



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 1ST DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE M.NAGAPRASANNA
CRIMINAL PETITION NO. 6355 OF 2024



BETWEEN:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...PETITIONER

(BY SMT. KEERTHI REDDY, ADVOCATE FOR
SRI. SHARATH J.M, ADVOCATE)

AND:

1. STATE BY WEST WOMEN POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BENGALURU - 560 001.

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1;
SRI. BHARATH KUMAR S, ADVOCATE FOR R2)





CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS IN C.C.NO.16161/2024 OF THE WEST WOMEN POLICE ON THE FILE OF XXIV ADDL.C.M.M., BENGALURU FOR THE ALLEGED OFFENCE P/U/S 498A, 506, 504 OF IPC IN RESPECT OF PETITIONER/ACCUSED.

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

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

ORAL ORDER

The petitioner/husband is before the Court, calling in question the proceedings in C.C.No.16161/2024 registered for the offences punishable under Sections 498A, 504 and 506 of the Indian Penal Code, 1860 ('the IPC' for short).

2. Heard Smt. Keerthi Reddy, learned counsel for Sri. Sharath J.M., learned counsel appearing for the petitioner; Smt. Rashmi Patel, learned High Court Government Pleader appearing for respondent No.1 and Sri. Bharath Kumar S., learned counsel appearing for respondent No.2.

**CNR: KAHC010365242024**

3. Facts in brief germane are as follows:

The petitioner and the complainant/respondent No.2 are husband and wife. The two are Police officers. On 19.11.2023, the 2nd respondent gets married to the petitioner. Relationship between the two gradually turns sour on the score that the marriage is not consummated. Long thereafter, a complaint comes to be registered on 30.03.2024 alleging offences punishable under Sections 498A, 504 and 506 of the IPC. The complaint becomes a crime in Crime No.11/2024. The Police conduct investigation and file a charge sheet against the petitioner for the aforesaid offences in C.C.16161/2024. Filing of the charge sheet is what has driven the petitioner to this Court in the subject petition.

4. The learned counsel appearing for the petitioner submits that there are no ingredients of either Sections 498A, 504 or 506 of the IPC in the case at hand. Non-consummation of marriage cannot become the ingredients of Section 498A at all. Insofar as the other offences are concerned i.e., Sections 504 and 506 of the IPC, vague statements are made by the

**CNR: KAHC010365242024**

complainant of certain assault, which also do not meet the ingredients that are necessary for the offence under Sections 504 and 506 of the IPC.

5. *Per contra*, the learned counsel for the complainant again takes this Court through the complaint and the summary of the charge sheet to contend that the offences are undoubtedly made out in the complaint and in the summary of the charge sheet. He would submit that the very act of the petitioner marrying the complainant would become cruelty, as he has not consummated the marriage till date and keeps on uttering the words that let us be friends only on the score that he has a relationship with another woman. Therefore, all these matters are investigated into and charge sheet is filed. Therefore, this Court must not interfere at this stage and obliterate the proceedings against the husband.

6. The learned High Court Government Pleader would also toe the lines of the learned counsel appearing for the



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

complainant in seeking dismissal of the petition on the score that the Police after investigation have filed the charge sheet.

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 are not in dispute. The only issue that falls for consideration *qua* the offence under Section 498A of the IPC against the husband is whether non-consummation of marriage would amount to an offence under Section 498A of the IPC. To consider this issue, it is necessary to notice the dates and the allegations. On 19.11.2023, the petitioner gets married to the complainant. Soon thereafter, *i.e.*, about four months, a complaint comes to be registered for the afore-quoted offences, which becomes a crime in Crime No.11/2024. The complaint reads as follows:

"ವಿಷಯನನ್ನ ಗಂಡನಾದಮಂಜುನಾಥ್ ಎಂಬುವರಮೇಲೆ ದೂರು

ನಾನು ಅಶ್ವಿನಿ ಎಂಬುವವಳು ಮಂಜುನಾಥ್ ಎಂಬು ಅವರ ಮೇಲೆ ಜೊತೆ 19 /11 /2023 ರಂದು ಗುರುಹಿರಿಯರ ಸಮ್ಮುಖದಲ್ಲಿ ಮದುವೆ ಆಗಿರುತ್ತೇನೆ ಹಾಗೂ ಮದುವೆಯಾದ ಒಂಬತ್ತು ದಿನಗಳ ನಂತರ ನಮ್ಮ ಪ್ರಸ್ತ ಏರ್ಪಡಿಸಿದ್ದು ಆದರೆ ಅವನ



