IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200177 OF 2025

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. RASULSAB S/O MAIBUBASAB SOUDAGAR
   @ RASULASABAHMAD
   AGED ABOUT 63 YEARS, OCC: MECHANIC,
   R/O ASHRAYA COLONY, TALIKOTI,
   TQ: TALIKOTI, DIST: VIJAYAPUR-586214.

2. VAJEED S/O RASULSAB SOUDAGAR,
   AGED ABOUT 26 YEARS, OCC: STUDENT,
   R/O ASHRAYA, TALIKOTI,
   TQ: TALIKOTI, DIST: VIJAYAPUR-586214.

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Location: HIGH COURT OF KARNATAKA

3. SAJEED S/O RASULSAB SOUDAGAR,
   AGED ABOUT 23 YEARS, OCC: STUDENT,
   R/O ASHRAYA COLONY, TALIKOTI,
   TQ: TALIKOTI, DIST:VIJAYAPUR-586214.

4. DOULATABI W/O RASULSAB SOUDAGAR,
   AGED ABOUT 50 YEARS, OCC: HOUSEWIFE,
   R/O ASHRAYA COLONY, TALIKOTI,
   TQ: TALIKOTI, DIST: VIJAYAPUR-586214.

...PETITIONERS

(BY SRI RATHOD SUBHASCHANDRA DESU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   THROUGH TALIKOTI POLICE STATION,
   REP/BY ADDL. SPP, HIGH COURT OF KARNATAKA,
   AT KALABURAGI BENCH-585103.

2. SMT.SANAPARAVEEN
   W/O JAVEED AHMMAD SOUDAGAR,
   AGED ABOUT 23 YEARS, OCC: HOUSEHOLD,
   R/O ASHRAYA COLONY, TALIKOTI, TQ: TALIKOTI,
   DIST: VIJAYAPUR, NOW AT NAIKODI GALLI,
   NEAR JAMIYA MASJID, NALATAWAD,
   TQ: MUDDEBIHAL, DIST:VIJAYAPUR.

…RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI B. NOOR ILYAS, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C.(OLD) UNDER SECTION 528 OF BNSS, PRAYING TO, ALLOW THIS PETITION OF THE PETITIONERS/ACCUSED NOS.2 TO 5, QUASH THE FIR IN CRIME NO.7 OF 2024 OF TALIKOTI P.S. REGISTERED FOR THE OFFENCES PUNISHALBLE UNDER SECTIONS 143, 147, 323, 341, 498(A), 504, 506 R/W SECTION 149 OF IPC AND SECTIONS 3 AND 4 OF THE DOWRY PROHIBITION ACT, 1961 AND COGNIZANCE ORDER PASSED BY THE SENIOR CIVIL JUDGE AND JMFC, MUDDEBIHAL AGAINST THE PETITIONERS AND PROCEEDINGS WHICH IS NOW PENDING ON THE FILE OF THE CIVIL JUDGE AND JMFC, MUDDEBIHAL.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

This petition is filed by the petitioners, who are stated to be the in-laws of respondent No.2. They are seeking to quash the case which is registered in Crime No.7/2024, by the Talikoti Police Station for the offences punishable under Sections 143, 147, 323, 341, 498A, 504, 506 read with Section 149 of IPC and Sections 3 and 4 of Dowry Prohibition Act and cognizance order passed by the Senior Civil Judge and JMFC, Muddebihal against the petitioners which is now pending on the file of the Civil Judge and JMFC, Muddebihal.

2. Brief facts of the case are as follows:

Respondent No.2 married Javeed on 12.01.2023 as per their customs. It is stated that some golden ornaments and silver articles were given as a custom at the time of

marriage. After the marriage, she started residing with her in-laws and husband in the matrimonial house.

It is further stated that after three months of the marriage, it is alleged that all the accused were started insulting her stating that she does not know cooking and other household works etc. It is also stated that they were demanding additional dowry in the form of gold and cash of Rs.5 lakhs. Hence, they used to harass her for one or the other pretext.

