



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6995 OF 2022

BETWEEN:

1. C.B.PRAKASH
S/O BASAVARAJU
AGED ABOUT 61 YEARS
OCC: RETIRED FROM SERVICE
2. S.B.THRIVENI
W/O C.B.PRAKASH
AGED ABOUT 55 YEARS
OCC: HOUSE WIFE

BOTH ARE R/AT
MANJUNATHA NILAYA
3RD MAIN CROSS, SAMPIGE ROAD
GOKULA EXTENSION, BADDIHALLY
TUMAKURU – 572 101.

...PETITIONERS

(BY SRI. PRAVEENKUMAR K. S., ADVOCATE)

AND:

1. THE STATE BY WOMEN POLICE
TUMAKURU, REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001.





2. MEGHANA D. S.,
D/O RAVIKANTH S.S.GOWDA
AGED ABOUT 28 YEARS
OCC: SOFTWARE ENGINEER
R/O ARUN PACTICS APARTMENTS
KENCHENAHALLI, YELAHANKA
BENGALURU – 560 063.

...RESPONDENTS

(BY SRI. HARISH GANAPATHI, HCGP FOR R1;
SRI. PRUTHVEEN PRAHALAD, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF THE CR.P.C., PLEASSED TO QUASH THE FIR IN CR.NO.56/2022 ON THE FILE OF THE RESPONDENT NO.1 WOMEN POLICE STATION, TUMAKURU FOR THE OFFENCE P/U/S.498-A R/W SEC.34 OF IPC AND SEC.3 AND 4 OF DP ACT 1961 NOW PENDING ON THE FILE OF II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC COURT, TUMAKURU AND CONSEQUENTLY QUASH THE ENTIRE PROCEEDINGS THEREON IN SO FAR AS IT RELATES TO THE PRESENT PETITIONERS HEREIN WHO ARE ARRAYED AS ACCUSED NO.2 AND 3 RESPECTIVELY

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners who are accused 2 and 3 are before this Court calling in question registration of a crime in Crime No.56 of 2022 for offences punishable under Section 498A r/w 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act ('the Act' for short.



2. Heard Sri K. S. Praveen Kumar, learned counsel appearing for the petitioners, Sri Harish Ganapathi, learned High Court Government Pleader appearing for respondent No.1 and Sri Pruthveen Prahahad, learned counsel appearing for respondent No.2.

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

The petitioners are father-in-law and mother-in-law of 2nd respondent/complainant who is the wife of accused No.1, who is not before this Court. The marriage between accused No.1 and the complainant takes place on 24-10-2021. After about two months of marriage, accused No.1 flies to Germany for his work. The relationship between accused No.1 and the complainant flounders and floundering of relationship results in a complaint being registered before the jurisdictional police by the complainant in Crime No.56 of 2022 for the aforesaid offences. The registration of crime against the accused has driven accused 2 and 3, the father-in-law and mother-in-law to this Court calling in question the very registration of crime. This Court, in terms of its order dated 01-08-2022, grants an interim order of stay of further investigation *qua* the



petitioners. Therefore, further investigation *qua* the petitioners has not moved forward.

4. The learned counsel appearing for the petitioners would take this Court through the complaint to contend that there are no ingredients in the complaint which would lead as a foundation for the offences punishable under Section 498A and Sections 3 and 4 of the Act *qua* the petitioners. All the allegations and grievances are against accused No.1/husband and the father-in-law and mother-in-law have nothing to do with the squabble between the husband and the wife. He would seek quashment of the proceedings.

5. The learned counsel appearing for the 2nd respondent/complainant would refute the submissions to contend that there are clear allegations against all the accused. Overt acts are specifically indicated in the complaint which would definitely become the ingredients of Section 498A of the IPC. He would seek dismissal of the petition. As an added contention, the learned counsel for the complainant would submit that the Police have directed the complainant to write



the complaint in Kannada language, as the complainant had carried to the Police Station a complaint written in English. He would, therefore, rely on the said complaint also.