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

ದೈಹಿಕ ಸಂಪರ್ಕ ಹೊಂದಿರುವುದಿಲ್ಲ ಹಾಗೂ ಇಲ್ಲಿಯವರೆಗೂ ಮೂರು ತಿಂಗಳು ಆದರೂ ಸಹ ನನ್ನ ಹತ್ತಿರ ಬಂದು ಒಂದು ಸಾರಿಯು ದೈಹಿಕ ಸಂಪರ್ಕ ಹೊಂದಿಲ್ಲ ನನ್ನನ್ನು ಒಂದು ಬಾರಿಯೂ ಸಹ ಮುಟ್ಟಿರುವುದಿಲ್ಲ ಏಕೆಂದು ಪ್ರಶ್ನಿಸಿದಾಗ ನಾನು ನಿನ್ನನ್ನು ಹೆಂಡತಿಯ ತರಹ ಸ್ವೀಕರಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ ನನಗೆ ಪರ್ಸನಲ್ ಪ್ರಾಬ್ಲಮ್ ಇದೆ ಎಂದು ದೊಡ್ಡವರೇ ಏನಾದರೂ ಮಾತನಾಡಿಕೊಳ್ಳಲಿ ನಾನು ನೀನು ಸ್ನೇಹಿತರಾಗಿ ರೋಣ ಎಂದರು ನಮಗೆ ಮಕ್ಕಳು ಬೇಡ ಮಕ್ಕಳೇನು ನಮ್ಮನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಾರೆ ಎನ್ನುತ್ತಾನೆ. ನೀನು ಚೆನ್ನಾಗಿಲ್ಲ ಸ್ಟೈಲ್ ಮಾಡುವುದಿಲ್ಲ ನಿನ್ನನ್ನು ನೋಡಿದರೆ ಅಸಹ್ಯ ಆಗುತ್ತದೆ ಎಂದನು ನಾನು ಇಷ್ಟ ಬಂದಾಗ ನಿನ್ನನ್ನು ಮುಟ್ಟುತ್ತೇನೆ ಎಂದನು ನಮ್ಮ ಅಮ್ಮ ಇರುವವರೆಗೂ ಅಷ್ಟೇ ನೀನು ಚೆನ್ನಾಗಿರುತ್ತಿಯಾ ಎಂದು ಎದುರಿಸುತ್ತಾನೆ. ಮಕ್ಕಳು ಕೇಳಿದರೆ ನೇಣು ಹಾಕಿಕೊಂಡು ಸಾಯುತ್ತೇನೆ ಎಂದು ಹೇಳಿದ. ನಿನಗೆ ಮಗು ಬೇಕೆಂದರೆ ಮಗು ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ ಮತ್ತು ಮಗು ಹಾಗೂ ನಿನ್ನ ಸಂಪೂರ್ಣ ಜವಾಬ್ದಾರಿ ನಿಮ್ಮ ಅಣ್ಣ ಮತ್ತು ತಾಯಿಯದು ಹಾಗೂ ಜೀವನಾಂಶ ಕೊಡುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು ಮತ್ತು ನನ್ನನ್ನು ಕಿರುಕುಳ ನೀಡಿ ಅವನು ನನಗೆ ಸೈಟು ಕೊಡಿಸುವ ಹಣ ತೆಗೆದುಕೊಂಡು ಬಾ ಹಾಗೂ ನನ್ನ ಎಟಿಎಂ ಕಾರ್ಡ್ ಅನ್ನು ದುರ್ಬಳಕೆ ಮಾಡಿರುತ್ತಾನೆ. ಎಲ್ಲದಕ್ಕೂ ನನ್ನ ನಾಮಿನಿ ಹಾಗೂ ಫೋನ್ ನಂಬರ್ ಕೊಡು ಎಂದು ಬೈದು ಹೊಡೆದು ಮನೆಯಿಂದ ನನ್ನನ್ನು ಆಜೆ ಹಾಕಿರುತ್ತಾನೆ. ಅವರ ತಾಯಿ ನನ್ನನ್ನು ನಾಲ್ಕು ಗಂಟೆಗೆ ಏಳಿಸಿ ಆರು ಗಂಟೆ ಅಷ್ಟರಲ್ಲಿ ಅಡುಗೆ ಮಾಡಿ ಪಾತ್ರೆ ತೊಳೆದು ಮನೆ ಕೆಲಸಮಾಡಿ ಹೋಗಬೇಕು ಮತ್ತು ರಾತ್ರಿ ಒಂಬತ್ತು ಗಂಟೆಗೆ ಬಂದು ಪಾತ್ರೆ ಬಟ್ಟೆ ತೊಳೆದು ಬಟ್ಟೆ ಒಗೆದುಮನೆ ಕೆಲಸ ಮಾಡಿ ಹೋಗಬೇಕು ಮತ್ತು ನನ್ನ ಆರೋಗ್ಯ ಸರಿಯಾ ಸರಿ ಇರದಿದ್ದರೆ ನಾನು ಈ ಕೆಲಸಗಳನ್ನು ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲ ಅದನ್ನು ಬೈದುಹೊಡೆದುಮಾನಸಿಕ ದೈಹಿಕ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾನೆ. ಯಾವಾಗಲೂ ರಾತ್ರಿ 10:00 ನಂತರ ಸಂಧ್ಯಾ ಎಂಬ ಹುಡುಗಿಯ ಜೊತೆ ಫೋನ್ ಮಾಡಿ ಮಾತನಾಡಿರುತ್ತಾನೆ. ನನಗೆ ಒಂದು ಬಾರಿಯೂ ಕರೆ ಮಾಡುತ್ತಿರಲಿಲ್ಲ ಏಕೆ ಎಂದು ಪ್ರಶ್ನಿಸಿದಾಗ ಅವನು ಸಂಧ್ಯಾ ಹಾಗೂ ನನಗೂ ಆರು ವರ್ಷಗಳಿಂದ ಸಂಬಂಧವಿದೆ ನೀನು ನನಗೆ ಬೇಡ ನಮ್ಮ ಅಮ್ಮನಿಗಾಗಿ ಅಷ್ಟೇ ಇನ್ನೇನು ಮದುವೆಯಾಗಿರುವುದು ಆದ್ದರಿಂದ ನನಗೆ ನಿನ್ನ ಹತ್ತಿರ ದೈಹಿಕ ಸಂಪರ್ಕವನ್ನು ಸಾಧ್ಯವಿಲ್ಲ ಪುನಃ ನಾನು ಆ ಹುಡುಗಿಯರ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಮಾಡಿದ್ದಾರೆ ನಿನ್ನನ್ನು ಸಾಯಿಸುತ್ತೇನೆ ಎಂದು ಬೆದರಿಸಿ ಹೊಡೆಯುತ್ತಾನೆ. ಈ ಮೂರು ತಿಂಗಳಾದರೂ ಸಹ ಅವನು ನನ್ನನ್ನು ಎಲ್ಲಿಗೂ ಕರೆದುಕೊಂಡು ಹೋಗಿರುವುದಿಲ್ಲ ಹಾಗೂ ನನ್ನ ಹಾಗೂ ಅವನ ಫೋಟೋಗಳ ಅವನ ಫೋನ್ ನಲ್ಲಿ ಇರುವುದಿಲ್ಲ ಅವನು ನನ್ನನ್ನು ನೋಡಿಕೊಳ್ಳದೆ ಅಲಕ್ಷಿಸಿದ್ದಾನೆ ಕೇಳಿದರೆ ಮಾನಸಿಕ ಹಿಂಸೆ ನೀಡಿ ಸಂಬಳ ಕೊಡು ದುಡ್ಡು ಕೊಡು ಕೆಲಸದ ಮೇಲೆ ಲೋನ್ ತೆಗೆದುಕೊಂಡು ಸೈಟ್ ತೆಗೆದು ಕೊಡು



