



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE M G UMA

CRIMINAL PETITION NO. 9763 OF 2017

BETWEEN:

1. BASAVARAJA S M
S/O. MARI VENKATAIAH,
AGED ABOUT 36 YEARS,
R/AT SHIVANASANDRA VILLAGE,
MAGADI TALUK, SHIVANASANDRA,
RAMANAGAR - 562 131
2. SMT. JAMAMMA
W/O. NARAYANAPPA,
AGED ABOUT 47 YEARS,
R/AT NO.303/2,
MPM AND ITI LAYOUT,
MALLATHAHALLI,
BENGALURU - 560 056.
3. NARASIMHA MURTHY @ MURTHY
S/O. MARI VENKATAIAH,
AGED ABOUT 46 YEARS,
R/O. SHIVANASANDRA VILLAGE,
MAGADI TALUK, SHIVANASANDRA,
RAMANAGAR - 562 132
4. SOMEGOWDA S M
S/O. MARI VENKATAIAH,
AGED ABOUT 50 YEARS,
R/AT BYLAKONENAHALLI,
LAKSHMIPURA, BENGALURU
NORTH TALUK, BENGALURU-562123
5. LINGARAJU
S/O. MARI VENKATAIAH,
AGED ABOUT 43 YEARS,
R/AT NO. 47, TATAGUNI VILLAGE,





NEAR REDDY HOTEL,
KANAKAPURA MAIN ROAD,
BENGALURU SOUTH TALUK,
BENGALURU - 560 062

6. SMT. NAGAMMA
W/O. MARI VENKATAIAH,
AGED ABOUT 69 YEARS,
R/AT SHIVANASANDRA VILLAGE,
MAGADI TALUK, SHIVANASANDRA,
RAMANAGAR - 562 131
7. MARI VENKATAIAH
S/O. LATE. BASAVEGOWDA,
AGED ABOUT 77 YEARS,
R/AT SHIVANASANDRA VILLAGE,
MAGADI TALUK, SHIVANASANDRA,
RAMANAGARA - 562 131
8. ARASAPPA,
S/O. VENKATARASAPPA,
AGED ABOUT 55 YEARS,
R/AT RAVUTHANAHALLI,
KITTANAHALLI VILLAGE,
BENGALURU NORTH,
BENGALURU - 562 130

...PETITIONERS

(BY SRI. KARUNAKARA P., ADVOCATE)

AND:

1. THE STATE BY PSI KUDUR POLICE
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560001
2. SMT. REKHA B
W/O. BASAVARAJA S M,
D/O. BASAVARAJU,
AGED ABOUT 26 YEARS,
RESIDING AT NO.2,
4TH CROSS, 2ND MAIN ROAD,
AZAD NAGAR, CHAMARAJPET,



BENGALURU - 560 018

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1

SRI. K.A. CHANDRASHEKARA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE FIR IN CRIME NO.98/2017 OF KUDUR POLICE STATION, RAMANAGARA DISTRICT, PENDING BEFORE I ACJ (JR.DN) AND JMFC COURT, MAGADI, RAMANAGARA DISTRICT, FOR THE OFFENCE P/U/S 498A OF IPC AND SECTION 3 AND 4 OF DOWRY PROHIBITION ACT.

THIS CRL.P, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE M G UMA

ORAL ORDER

The petitioners being accused Nos.1 to 8 in Crime No.98/2017 of Kudur Police Station, Ramanagara District, pending on the file of the learned I Additional Civil Judge (Jr.Dn) and JMFC Court, Magadi, Ramanagara District, registered for the offence punishable under Section 498-A of Indian Penal Code (for short, 'the IPC') and under Sections 3 and 4 of Dowry Prohibition Act (for short, 'the D.P. Act'), are seeking to quash the criminal proceedings initiated against them.

2. Heard Sri Karunakara P., learned counsel for the petitioners, Smt. Sowmya R., learned High Court Government



Pleader for respondent No.1-State and Sri K.A. Chandrashekara, learned counsel for respondent No.2. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioners have made out any grounds to allow the petition and to quash the criminal proceedings initiated against them?"

My answer to the above point is in the 'Affirmative' for the following:

REASONS

4. The materials on record disclose that, respondent No.2 married accused No.1 on 29.01.2012. Thereafter, they started residing in the matrimonial house for a period of four months. Since she was pregnant, she left the matrimonial house and went to her parental home on 04.06.2012. It is stated that, even after giving birth to a child on 18.11.2012, she had not returned to the matrimonial house. Therefore, a legal notice dated 06.02.2014 came to be issued by accused



No.1 calling upon respondent No.2 to come back to the matrimonial house. In spite of that, there is no reply. It is thereafter, M.C.No.79/2014 was filed by accused No.1 seeking dissolution of marriage. Respondent No.2 did not contest the matter and has remained exparte. The said petition came to be allowed granting divorce vide decree dated 12.04.2012. But it was an exparte decree. Later, respondent No.2 filed an application seeking to recall the order and decree and to restore M.C.No.79/2014 for fresh consideration. The said application was allowed and M.C.No.79/2024 was restored on file. Now the decree of divorce was granted vide order and decree dated 28.02.2025. It is said to be challenged by respondent No.2 before this Court in MFA.No.3015/2025.

5. In the meantime, on 27.03.2017, private complaint came to be filed by respondent No.2 against accused Nos.1 to 8 alleging commission of the offence punishable under Section 498-A of IPC and under Sections 3 and 4 of D.P. Act. The allegations are very serious in nature.