6. The learned High Court Government Pleader would submit that against accused No.1/husband the Police have already filed their charge sheet. He would place on record investigation conducted *qua* the husband/accused No.1 and the charge sheet filed against him. After producing the records he would leave the decision to the hands of the Court, as even according to him, on the finding in the charge sheet there is nothing that would touch up the ingredients of Section 498A of the IPC *qua* the petitioners.

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

8. The afore-narrated facts and the relationship between the parties are a matter of record. The entire issue has sprung from the complaint. The complaint reads as follows:



"ಗೆ,

ಶಾಣಾಧಿಕಾರಿ,
ತುಮಕೂರು ಪೋಲೀಸ್ ಠಾಣೆ,
ತುಮಕೂರು - 01.

Date:10/5/2022

Place: ತುಮಕೂರು

ಇಂದ,
ಮೇಘನಾ ಡಿ.ಎಸ್.,
ಯಲಹಂಕ,
ಬೆಂಗಳೂರು.

ವಿಷಯ: ನನ್ನ ಗಂಡ ಹಾಗೂ ನನ್ನ ಅತ್ತೆ, ಮಾವ ಅವರ ವಿರುದ್ಧ
ವರದಕ್ಷಿಣೆ ಕಿರುಕುಳದ ದೂರಿನ ಬಗ್ಗೆ.

ನನ್ನ ವಿವಾಹವು ಚಿದಾನಂದ C.P., S/o C.B. ಪ್ರಕಾಶ್, R/a ಮಂಜುನಾಥ
ನಿಲಯ, 3ನೇ ಕ್ರಾಸ್, ಸಂಪಿಗೆ ರಸ್ತೆ, ಗೋಕುಲ ಬಡಾವಣೆ, ಕ್ಯಾತಸಂದ್ರ, ಬಡ್ಡಿಹಳ್ಳಿ,
ತುಮಕೂರು - 572 104, ಇವರೊಂದಿಗೆ 24th ಅಕ್ಟೋಬರ್ 2021 ರಂದು ನನ್ನ ಬಂಧು
ಮಿತ್ರರು, ಕುಟುಂಬದ ಸನ್ನಿಧಿಯಲ್ಲಿ ವಿವಾಹವಾಗಿರುತ್ತದೆ. ಈ ಮದುವೆಯ ಸಂಬಂಧವು
Matrimonial website ಇಂದ ಬಂದಿರುತ್ತದೆ. ಹಿರಿಯರ ಸಮ್ಮುಖದಲ್ಲಿ ಆದ
ಮದುವೆಯ ಮಾತುಕತೆಯಲ್ಲಿ ವರದಕ್ಷಿಣೆಯ ಬಗ್ಗೆ ಚರ್ಚೆಯು ನಡೆದಿರುವುದಿಲ್ಲ. ನನ್ನ
ಗಂಡನಾದ ಚಿದಾನಂದ ಹಾಗೂ ಅವರ ತಂದೆ ತಾಯಿಯು ನಮಗೆ ಯಾವುದೇ ತರಹದ
ಚೆನ್ನ, ದುಡ್ಡು, ಆಸ್ತಿಯ ಆಪೇಕ್ಷೆ ಇರುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ಯಾವುದೇ ವರದಕ್ಷಿಣೆ
ಆಪೇಕ್ಷೆ ಇಲ್ಲದ್ದರಿಂದ ನಾನು ಹಾಗೂ ನನ್ನ ಕುಟುಂಬವು ಈ ಮದುವೆಗೆ ಒಪ್ಪಿಗೆ ನೀಡಿರುತ್ತೇವೆ.