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

ಎಂದು ಹಿಂಸೆ ನೀಡಿದ್ದಾನೆ.ಹಾಗೂ ಅವನು ಪರ ಸ್ತ್ರೀಯ ಮೇಲೆ ಸಂಪರ್ಕ ಹೊಂದಿರುತ್ತಾನೆ ಆಗು ಒಂದು ಬಾರಿಯೂ ಸಹ ನನ್ನ ಹತ್ತಿರ ದೈಹಿಕ ಸಂಪರ್ಕ ಒಂದಿರುವುದಿಲ್ಲ ಅವನು ಮತ್ತು ಅವರ ತಾಯಿ ನನ್ನನ್ನು ಒಡೆದು ಮನೆಯಿಂದ ಹೊರ ಹಾಕಿದರು ಹಾಗೂ ಸಂಧ್ಯಾ ಜೊತೆಗೆ ಅವನು ಖುಷಿಯಿಂದ ಮಾತನಾಡುತ್ತಿರುತ್ತಾರೆ. ಇದನ್ನು ನೋಡಿ ಬೇಸತ್ತು ಕೇಳಿದರೆ ನನಗೆ ಜಾಸ್ತಿ ಮನೆ ಕೆಲಸ ನೀಡಿ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾರೆ ಹಾಗೂ ಈ ವಿಷಯದ ಬಗ್ಗೆ ನಮ್ಮ ಮನೆಯವರನ್ನು ಕರೆದು ತೀರ್ಮಾನಕ್ಕೆ ಕೂರಿಸಿದ ನನಗೆ ಅವರ ಹಣ ಬೇಕು, ಚೆಕ್ ಬೇಕು ಪಾಸು ಬೇಕು ಸೈಟ್ ಬೇಕು ಎಂದು ಕೇಳಿ ನನಗೆ ಇಷ್ಟ ಬಂದಾಗ ಮುಟ್ಟುತ್ತೇನೆ, ಮಗು ಕೇಳಿದರೆ ನೇಣು ಹಾಕಿಕೊಂಡು ಸಾಯುತ್ತೇನೆ ಹಾಗೂ ನಾನೇನು ಮಿಷನ್ ಮಗು ಕೊಡಕ್ಕೆ ಎಂದು ಬೆದರಿಸಿರುತ್ತಾನೆ, ನಾವು ಇವನಿಗೆ ಏಳುವರೆ ಲಕ್ಷ ರೂ ಹಣ ಮತ್ತು 100 ಗ್ರಾಂ ಚೆನ್ನ ಕೊಟ್ಟು ಅದ್ದೂರಿಯಾಗಿ ಗುರು ಹಿರಿಯ ಸಮ್ಮುಖದಲ್ಲಿ ಮದುವೆ ಮಾಡಿ ದರೂ ಸಹ ಅವನು ನಮಗೆ ಈ ರೀತಿ ಮಾನಸಿಕ ಆಗು ದೈಹಿಕ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾರೆ, ಹಾಗೂ ಕಾನೂನು ರೀತಿ ಸೂಕ್ತ ಕ್ರಮಜರುಗಿಸಬೇಕೆಂದು ಕೊಟ್ಟಿದ್ದಾರೆ."

