



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 201600 OF 2024

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

BETWEEN:

1. HASEENA W/O ALLABHAKSH BAGAWAN,
AGE:47 YEARS, OCC: HOUSEHOLD,
2. BABALU S/O ALLABHAKSH BAGAWAN,
AGE:27 YEARS, OCC: HOTEL WORK,
3. JANNA @ JANNATABI W/O KHAJASAB BAGAWAN,
AGE: 68 YEARS, OCC: HOUSEHOLD,
4. BASIR S/O FAKRUDDIN BAGAWAN,
AGE:73 YEARS, OCC: HOTEL WORK,
5. ASHIF S/O BASIR BAGAWAN,
AGE: 38 YEARS, OCC: HOTEL WORK,
6. JAVID S/O RUKNODDIN BAGAWAN,
AGE: 53 YEARS, OCC: HOTEL WORK,
7. HUSAIN S/O KHAJASAB BAGAWAN,
AGE: 48 YEARS, OCC: HOTEL WORK,
8. SALEEM S/O KHAJASAB BAGAWAN,
AGE: 27 YEARS, OCC: HOTEL,

ALL ARE R/O. SINDAGI
TQ. SINDAGI,
DIST. VIJAYAPURA – 586128.

...PETITIONERS

(BY SRI PRADEEP KUMAR, ADVOCATE)

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



AND:

1. THE STATE THROUGH,
JEWARGI POLICE STATION,
JEWARGI,
R/BY ADDL. SPP HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
AT KALABURAGI-585102.
2. SMT. FATIMA
W/O ALLABHAKSH BAGAWAN,
AGE: 24 YEARS,
OCC: HOUSEHOLD,
R/O. SINDAGI, TQ.SINDAGI
DIST. VIJAYAPURA,
NOW @ JEWARGI TQ. JEWARGI,
DIST. KALABURAGI-585310.

...RESPONDENTS

(BY SRI GOPAL KRISHNA YADAV, HCGP FOR R1
SRI M.A. JAGIRDAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 528 OF BNSS,2023 PRAYING TO
PLEASED TO QUASH THE FIR, CHARGE SHEET AND ITS
FURTHER PROCEEDINGS IN C.C NO.0284/2018 ARISEN OUT OF
CRIME NO. 0017/2016 REGISTERED BY THE JEWARGI POLICE
STATION, JEWARGI FOR THE ALLEGED OFFENCES PUNISHABLE
UNDER SECTIONS 143, 147, 323, 498-A, 109, 504, 509 R/W
SEC.149 PENDING ON THE FILE LEARNED CIVIL JUDGE AND
JMFC AT JEWARGI.

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)

1. The petitioners are the in-laws of respondent No.2 seeking to quash FIR and charge sheet in C.C No.284/2018 arising out of Crime No.17/2016.

Brief facts of the case:

2. It is the case of the complainant that she is the wife of Allabhaksha Bhagwan. Both herself and her husband were residing as a tenant at Sindagi. It is alleged that her husband stated to have taken Rs.6.00 lakhs from her and spent the said amount by playing cards and Matka etc. and also he was insisting her to bring additional dowry and used to harass her in one or the other pretext.
3. It is stated that four months ago, again her husband used to quarrel with her by stating that she should bring money from her parents. In addition to the harassment of her husband, the petitioners were scolding her by calling over phone. It is also further stated that the younger brother of her husband, namely, Saleem was instigating others to commit her murder. Such being



the fact, on 03.08.2015, her husband went to her house situated at Jewargi and assaulted her and also threatened her with dire consequences. Hence, she lodged a complaint on 04.11.2015.

4. Heard Sri.Pradeep Kumar, learned counsel for the petitioners and Sri.Gopal Krishna Yadav, learned High Court Government Pleader for the respondent No.1 – State and Sri.M.A.Jagirdar, learned counsel for the respondent No.2.
5. It is the submission of the learned counsel for the petitioners that, respondent No.2 made a baseless and false allegations against the petitioners which are omnibus in nature and there is no overt-act attributed against each individual. There is an inordinate delay in lodging the complaint. The case has been filed only in order to take vengeance against the petitioners and also the petitioners have been roped into harassment case for the purpose of giving trouble to them. Hence, it is appropriate to quash the proceedings in respect of the petitioners. Making such submissions, the learned counsel for the petitioners prays to allow the petition.



6. Per contra, the learned High Court Government Pleader for the respondent No.1 – State vehemently opposed the said submissions and he further submitted that the overt-act of the petitioners has been explained in the complaint. On reading of the averments of the complaint, it would indicate that the complainant had been subjected to cruelty for the purpose of demanding dowry. Therefore, there are allegations made against the petitioners, which are required to be tested through the trial. Hence, it is not appropriate to quash the proceedings. Making such submissions, the learned counsel for the respondent No.1 – State prays to dismiss the petition.
7. The learned counsel for the respondent No.2 adopted the arguments of learned High Court Government Pleader for respondent No.1 – State and he prays to dismiss the petition.
8. Having heard the learned counsel for the respective parties and also perused averments of the charge sheet, it is appropriate to refer the judgment of the Hon'ble



Supreme Court in the case of **DIGUMBAR AND ANOTHER v. THE STATE OF MAHARASHTRA AND ANOTHER**¹, paragraph No.33, which reads as under:

*"33. It would again, be apposite to refer to the case of **Dara Lakshmi Narayana** (supra) wherein this Court has discussed the objective of Section 498-A of IPC and has also raised its concerns over the misuse of this Section in matrimonial disputes. This Court observed thus:*

"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

¹ 2024 SCC Online SC 3836



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.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid 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 498A of the IPC 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.”

9. On reading of the above said judgment, it makes it clear that, making vague and generalized 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. Further, the Hon'ble Supreme Court held that initiation of the case against the husband and his family has to be considered leniently, if, the allegations are omnibus in nature.
10. Having considered the dictum of the Hon'ble Supreme Court, in the present case, the respondent No.2 made certain allegations against the petitioners who are the in-laws of her, however, the said allegations are omnibus in nature and there is no specific overt act attributed against them. Therefore, the charge sheet against these petitioners has to be quashed.
11. In the light of the observation made above, I proceed to pass the following:



ORDER

- i) The Criminal Petition is allowed.
- ii) The FIR in Crime No.17/2016 registered by the respondent police and further proceedings in C.C No.284/2018 pending on the file of learned Civil Judge and JMFC at Jewargi, are hereby quashed.

Sd/-
(S RACHAIAH)
JUDGE

UN
List No.: 1 Sl No.: 24
CT:PK