ಈ ಮೂಲಕ ನಿಮ್ಮ ಗಮನಕ್ಕೆ ತರುವುದೇನೆಂದರೆ ಮದುವೆಯ ಕೆಲವು ದಿನಗಳ
ಮುಂಚೆ ನನ್ನ ಗಂಡನಾದ ಚಿದಾನಂದ ಹಾಗೂ ಅವರ ತಂದೆ ಪ್ರಕಾಶ್ C.B ಹಾಗೂ ಅವರ
ತಾಯಿ ತ್ರಿವೇಣಿ ಕುಟುಂಬದ ಪದ್ಧತಿಯ ಪ್ರಕಾರ ಚೆನ್ನ, ಬೆಳ್ಳಿ ಸಾಮಾನುಗಳ ಬೇಡಿಕೆ
ಇಟ್ಟಿರುತ್ತಾರೆ. ಅವರು ಚೆನ್ನದ ಸರ, ಚೆನ್ನದ ಉಂಗುರ ಹಾಗೂ ಚೆನ್ನದ ಬ್ರಾಸ್‌ಲೆಟ್
ಕೊಡಲೇಬೇಕೆಂದು ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ನಾನು ಎಷ್ಟು ಚೆನ್ನ, ಬೆಳ್ಳಿ, ತಂದಿರುವೆನೆಂದು
ಪ್ರತಿದಿನ ನನಗೆ ಪ್ರಶ್ನಿಸಿ ಕಿರುಕುಳ ನೀಡಿರುತ್ತಾರೆ. ಈ ಸಂಬಂಧವಾಗಿ ನನ್ನ ಗಂಡ ಹಾಗೂ ಅತ್ತೆ
ಮಾವನ ನಡವಳಿಕೆ ಸರಿಯಿಲ್ಲವೆಂದು ನನ್ನ ತಂದೆ ತಾಯಿ ಹಾಗೂ ಕುಟುಂಬದವರು ಬಂದು
ಹಲವಾರು ಬಾರಿ ರಾಜಿ ಮಾಡಿರುತ್ತಾರೆ.

ಮದುವೆಯ ನಂತರ ನಾನು ನನ್ನ ಗಂಡನ ಮನೆಯಲ್ಲಿ ನನ್ನ ಗಂಡ ಹಾಗೂ ನನ್ನ
ಅತ್ತೆ ಮಾವನ ಜೊತೆ ವಾಸಿಸಲು ಪ್ರಾರಂಭದ ನಂತರ ಅವರು ಪದೇ ಪದೇ ದುಡ್ಡು ಚೆನ್ನ, ಆಸ್ತಿ
ಪಾಸ್ತಿಯ ವಿಚಾರವಾಗಿ ನನ್ನನ್ನು ಕೇಳಲು ಪ್ರಾರಂಭಿಸಿದರು, ಹಾಗೂ ಅವರು ನಂತರದ
ದಿನಗಳಲ್ಲಿ ಪದ್ಧತಿಯ ಹೆಸರಲ್ಲಿ ಮತ್ತೆ ಮತ್ತೆ ಚೆನ್ನ, ದುಡ್ಡು ತರಬೇಕೆಂದು ಒತ್ತಾಯ
ಮಾಡುತ್ತಿದ್ದರು ಅದರಂತೆ ನನ್ನ ಕುಟುಂಬವು ಅವರಿಗೆ ಹಣವನ್ನು ನಗದು ರೂಪದಲ್ಲಿ
ನೀಡಿರುತ್ತಾರೆ. ನನ್ನ ಕುಟುಂಬವು ಬ್ಯಾಂಕ್ ಮೂಲಕ ಹಣವನ್ನು ನೀಡುತ್ತೇವೆ. ಎಂದು
ಹೇಳಿದರೂ ಸಹ ಅವರು ನಗದು ರೂಪದಲ್ಲೇ ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯ ಮಾಡಿ ಹಣವನ್ನು
ತೆಗೆದುಕೊಂಡಿರುತ್ತಾರೆ.

ಅವರು ಬೇಡಿಕೆ ಇಟ್ಟ ಹಣ, ಬೆಳ್ಳಿ ಮತ್ತು ಚೆನ್ನವನ್ನು ಕೊಟ್ಟರೂ ಸಹ ಮತ್ತೆ ಮತ್ತೆ
ನನಗೆ ಮತ್ತಷ್ಟು ಬೆಳ್ಳಿ, ಚೆನ್ನವನ್ನು ನೀಡಬೇಕೆಂದು ಬೇಡಿಕೆ ಇಟ್ಟಿರುತ್ತಾರೆ. ನನ್ನ ಗಂಡ ಅವರ
ಸ್ನೇಹಿತರ ಜೊತೆ ಮೋಜು ಮಸ್ತಿ ಮಾಡಿ ತಡರಾತ್ರಿ ಬಂದು ಮತ್ತಿನಲ್ಲಿ ನನಗೆ ದೈಹಿಕವಾಗಿ