The Police conduct investigation and file a charge sheet in C.C.No.16161/2024. The summary of the charge sheet as obtaining in column No.17 reads as follows:

"17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಕಲಂ 498[ಎ] 504-506 ಐ.ಪಿ.ಸಿ

ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯ.ಕಾಲಂ ನಂ.12 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಆರೋಪಿತನು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ದಿನಾಂಕ,20/11/2023 ರಂದು ಮೈಸೂರಿನ ಕರ್ನಾಟಕ ಪೊಲೀಸ್ ಭವನದಲ್ಲಿ ಶಾಸ್ತ್ರೋಕ್ತವಾಗಿ ಮದುವೆ ಮಾಡಿಕೊಂಡಿದ್ದು, ಮದುವೆ ಕಾರ್ಯವೆಲ್ಲ ಮುಗಿದ ಮೇಲೆ 1ನೇ ಆರೋಪಿತನು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ತಾನು ವಾಸವಾಗಿರುವ ಇದೇ ಬೆಂಗಳೂರು ನಗರದ ಪಶ್ಚಿಮ ವಿಭಾಗದ ಚಾಮರಾಜಪೇಟೆ ಪೊಲೀಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯ ಮನೆ ನಂ.62, 5ನೇಕ್ರಾಸ್, 2ನೇಮೈನ್, ವಿಠಲನಗರ, ಚಾಮರಾಜಪೇಟೆ ಬೆಂಗಳೂರು-560018 ರ ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸಂಸಾರ ಪ್ರಾರಂಭಿಸಿದ್ದು, ಆರೋಪಿತನು ಮೊದಲನೆಯ ದಿನದಿಂದಲೂ ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ದೈಹಿಕ ಸಂಪರ್ಕ ಮಾಡಣೆ ಆಕೆಯಿಂದ ಅಂತರ ಕಾಪಾಡುತ್ತಾ ಬರುತ್ತಿದ್ದು, ಆಗ ಸಾಕ್ಷಿ-1 ರವರು ಆತನ ವರ್ತನೆಯ ಬಗ್ಗೆ ಪ್ರಶ್ನಿಸಿದಾಗ ನಿನ್ನನ್ನು ಹೆಂಡತಿಯಾಗಿ ಸ್ವೀಕರಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ, ತನಗೆ ಮಕ್ಕಳು ಮಾಡಿಕೊಳ್ಳುವುದು ಇಷ್ಟವಿಲ್ಲ, ನೀನು ಸ್ನೇಹಿತೆಯಾಗಿರು ಎಂದು ಹೇಳಿದ್ದು ಸಾಕ್ಷಿ:-1 ರವರು ತನಗೆ ಮಕ್ಕಳು ಬೇಕು ಎಂದು ಹೇಳಿದ್ದಕ್ಕೆ ನೀನು ಮಕ್ಕಳು ಕೇಳಿದರೆ ನೇಣು ಹಾಕಿಕೊಂಡು ಸಾಯುತ್ತೇನೆಂದು ಹೆದರಿಸುವುದು, ಆಕೆಗೆ



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

ಬಾಯಿಗೆ ಬಂದಂತೆ ಬೈದು ಹೊಡೆದು ಬಡಿದು ಮಾನಸಿಕವಾಗಿ ಹಾಗೂ ದೈಹಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿರುವುದಲ್ಲದೆ, ನೀನು ಮೊದಲು ಲೋನ್ ತೆಗೆದುಕೊಂಡು ಸೈಟ್ ತೆಗೆದುಕೋ, ನಂತರ ಮಕ್ಕಳು ಮಾಡಿ ಕೊಳ್ಳೋಣ ಎಂದು ಒಂದಲ್ಲ ಒಂದು ರೀತಿ ಸಬೂಬು ಹೇಳುವುದು, ಅಲ್ಲದೆ ತಾನು ಹೇಳಿದಂತೆ ನೀನು ಕೇಳಿದರೆ ಸರಿ ಇಲ್ಲವಾದರೆ ನಿನ್ನನ್ನು ಸಾಯಿಸುತ್ತೇನೆ ಎಂದು ಜೀವ ಬೆದರಿಕೆ ಹಾಕಿ ಸಾಕ್ಷಿ:-1 ರವರಿಗೆ ಮಾನಸಿಕವಾಗಿ ಹಾಗೂ ದೈಹಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಿರುತ್ತಾನೆ. ಆದ ಕಾರಣ ಆರೋಪಿತನ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ಕಲಂಗಳ ಅನ್ವಯ ಈ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಸಲ್ಲಿಸಿದೆ."