It is further stated that her husband and father-in-law were assaulting her after listening the gossip from others. It is further submitted that respondent No.2 had paid additional sum of Rs.2 lakhs and later Rs.1.5 lakhs and thereafter another Rs.2 lakhs to meet the demand of dowry by her husband.

On 02.12.2023, respondent No.2 and her family members had convened a meeting in order to set the family in a right direction. On the following day, on 03.12.2023, respondent No.2, her husband and in-laws came to Kalaburagi and started residing there in a rented

house. She stated that in the said rented house all the in-laws were abusing her, threatening her and also insulting her that they would perform the marriage of her husband with another lady etc. Therefore, she informed the same to her parents on 20.12.2023 by taking the mobile phone of others. Consequently, the brother of respondent No.2 came to the house of respondent No.2 and took her back to her parents' house. After she went back to her parents' house on 05-01-2024, she lodged a complaint against the in-laws. The respondent/police, after registering the case, conducted investigation and submitted the charge sheet.

3. It is the submission of the learned counsel for the petitioner that respondent No.2 made several allegations against the petitioners, who are her in-laws. However, the said allegations are baseless, bald, and omnibus in nature. She lodged a complaint only to harass them by misusing the provisions as contemplated under Section 498A of IPC. It is further submitted that on reading of the averments of the charge- sheet, the

ingredients of the said provisions cannot be attracted. Therefore, asking the petitioners to face trial by considering the averments of the charge-sheet would be stretch imagination that they would be convicted for the said offences. In such circumstances, asking the petitioners to face the trial would certainly be an abuse of the process of law. Hence, it would not be appropriate to continue the proceedings against the petitioners. Making such submissions, he prays to allow the petition.

4. *Per contra*, the learned High Court Government Pleader vehemently opposed the said submissions and he further submitted that the averments of the charge sheet would indicate that the petitioners herein are the in-laws of respondent No.2 had subjected her to cruelty both mentally and physically at different occasions. Merely, because there is a delay in lodging the complaint in matrimonial case, it would not be sufficient to hold that no such cruelty had taken place in the matrimonial home. Therefore, the petition has to be rejected and the

petitioners have to face trial. Making such submissions, he prays to dismiss the petition.

5. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it is appropriate to refer the judgment of the Hon'ble Supreme Court in the case of ***Kahkashan Kausar Alias Sonam and Others V. State of Bihar and Others***[1].

6. On reading the above dictum of the Hon'ble Supreme Court, it makes clear that if the allegations are made against the in-laws by the daughter-in-law, which are omnibus in nature, under such circumstances, the Courts are required to show some leniency in dealing with such applications for quashing the proceedings.

7. In the present case, it is alleged that she had been subjected to cruelty both mentally and physically at the hands of the petitioners, who are the in-laws of respondent No.2. Though she stated in her complaint that

[1] *(2022) 6 SCC 599*

there was demand for an additional dowry in the form of cash and gold, there was no definite time and date in her complaint. Even assuming that there was a demand for additional dowry in the form of cash and gold as per the averments of the complaint, the said amount of additional dowry was given to accused No.1, who is none other than the husband of respondent No.2. Mere making allegations against the in-laws stating that they were also demanding additional dowry in the form of cash and gold, it would not be sufficient to hold that the ingredients of cruelty as envisaged under Section 498A of IPC would be attracted. Therefore, I am of the considered opinion that the petitioners have made out a case to grant the relief as prayed for.

8. Hence, I proceed to pass the following:

ORDER

(i) The Writ Petition is ***allowed***.

(ii) The FIR in Crime No.7/2024, registered by the Talikoti Police Station for the offences

punishable under Sections 143, 147, 323, 341, 498A, 504, 506 read with Section 149 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and cognizance order passed by the Senior Civil Judge and JMFC, Muddebihal against the petitioners and the proceedings which is now pending on the file of the Civil Judge and JMFC, Muddebihal are quashed.

Sd/-
(S RACHAIAH)
JUDGE

RSP
List No.: 1 Sl No.: 73