ಹಾಗೂ ಮಾನಸಿಕವಾಗಿ ನನ್ನನ್ನು ನಿರ್ದಯಿಂದ ಎಬ್ಬಿಸಿ ಹಿಂಸಿಸಿರುತ್ತಾರೆ. ಪ್ರತಿ ದಿನ ನನ್ನನ್ನು ಮಾನಸಿಕವಾಗಿ ಹಾಗೂ ದೈಹಿಕವಾಗಿ ಕಿರುಕುಳ ನೀಡಿದ್ದರಿಂದ ನನ್ನ ಆರೋಗ್ಯವು ಹಾಳಾಗಿರುತ್ತದೆ ನನ್ನ ಆರೋಗ್ಯವು ಹಾಳಾಗಿದ್ದ ಸಮಯದಲ್ಲಿ ನನ್ನನ್ನು ನೋಡಿಕೊಳ್ಳುವ ಬದಲು ನನ್ನನ್ನು ನನ್ನ ತವರು ಮನೆಗೆ ಕಳುಹಿಸಿರುತ್ತಾರೆ ನನ್ನ ಗಂಡ ಹಾಗೂ ನನ್ನ ಗಂಡನ ಮನೆಯವರು ನನ್ನ ಕುಟುಂಬಕ್ಕೆ ಹೇಳಿ ಮೇಲ್ಕಂಡ ವಿಳಾಸದಿಂದ ನನ್ನನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ಹೇಳಿರುತ್ತಾರೆ. ನನ್ನ ಗಂಡನಾದ ಚಿದಾನಂದ C.P ಜರ್ಮನಿಗೆ ಹೋದ ನಂತರ ನನ್ನ ಜೊತೆ ಸಂಪರ್ಕವನ್ನು ಕಡಿದುಕೊಂಡರು.

ನಾನು 9/4/2022ರಂದು ನನ್ನ ಗಂಡನ ಮನೆಗೆ ಹೋದೆನು, ಮನೆಯಲ್ಲಿ ಇದ್ದರೂ ಸಹ ನನಗೆ ಮನೆ ಒಳಗೆ ಪ್ರವೇಶಿಸಲು ಅವಕಾಶ ಮಾಡಲಿಲ್ಲ. ನನ್ನನ್ನು ನನ್ನ ಕುಟುಂಬದ ಜೊತೆ ಮನೆಗೆ ಕಳಿಸುವ ವೇಳೆ ನನಗೆ ಚಿನ್ನ ಬೆಳ್ಳಿ ಮತ್ತು ಹಣವನ್ನು ತರಲು ಒತ್ತಾಯ ಮಾಡಿ ಕಳುಹಿಸಿದ್ದರು ನನಗೆ ಮನೆಗೆ ಯಾಕೆ ಬಂದಿದ್ದೀಯಾ ಎಂದು ಕೇಳಿದರು. ಅದಕ್ಕೆ ನಾನು ನನಗೆ ಸಂಬಂಧ ಪಟ್ಟ ವಸ್ತುಗಳು, ವಸ್ತುವನ್ನು ಕೊಂಡೊಯ್ಯಲು ಬಂದಿದ್ದೇನೆ ಎಂದು ಹೇಳಿದೆನು. ನಾನು ಏನು ತಂದಿಲ್ಲವಾದ್ದರಿಂದ ನನ್ನನ್ನು ಮನೆಗೆ ಪ್ರವೇಶಿಸಲು ನಿರಾಕರಿಸಿದರು, ಮನೆ ಬೀಗ ಹಾಕಿಲ್ಲದಿದ್ದರೂ ಮನೆಯಲ್ಲಿ ಯಾರೂ ಇಲ್ಲವೆಂದು ನನ್ನ ಮಾವ C B Prakash ಹೇಳಿದರು.