A perusal of the complaint and the summary of the charge sheet unmistakably reveals that the entire edifice of the prosecution is erected upon a singular allegation—**that during the brief span of four months of matrimonial cohabitation, the petitioner did not consummate the marriage.** Save and except this allegation, every other accusation appears to be but an embellishment intended to clothe the complaint with the trappings of an offence under Section 498A of the IPC. **The pivotal question that, therefore, falls for consideration is whether the mere non-consummation of marriage, in the absence of attendant acts constituting cruelty within the meaning of Section 498A of the IPC, can by itself attract the rigours of the penal provision.**



CNR: KAHC010365242024

9. The law on the scope and ambit of Section 498A of the IPC is no longer *res integra*. The jurisprudential landscape stands illuminated by a long and consistent line of pronouncements of the Apex Court, echoed by this Court, delineating with precision the contours of the offence. **The consistent refrain running through these authorities is that every matrimonial discord, every emotional incompatibility, or every failure of conjugal expectations does not metamorphose into "cruelty" within the meaning of Section 498A. The provision, being penal in nature, demands the existence of conduct of such gravity as would satisfy the statutory ingredients and not mere allegations born out of marital incompatibility or disappointed matrimonial expectations.** It is in the backdrop of these settled principles that the allegation of non-consummation of marriage requires to be tested.

9.1. The Apex Court in the case of **RAJESH CHADDHA v. STATE OF UTTAR PRADESH**¹ observes that if there is no evidence to substantiate the allegations of harassment and acts

¹ 2025 SCC OnLine SC 1094



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

of cruelty within the scope of Section 498A of the IPC, the proceedings must be quashed against the husband even. The Apex Court has held as follows:

"....

7. Having heard the learned counsel for the respective parties and having perused the record, the question remains whether the High Court vide Impugned Order dt. 14.11.2018 whilst exercising its revisionary jurisdiction, was correct in upholding the conviction of the Appellant under Section 498A IPC & Section 4 D.P. Act, 1961. In that respect, it is prudent to examine the statutory provisions, which are as under:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. *Explanation.— For the purpose of this section, "cruelty" means— (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."*

3. Penalty for giving or taking dowry.— (1) *If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years. (2) Nothing in subsection (1) shall*



CNR: KAHC010365242024

apply to, or in relation to,— (a) presents which are given at the time of a marriage to the bride without any demand having been made in that behalf : Page 12 of 26 Provided that such presents are entered in a list maintained in accordance with the rules made under this Act; (b) presents which are given at the time of a marriage to the bridegroom without any demand having been made in that behalf : Provided that such presents are entered in a list maintained in accordance with the rules made under this Act : Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.—*If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees : Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."*

8. At the outset, an act of 'cruelty' for the purpose of Section 498A, corresponds to a willful conduct of such nature, that may cause danger to the life, limb and health of the woman, which is inclusive of the mental and physical health and the harassment caused to her, by coercing her to meet unlawful demands or impossible standards. Further, the demand for dowry in terms of Section 3 and Section 4 of the D.P. Act, 1961 refers to both a direct or indirect manner of demand for dowry made by the husband or his family members. In order to meet the threshold of the offences under Section 498A IPC & Sections 3 & 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air.

9. In the present case, the allegations made by the Complainant are vague, omnibus and bereft of any material particulars to substantiate this



CNR: KAHC010365242024

threshold. Apart from claiming that Appellant husband harassed her for want of dowry, the Complainant has not given any specific details or described any particular instance of harassment. The allegations in the FIR, and the depositions of the prosecution witnesses suggest that on multiple occasions, the Complainant wife was ousted from the matrimonial house, and kicked and punched in the presence of her father, PW-2 herein and she was repeatedly tormented with dowry demands, and when she was unable to honor them, the Appellant and her family physically beat her up; whereas she has not mentioned the time, date, place, or manner in which the alleged harassment occurred. It is alleged that the Complainant suffered a miscarriage, as she fell down, when the Appellant and her family who pushed her out of the house; however, no medical document from any medical institution or hospital or nursery was produced to substantiate the allegations.

