court in *Pradeep Kumar Kesarwani* v. *State of Uttar Pradesh*, revisited and further elucidated the parameters governing the exercise of inherent jurisdiction under Section 482 of CrPC. While drawing guidance from earlier precedents, this Court delineated a structured four-step test to assess the sustainability of a prayer for quashing criminal proceedings. The said decision underscores that where the material relied upon by the accused is of sterling and impeccable quality; is sufficient to negate the allegations in the complaint; remains unrefuted or incapable of

justifiable refutation by the prosecution; and where continuation of the proceedings would amount to an abuse of the process of Court and not serve the ends of justice, the High Court would be justified in exercising its inherent powers to quash the proceedings. For ready reference, the relevant observations from the said judgment are reproduced hereinbelow:—

> **"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr. P.C.:-**
>
> **(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?**
>
> **(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.**
>
> **(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?**
>
> **(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?**
>
> **If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C.** Such exercise of power, besides doing justice to the accused, would save

> precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.
>
> [(See: *Rajiv Thapar* v. *Madan Lal Kapoor* (Criminal Appeal No. 174 of 2013)]"
>
> **[Emphasis supplied]"**

(Emphasis supplied at each instance)

The Apex Court in **SAJAL BOSE** *supra* referring to **PRADEEP KUMAR KESARWANI v. STATE OF UTTAR PRADESH [**2025 SCC OnLine SC 1947] and the principles emanating from **RAJIV THAPAR v. MADAN LAL KAPOOR [**2013 SCC OnLine SC 83], has reiterated the fourfold test governing the exercise of inherent jurisdiction where the accused relies upon material to seek quashment of criminal proceedings.

32. **The Court must examine whether the material relied upon by the accused is of sterling and impeccable quality; whether such material is sufficient to displace the factual foundation of the accusations; whether the material remains unrefuted or is incapable of justifiable refutation by the complainant or prosecution; and whether continuation of the criminal proceedings would amount to an abuse of the**

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process of the Court rather than advancement of the ends of justice.

33. Where all these considerations converge in favour of the accused, the High Court would be justified in exercising its inherent jurisdiction to terminate the prosecution. The object of such intervention is not to undertake a premature trial or adjudicate disputed questions of fact, but to prevent the criminal process from being employed, where its continuation is demonstrably unjustified.

34. The above-mentioned principle is of particular significance in the present case. The petitioner has placed on record marriage certificates, particulars of earlier criminal proceedings, documents relating to settlements and an affidavit attributed to the ninth husband of the complainant. The legal consequence of these documents must depend upon their authenticity, their relevance to the accusations in the present proceedings and the extent to which they are undisputed. Nevertheless, the complaint and the charge sheet must independently withstand scrutiny on the touchstone of the ingredients of the offences alleged.

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35. On a cumulative consideration of the law laid down by the Apex Court in the afore-quoted judgments, when juxtaposed with the peculiar and rather extraordinary facts obtaining in the case at hand, what emerges is a circumstance that calls for close judicial scrutiny. The petitioner is not merely questioning the registration of a solitary matrimonial complaint. He has placed before the Court a series of documents purporting to establish that the complainant entered into successive matrimonial alliances, nine in number, with several of those relationships becoming the subject matter of criminal or matrimonial proceedings, followed by settlements.

36. The sequence, as projected by the petitioner, is striking. One marriage follows another; matrimonial discord is followed by litigation; litigation, in several instances, is followed by settlement; and the matrimonial journey thereafter proceeds to yet another alliance. The petitioner contends that this recurring course of conduct is not an accidental concatenation of matrimonial misfortunes, but discloses a pattern in which the criminal process is allegedly employed to secure monetary advantage.

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37. This Court is conscious that the number of marriages contracted by a person cannot, by itself, constitute an indictment of character or furnish a presumption of criminal misconduct. Nor can the institution of criminal proceedings by a woman against her former husbands, without more, render a subsequent complaint unworthy of consideration. Every complaint must stand or fall upon its own allegations and the material supporting them. The past conduct relied upon by the petitioner may provide context, but cannot replace the statutory requirement of examining whether the offences alleged are prima facie disclosed.

38. It is here that the complaint and the charge sheet assume decisive significance. The prosecution must disclose material satisfying the ingredients of the offences under Sections 498A, 323, 504 and 506 of the IPC. On the assessment of the material as narrated hereinabove, the allegations appear to be bald and omnibus, without the specific factual foundation necessary to sustain the prosecution. No conduct satisfying the statutory definition of cruelty under Section 498A, no particularized voluntary infliction of hurt under Section 323, and no specific factual

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foundation establishing intentional insult or criminal intimidation under Sections 504 and 506, respectively, is discernible from the allegations as presented.

39. **The filing of a charge sheet cannot breathe life into an accusation which, even upon acceptance at its face value, fails to disclose the essential ingredients of a criminal offence. Investigation may collect evidence in support of an allegation; it cannot dispense with the necessity of an allegation disclosing criminality in the first place.**

40. The circumstances surrounding the institution of the present proceedings, when considered along with the allegations in the complaint, lend significance to the petitioner's contention that the prosecution has been initiated for a collateral purpose. It is not the matrimonial history alone that would justify interference. It is the alleged absence of the essential ingredients of the offences, read with the attendant circumstances, that brings the matter within the principles governing the exercise of inherent jurisdiction.

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41. In the considered view of this Court, permitting the proceedings in C.C.No.2125 of 2023 to continue, notwithstanding the absence of the foundational ingredients of the offences alleged, would amount to an abuse of the process of law and result in a miscarriage of justice. The inherent jurisdiction of this Court under Section 482 of the Cr.P.C. is therefore required to be exercised to secure the ends of justice.

42. Thus ends, for the purposes of the present proceedings, the judicial examination of the extraordinary matrimonial narrative placed before this Court. *The law must have the last word, not the accusation; justice must prevail, not the process employed in its name.*

43. For the aforesaid reasons, the following:

O R D E R

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

(ii) Proceedings in C.C.No.2125 of 2023 pending before the II Additional Senior Civil Judge and Additional Chief

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Judicial Magistrate, Udupi arising out of Crime No.57 of 2022 stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP

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