ನಾನು 6/5/2022ರಂದು ಮತ್ತೆ ನನ್ನ ಗಂಡನ ಮನೆಗೆ ಬಂದಾಗ ಸಹ ಮನೆಯ ಬಾಗಿಲು ತೆರೆಯಲಿಲ್ಲ. ನಾನು ಹಲವಾರು ಬಾರಿ ಬಂದಾಗಲೂ ಸಹ ಈ ರೀತಿ ಮಾಡಿ ನನಗೆ ದಿಕ್ಕು ತೋಚದೆ ನಾನು 112ಗೆ ಕರೆ ಮಾಡಿದೆನು, ಹಾಗೂ ಅದರ ಪ್ರಕಾರ ಪೊಲೀಸ್ ಮನೆಗೆ ಬಂದು ಪರಿಶೀಲಿಸಿದರು.

ನಂತರ ನನ್ನ ಅಣ್ಣ ನನ್ನ ಗಂಡನಿಗೆ ನನ್ನನ್ನು ವಾಪಾಸ್ತು ಕರೆದುಕೊಂಡು ಹೋಗುವುದಕ್ಕೆ ವ್ಯವಸ್ಥೆ ಮಾಡಲು ಮನವಿ ಮಾಡಿಕೊಂಡಿದ್ದರೂ ಸಹ ಅವರು ಆಸ್ತಿ ತೋರಿಸಿರುವುದಿಲ್ಲ. ಕುಟುಂಬಸ್ಥರು, ಹಲವು ಬಾರಿ ಮಾತುಕತೆ ಮಾಡಿದ್ದರೂ ಸಹ ಅವರು ಪದೇ ಪದೇ ದುಡ್ಡು ಹಾಗೂ ಚಿನ್ನದ ಬಗ್ಗೆಯೇ ಪ್ರಸ್ತಾಪಿಸಿರುತ್ತಾರೆ. ಇದಾದ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಪೊಲೀಸ್ ಕಂಪ್ಲೇಂಟ್ ಮಾಡಬಹುದಿದ್ದರೂ ಸಹ ನಾನು ಹಾಗೂ ನನ್ನ ಕುಟುಂಬಸ್ಥರು ಇವರು ಸರಿಹೋಗಬಹುದೆಂದು ಭಾವಿಸಿ ಸುಮ್ಮನಿದ್ದೆವು ಆದರೆ ಇದು ಏನೇ ಮಾಡಿದರೂ ಹಲವಾರು ಬಾರಿ ಮಾತುಕತೆಯಾಗಿದ್ದರೂ ಸಹ ಬಗೆಹರಿಯಲಿಲ್ಲ. ಹಾಗೂ ಅವರಿಗೆ ಹಣ ಮತ್ತು ಚಿನ್ನವೇ ಮುಖ್ಯವಾಗಿರುತ್ತದೆ, ಎಂದು ನಮಗೆ ತಿಳಿಯಿತು.

ನಾನು ನನ್ನ ಗಂಡನ ಜೊತೆಯಲ್ಲಿ ನನ್ನ ಗಂಡನ ಮನೆಯಲ್ಲಿ ವಾಸಿಸುವ ಸಮಯದಲ್ಲಿ ನನಗೆ ಈ ಮೇಲ್ಕಂಡ ವಿಚಾರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನಸಿಕವಾಗಿ ತುಂಬಾ ಕಿರುಕುಳ ನೀಡಿರುತ್ತಾರೆ. ನಾನು ಹೊಸದಾಗಿ ಮದುವೆಯಾದಾದಿನಿಂದಲೂ ಸಹ ನನಗೆ ನನ್ನ ಗಂಡ ಬೇರಿಯವರೊಂದಿಗೆ ವಿವಾಹವಾಗಿದ್ದರೆ ಅವರಿಗೆ ಜಾಸ್ತಿ ಚಿನ್ನ ಬೆಳ್ಳಿ ಆಸ್ತಿ-ಪಾಸ್ತಿ ಸಿಗಲಾಗುತ್ತಿತ್ತು ಆದರೆ ನನ್ನನ್ನು ಮದುವೆಯಾಗಿ ಏನೂ ಅನುಕೂಲ ಆಗಲಿಲ್ಲ ಎಂದು ನನಗೆ ಹಾಗೂ ನನ್ನ ತಂದೆ ತಾಯಿಯವರ ಬಗ್ಗೆ ಮೂದಲಿಸಿರುತ್ತಾತೆ. ಈ ಮೇಲ್ಕಂಡ ವಿಷಯದಿಂದ ತಿಳಿಯುವುದೇನೆಂದರೆ ನಾನು ಆ ಮನೆಯಲ್ಲಿ ವಾಸಿಸಬೇಕೆಂದರೆ ಅವರು ಕೇಳಿದನ್ನು ಕೊಡಬೇಕು.