10. Upon carefully considering the record, we find that apart from the statements of PW-1 and PW-2, there is no evidence to substantiate the allegations of harassment and acts of cruelty within the scope of Section 498A of IPC, and Section 4 of the D.P. Act, 1961. For this reason, we find merit in the submission of the learned Counsel for the Appellant, and are of the considered view that there is no material on record to establish the allegations of hurt or miscarriage, and of hurt and criminal intimidation in terms of Section 323 r/w 34 and Section 506 IPC respectively. The Trial Court has rightly held that evidence of the Complainant is the only strong evidence that she sustained injuries on various parts of her body due to the physical assault by the accused persons, and that there was no medical examination conducted by the Complainant, so as to prove that the miscarriage was a consequence of the physical assault.

11. The Trial Court has indeed applied its judicial mind to the material on record whilst acquitting the Appellant and the co-accused parents-in-law for offences under Section 323 r/w 34 & Section 506 IPC. However, it appears that the Trial Court had passed the order of



CNR: KAHC010365242024

conviction of the Appellant under Section 498A IPC & Section 4 of the D.P. Act, 1961, merely on the possibility that the allegations and the depositions of the PW-1 corroborated by PW2, are true and correct. **Although one cannot deny the emotional or mental torture that the Complainant may have undergone in the marriage, however a cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act, 1961, especially to obviate malicious criminal prosecution of family members in matrimonial disputes.** In this respect, we also cannot ignore that the FIR dt. 20.12.1999 was registered after the Appellant had filed the Divorce Petition under Section 13 of Hindu Marriage Act, 1955 on 06.02.1999. In consideration thereof and that the Complainant had cohabited with the Appellant only for a period of about a year, it appears that the FIR registered by the Complainant was not genuine.

12. In respect thereof, the High Court while exercising its revisionary jurisdiction ought to have examined the correctness of decision of the Trial Court in light of the material on record, which reveals nothing incriminatory against the Appellant to sustain a conviction under Section 498A IPC or Section 4 of the D.P. Act, 1961. Although we do not agree with the submission on behalf of the Appellant that the Impugned Order dt. 14.11.2018 was passed *in absentia*, however the High Court was well within its revisionary powers to discern whether an FIR and the proceedings emanating therefrom were sustainable. In all certainty, it could have saved 6 years' worth of time for the Appellant, who has endured litigation for over 20 years as of today.

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



CNR: KAHC010365242024

members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of *Dara Lakshmi Narayana v. State of Telangana* appropriately encapsulates this essence as under:

"25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos. 2 to 6, who are the members of the family of appellant No. 1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent No. 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them."

14. The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

Appellant will only tantamount to an abuse of process of law.”

9.2. The Apex Court further in the case of **GHANSHYAM SONI v. STATE (GOVT. OF NCT OF DELHI)**², has held as follows:

" "

10. A perusal of the FIR shows that the allegations made by the complainant are that in the year 1999, the Appellant inflicted mental and physical cruelty upon her for bringing insufficient dowry. **The Complainant refers to few instances of such atrocities, however the allegations are generic, and rather ambiguous. The allegations against the family members, who have been unfortunately roped in, is that they used to instigate the Appellant husband to harass the Complainant wife, and taunted the Complainant for not bringing enough dowry; however, there is no specific incident of harassment or any evidence to that effect.** Similarly, the allegations against the five out of six sisters that they used to insult the Complainant and demanded dowry articles from her, and upon failure beat her up, but there is not even a cursory mention of the incident. An allegation has also been made against a tailor named Bhagwat that he being a friend of the Appellant instigated him against the Complainant, and was allegedly instrumental in blowing his greed. **Such allegations are merely accusatory and contentious in nature, and do not elaborate a concrete picture of what may have transpired. For this reason alone, and that the evidence on record is clearly inconsistent with the accusations, the version of the Complainant seems implausible and unreliable.** The following observation in *K. Subba Rao v. State of Telangana Represented by Its Secretary, Department of Home*, fits perfectly to the present scenario:

² 2025 SCC OnLine SC 1301



CNR: KAHC010365242024

"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."

11. As regards the Appellant, the purportedly specific allegations levelled against him are also obscure in nature. Even if the allegations and the case of the prosecution is taken at its face value, apart from the bald allegations without any specifics of time, date or place, there is no incriminating material found by the prosecution or rather produced by the complainant to substantiate the ingredients of "cruelty" under section 498A IPC, as recently observed in the case of *Jaydedeepsinh Pravinsinh Chavda v. State of Gujarat* and *Rajesh Chaddha v. State of Uttar Pradesh*. The Complainant has admittedly failed to produce any medical records or injury reports, x-ray reports, or any witnesses to substantiate her allegations. We cannot ignore the fact that the Complainant even withdrew her second Complaint dt. 06.12.1999 six days later on 12.12.1999. There is also no evidence to substantiate the purported demand for dowry allegedly made by the Appellant or his family and the investigative agencies in their own prudence have not added sections 3 & 4 of the Dowry Prohibition Act, 1961 to the chargesheet.