6. Hon'ble Apex Court in ***Dara Lakshmi Narayana and others Vs. State of Telangana and another***¹ observed as under:

"28. The inclusion of Section 498A of the 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 of the 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 scrutinized, 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 of the 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."

(emphasis supplied)

7. It also refers to its earlier decision in ***Preeti Gupta Vs. State of Jharkhand***² and held in paragraph 31 as under:

"31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these

¹ 2024 INSC 953

² (2010) 7 SCC 667



complaints and must take pragmatic realities 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 scrutinized with great care and circumspection."

(emphasis supplied)

8. In **Smt. Neera Singh Vs. The State (NCT of Delhi)**³,

the Delhi High Court has made the following observations:

"3. A perusal of the complaint would show that as per allegations dowry demand was made even before marriage i.e. at the time of engagement and an AC was demanded from her father by her in-laws and her father had assured that AC would be given at the time of marriage. However, she told her father You have given car and AC at the demand of in laws, what will happen if they demand a flat tomorrow?. Despite her this conversation with her father and despite her knowing that dowry demand had already been made, she married in the same family irrespective of the fact that she was well-educated lady and was an engineer and her brother was in police. In fact, these kinds of allegations made after breakdown of the marriage show the mentality of the complainant. I consider where these kinds of allegations are made, the police should simultaneously register a case under Dowry Prohibition Act (in short the 'Act') against the parents of the complainant as well, who married their daughter despite demand of dowry. Section 3 of the Act prohibits giving and taking of dowry. If a woman of grown up age and well educated gets married to a person despite dowry demand, she and her family becomes accomplice in the crime under Dowry Prohibition Act.

³ 138 (2007) DLT 152



4. Now-a-days, exorbitant claims are made about the amount spent on marriage and other ceremonies and on dowry and gifts. In some cases claim is made of spending crores of rupees on dowry without disclosing the source of income and how funds flowed. I consider time has come that courts should insist upon disclosing source of such funds and verification of income from tax returns and police should insist upon the compliance of the Rules under Dowry Prohibition Act and should not entertain any complaint, if the rules have not been complied with.. XXX"
(emphasis supplied)

There was reference to Rule 2 of the Dowry Prohibition (Maintenance of list of presents to the Bride and Bride groom) Rules, 1985.

9. With these decisions, the position of law is very clear that, although Section 498A IPC was enacted to address cruelty against married women, courts must remain vigilant against its misuse through vague and generalized allegations arising from matrimonial disputes, and the prosecution should not proceed where there are no prima facie materials available on record. It is further clear that, allegations against relatives, particularly those residing separately or having limited interaction with the complainant, require more careful scrutiny and cautious evaluation, and they must not be roped in at the whims and fancies of the complainant with the intent to cause harassment.



The allegations relating to dowry made after breakdown of marriage must be examined with circumspection, and that exaggerated or unsupported claims regarding dowry or marriage expenses should be verified in accordance with the provisions and procedural requirements under the Dowry Prohibition Act and the Rules.

10. Learned counsel for respondent No.2 has produced the copy of the complaint dated 11.09.2014 said to be lodged by respondent No.2 with Chamarajapete Police Station marked as per Ex.P5 before the Trial Court. Even though this complaint runs into 3 pages, there is no whisper regarding demand for dowry or additional dowry in the form of cash or gold ornaments or site. There is reference to the legal notice dated 06.02.2014 issued by accused No.1 when she was in parental house. There is also reference to the notice received on 04.09.2014 by the Civil Court at Magadi. According to which, accused No.1 has sought for divorce mutually. Immediately thereafter i.e. on 11.04.2014, the said complaint came to be filed which was registered as NCR.



11. It is pertinent to note that in the earlier complaint dated 11.09.2014, there is no reference to demand or acceptance of dowry by the accused or ill-treatment given by any of the accused. The said complaint is only against accused No.1 and not against the other accused. Even there is no allegations to invoke Sections 3 and 4 of D.P. Act or Section 498-A of IPC. Now the question arises as to why such serious allegations are made in the present complaint, which is filed on 27.03.2017. Obviously, it was with an intention to gain support in MC.No.79/2014 which was restored on file by recalling exparte judgment and decree passed on 12.02.2015.

12. Even though the learned counsel for respondent No.2 has produced the copy of the CD along with the charge sheet for having recorded conversation, admittedly the said conversation was not between respondent No.2 and her family members held with any of the accused to evidence either demand or acceptance of dowry or regarding the harassment or cruelty meted to respondent No.2. Under such circumstances, I am of the opinion that there are no prima-facie materials to constitute the offence. Hence, the continuation of the criminal proceedings is in abuse of process of law and the same is liable



to be quashed. Accordingly, I answer the above point in the 'Affirmative' and proceed to pass the following:

ORDER

- (i) The Criminal Petition is ***allowed.***
- (ii) The criminal proceedings initiated against the petitioners in Crime No.98/2017 of Kudur Police Station, Ramanagara District, pending on the file of the learned I Additional Civil Judge (Jr.Dn), registered for the offence punishable under Section 498-A of IPC and under Sections 3 and 4 of D.P. Act, is hereby quashed.

**SD/-
(M G UMA)
JUDGE**

MKM
CT:VS
List No.: 2 Sl No.: 2