ನಾನು ಈ ಮೂಲಕ ನಿಮಗೆ ತಿಳಿಸುವುದೇನೆಂದರೆ, ನಮಗೆ ಅವರು ಸಂಬಂಧಕ್ಕಿಂತ ಚಿನ್ನ ಬೆಳ್ಳಿ, ಆಸ್ತಿ-ಪಾಸ್ತಿಯ ಮುಖ್ಯವೆಂದು ತಿಳಿಸಿದಿದ್ದರೆ ನಾನು ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಈ ಮದುವೆಗೆ ಒಪ್ಪಿಗೆ ನೀಡುತ್ತಿರಲಿಲ್ಲ ದಯವಿಟ್ಟು ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ನನ್ನ ಗಂಡನಾದ ಚಿದಾನಂದ C P, ನನ್ನ ಮಾವ ಪ್ರಕಾಶ್ C B ಹಾಗೂ ನನ್ನ ಅತ್ತೆ ತ್ರಿವೇಣಿ ಅವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಆದಷ್ಟು ಬೇಗ ಜರುಗಿಸಬೇಕೆಂದು ಈ ಮೂಲಕ ಮನವಿ



ಮಾಡುತ್ತಿದ್ದೇನೆ. ಹಾಗೂ ನನಗೆ ಸಂಬಂಧಿಸಿದ ವಸ್ತುಗಳನ್ನು ವಾಪಸು ಕೊಡಿಸಲು ಮನವಿ ಮಾಡುತ್ತಿದ್ದೇನೆ.”

In the entire narration of the complaint, it is only in the penultimate paragraph, the names of the petitioners spring, not for any ingredients of offences punishable under Section 498A of the IPC, but only omnibus hurling of abuses. No specific overt act is indicated in the complaint *qua* these petitioners as the entire narration in the complaint is the squabble between the husband and the wife. Whether it would be harassment or otherwise is not a subject matter of the present petition.

9. The learned High Court Government Pleader has produced the charge sheet filed against the husband. Column No.17 of the charge sheet reads as follows:

“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ತುಮಕೂರು ಮಹಿಳಾ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದು ತುಮಕೂರು ಟೌನ್, ಗೋಕುಲ ಬಡಾವಣೆಯಲ್ಲಿ ವಾಸವಾಗಿರುವ ಈ ದೋಷಾರೋಪಣ ಪತ್ರದ ಅಂಕಣ-12ರಲ್ಲಿ ಕಂಡ ಆರೋಪಿಗಳ ಪೈಕಿ 1ನೇ ಆರೋಪಿಯೊಂದಿಗೆ ಸಾಕ್ಷಿ-2 ಮತ್ತು 3 ರವರ ಮಗಳಾದ ಸಾಕ್ಷಿ 1 ರವರನ್ನು ಆರೋಪಿಗಳೆಲ್ಲರ ಬೇಡಿಕೆಯಂತೆ ವರದಕ್ಷಿಣೆಯಾಗಿ ಚೆನ್ನದ ಕೊರಳಚೈನು, ಉಂಗುರ, ಬ್ರಾಸ್ ಲೈಟ್‌ನ್ನು ನೀಡಿ ದಿನಾಂಕ 23/24-10-2021 ರಂದು ಹಾಸನದ ನಂದಗೋಕುಲ ಕನ್ವೆಂಟ್ಸ್ ಹಾಲ್‌ನಲ್ಲಿ ಸಾಕ್ಷಿ-2 ರವರು ಮದುವೆಯನ್ನು ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಮದುವೆಯ ನಂತರ ಸಾಕ್ಷಿ-1 ರವರು ಗಂಡನ ಮನೆಯಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ನಂತರ ಆರೋಪಿಗಳು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಜರ್ಮನಿಗೆ ಹೋಗಲು ವಿಸಾ ಮಾಡಿಸುವ ವಿಚಾರದ ಬಗ್ಗೆ ಜಗಳ ಮಾಡಿ ಸಣ್ಣಪುಟ್ಟ ವಿಚಾರಗಳಿಗೂ ಜಗಳ ಮಾಡುತ್ತಾರೆ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ನೀಡಿ ಮನೆಗೆ ಸೇರಿಸಲು ನಿರಾಕರಿಸಿರುತ್ತಾರೆಂದು ತನಿಖೆಯಿಂದ ಹಾಗೂ ಲಭ್ಯವಿದ್ದ ಸಾಕ್ಷ್ಯಧಾರಗಳಿಂದ ಆರೋಪ ದೃಢಪಟ್ಟಿರುತ್ತೆ.