12. In this respect, the Sessions Court has applied its judicial mind to the allegations in the FIR & the material on record, and has rightly discharged the Appellants of the offences under section 498A & 34 IPC. Notwithstanding the said observation by the Sessions Court that the possibility of false implication cannot be ruled out, the discharge of the Appellant merely because the Complainant is a police officer is erroneous and reflects poorly on the judicial decision making, which must be strictly based on application of judicial principles to the merits of the case. On the other hand, the High Court vide the Impugned Order has traversed one step further and overtly emphasised that simply because the Complainant is a police officer, it cannot be assumed that she could not have been a victim of cruelty at the hands of her husband and in-laws.



CNR: KAHC010365242024

We agree with the sensitive approach adopted by the High Court in adjudicating the present case, however a judicial decision cannot be blurred to the actual facts and circumstances of a case. In this debate, it is only reasonable to re-iterate that the Sessions Court in exercise of its revisionary jurisdiction and the High Court in exercise of its inherent jurisdiction under section 482 CrPC, must delve into the material on record to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted *in toto*. In the present case, such scrutiny of the allegations in the FIR and the material on record reveals that no *prima facie* is made out against the Appellant or his family. It is also borne from the record that the divorce decree of their marriage, has already been passed, and the same has never been challenged by the Complainant wife, and hence has attained finality. Upon consideration of the relevant circumstances and that the alleged incidents pertain to the year 1999 and since then the parties have moved on with their respective lives, it would be unjust and unfair if the Appellants are forced to go through the tribulations of a trial.

13. It is rather unfortunate that the Complainant being an officer of the State has initiated criminal machinery in such a manner, where the aged parents-in-law, five sisters and one tailor have been arrayed as an accused. **Notwithstanding the possibility of truth behind the allegations of cruelty, this growing tendency to misuse legal provisions has time and again been condemned by this Court. The observations in *Dara Lakshmi Narayana v. State of Telangana*, *Preeti Gupta v. State of Jharkhand* aptly captures this concern."**

9.3. The Apex Court in a later judgment in the case of **BELIDE SWAGATH KUMAR v. STATE OF TELANGANA**³, while considering what could be the acts of cruelty by the

³ 2025 SCC OnLine SC 2890



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

husband for it to become the ingredients of Section 498A of the IPC, has held as follows:

"....

18. Section 498A of the IPC deals with offences committed by the husband or relatives of the husband subjecting cruelty towards the wife. The said provision reads as under:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section, "cruelty" means—

- (a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or
- (b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

19. Further, Sections 3 and 4 of the DP Act talk about the penalty for giving or taking or demanding a dowry.

"3. Penalty for giving or taking dowry.—

- (1) If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

(2) Nothing in sub-section (1) shall apply to, or in relation to,—

- (a) presents which are given at the time of a marriage to the bride (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act;

- (b) presents which are given at the time of a marriage to the bridegroom (without any demand having been made in that behalf):

Provided that such presents are entered in a list maintained in accordance with the rules made under this Act:

Provided further that where such presents are made by or on behalf of the bride or any person related to the bride, such presents are of a customary nature and the value thereof is not excessive having regard to the financial status of the person by whom, or on whose behalf, such presents are given.

4. Penalty for demanding dowry.— If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees:

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months."



CNR: KAHC010365242024

20. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

21. Further, Section 3 of the DP Act deals with the penalty for giving or taking dowry. It states that any person who engages in giving, taking, or abetting the exchange of dowry, shall face a punishment of imprisonment for a minimum of five years and a fine of not less than fifteen thousand rupees or the value of the dowry, whichever is greater. Section 4 of the DP Act talks of penalty for demanding dowry. It states that any person demanding dowry directly or indirectly, from the parents or other relatives or guardians of a bride or bridegroom shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

22. The issue for consideration is whether, given the facts and circumstances of the case and after examining the FIR and the Complaint Case, the High Court was correct



CNR: KAHC010365242024

in refusing to quash the ongoing criminal proceedings against the appellants arising out of FIR No. 29 of 2022 dated 27.01.2022 and the Complaint Case No. 1067 of 2022 under Section 498A of the IPC and Sections 3 and 4 of the DP Act.

23. Courts have to be extremely careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial cases where the allegations have to be scrutinized with greater care and circumspection in order to prevent miscarriage of justice and abuse of process of law. The allegations put forth by the complainant-respondent No. 2 have been considered by us. In our view, they reflect the daily wear and tear of marriage and can, in no way, be categorised as cruelty. The act of the accused-appellant of sending money back to his family members cannot be misconstrued in a way that leads to a criminal prosecution. The allegation that the accused-appellant forced the complainant-respondent No. 2 to maintain an excel sheet of all the expenses, even if taken on the face value, cannot come under the definition of cruelty. The monetary and financial dominance of the accused-appellant, as alleged by the complainant-respondent No. 2, cannot qualify as an instance of cruelty, especially in the absence of any tangible mental or physical harm caused. The said situation is a mirror reflection of the Indian society where men of the households often try to dominate and take charge of the finances of the women but criminal litigation cannot become a gateway or a tool to settle scores and pursue personal vendettas. Furthermore, the other allegations of the complainant-respondent No. 2 such as lack of care on the part of the husband-the accused-appellant during pregnancy and postpartum and constant taunts about her after-birth weight, if accepted *prima facie*, at best reflect poorly upon the character of the accused-appellant but the same cannot amount to cruelty so as to make him suffer through the process of litigation.