ಆದ್ದರಿಂದ ಆರೋಪಿ 1 ರವರು ಕಲಂ: 498(ಎ) ಐಪಿಸಿ ಮತ್ತು ಕಲಂ:3 ಡಿ.ಪಿ.ಆಕ್ಟ್
ರೀತ್ಯಾ ಶಿಕ್ಷಾರ್ಹನೆಂದು ಈ ದೋಷಾರೋಪಣ ಪತ್ರ ಸಲ್ಲಿಸಿರುತ್ತೆ.”

There appears to be a squabble with regard to visa and minor skirmishes between the members of the family. Though investigation has not taken place against these petitioners, there is no statement recorded that would touch upon the ingredients of Section 498A of the IPC. An omnibus statement cannot result in permitting investigation or a criminal trial against the father-in-law and mother-in-law on false allegations.

10. There are scores and scores of cases where allegations are made that have pointed overt acts by every member of the family which are sustained and further trial is permitted. There are even scores and scores of cases where every member of the family without rhyme or reason is dragged into the web of crime by frivolous complaints registered by the complainant/wife while the entire grievance is against the husband and every imaginary member of the family is dragged in. It is these cases which are to be nipped in the bud. Bud, I mean, at the stage of registration of the crime,



failing which, it would run foul of the judgment of the Apex Court in the case of **KAHKASHAN KAUSAR v. STATE OF BIHAR**¹ wherein it is held as follows:

"Issue involved

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

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-AIPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-AIPC as instruments to settle personal scores against the husband and his relatives.

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

"14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to

¹ (2022)6 SCC 599



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

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

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested."

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



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

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

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

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the



complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

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

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

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

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



"young" days in chasing their cases in different courts.'

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

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

"6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

17. *The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long-term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.*

18. *Coming to the facts of this case, upon a perusal of the contents of the FIR dated 1-4-2019, it is revealed that general allegations are levelled against the appellants. The complainant alleged that "all accused harassed her mentally and threatened her of terminating her pregnancy". Furthermore, no specific and distinct allegations have been made against either of the appellants herein i.e. none of the appellants have been attributed any specific role in furtherance of the general allegations made against them. This simply leads to a situation wherein one fails to ascertain the role played by*



each accused in furtherance of the offence. The allegations are, therefore, general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High Court, we have not examined the veracity of allegations made against him. However, as far as the appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.

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

20. *Here it must be borne in mind that although the two FIRs may constitute two independent instances, based on separate transactions, the present complaint fails to establish specific allegations against the in-laws of the respondent wife. Allowing prosecution in the absence of clear allegations against the appellant in-laws would simply result in an abuse of the process of law.*

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



severe scars upon the accused, and such an exercise must, therefore, be discouraged.”

(Emphasis supplied)

11. In the light of unequivocal facts narrated hereinabove and the finding that there is no allegation against these petitioners, permitting further investigation would become an abuses of the process of law and result in miscarriage of justice.

12. For the aforesaid reasons, the following:

ORDER

- (i) Criminal petition is allowed.
- (ii) The First Information Report in Crime No.56 of 2022 registered against the petitioners 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 petitioners under Section 482 of Cr.P.C. and the same shall not bind or influence the proceedings against the other accused pending before any other *fora*.



Consequently, I.A.No.1 of 2024 stands disposed.

Sd/-
JUDGE

BKP
List No.: 1 Sl No.: 42
CT:SS