CNR: KAHC010365242024

24. A bare perusal of the FIR shows that the allegations made by the complainant-respondent No. 2 are vague and omnibus. Other than claiming that the husband and his family along with the accused-appellant herein mentally harassed her with a demand of dowry, the complainant-respondent No. 2 has not provided any specific details or described any particular instance of harassment. Although she has alleged that an amount totalling to Rupees One Crore was demanded by the accused-appellant and his family members, the complainant-respondent No. 2 has failed to put forth any evidence or material on record to elaborate or substantiate the same. **Furthermore, the complainant-respondent No. 2 has failed to impress the court as to how the said alleged harassment has caused her any injury, mental or physical. There has been no remote or proximate act or omission attributed to the accused-appellant that implicates him or assigns him any specific role in the said FIR for the offence of 498A of the IPC. Merely stating that the accused-appellant has mentally harassed the complainant-respondent No. 2 with respect to a demand of dowry does not fulfil the ingredients of Section 498A of the IPC especially in the face of absence of any cogent material or evidence on record to substantiate the said allegations. The term "cruelty" cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in an FIR which is the premise of invoking criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore mere general allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings.**



CNR: KAHC010365242024

25. In this regard, it would be apposite to rely on the judgment in the case of *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 ("*Bhajan Lal*") with particular reference to paragraph 102 therein, where this Court observed:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.**
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.**



CNR: KAHC010365242024

- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) **Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.**
- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) **Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."**

26. On a careful consideration of the aforementioned judicial dictum, we find that none of the offences alleged against the accused-appellant herein is made out. **In fact, we find that the allegations of cruelty, mental harassment and voluntarily causing hurt against the accused-appellant herein have been made with a *mala-fide* intent with vague and general allegations and therefore, the judgment of this Court in the case of *Bhajan Lal* and particularly sub-paragraphs (1) and (7) of paragraph 102, extracted above, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution emanating from the FIR and**



CNR: KAHC010365242024

consequent Complaint Case No. 1067 of 2022 to continue.

27. Furthermore, at this juncture, we find it appropriate to quote the judgment of this Court in *Dara Lakshmi Narayana v. State of Telangana*, (2025) 3 SCC 735 wherein it was observed:

"27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

xxx

30. The inclusion of Section 498-A 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 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised



CNR: KAHC010365242024

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-A 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.

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-A 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 498-A 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."**

9.4. A little earlier to the afore-quoted judgments of the Apex Court, this Court in the case of **AIYAPPA M.B. v. STATE OF KARNATAKA**⁴, while considering whether non-consummation of marriage could become the ingredient of the offence under Section 498A of the IPC, has held as follows:

" "

⁴ CrI.P.No.7067/2021, disposed on 16.06.2023



CNR: KAHC010365242024

9. The afore-narrated facts are not in dispute. They lie in a narrow compass as the relationship between the 1st petitioner and the complainant is an admitted fact and it is also admitted that they stayed together only for 28 days. It is the happenings in those 28 days that is what is projected by the complainant. The 1st petitioner and the complainant get married on 18-12-2019 and barely two months thereafter, on 05-02-2020 the complainant registers a complaint. Since the issue has triggered from the complaint, I deem it appropriate to notice the complaint to consider whether it would make the ingredients of offences so alleged.

10. The complaint in the first six paragraphs deals with the happenings during the marriage and prior to the marriage. The complainant narrates that she was always in apprehension with regard to the attitude of her husband towards her. Even then, knowing full well about the attitude, she gets married to him and after the marriage grievances glorified. The glorification is on all trivial issues that is the complainant is alleged to have not cooked proper food and the mother-in-law had demanded a refrigerator, TV, Sofa set and so on and so forth. The real grievance of the complainant lies in paragraphs 13 to 16 of the complaint and they read as follows:

"13. I used to ask my husband often if he has done this marriage under any kind of pressure or force, he always said that he was under no pressure and the wedding is as per his own accords. But he was never interested in physical relations with me. He was always detached. He always used to watch videos of Brahmakumari sister Shivani and used to tell me also to watch the same. He said he is not interested in physical relationship and told that "Love is not just getting physical, we should have a soul to soul love." Day and night he played the videos of Sister Shivani's preaching and forced me to watch them too. Even if I was sitting in the next room, he used to play her videos loudly so that I can hear the same. Even while having dinner he used to play the same.

14. I was with my husband for 28 days but our marriage has not been consummated. I used to

**CNR: KAHC010365242024**

think that my Husband has not consummated the marriage because his mother is controlling him and has asked him not to have any physical relationship with me until I fulfil their demand of new refrigerator, TV and sofa.

15. On 14th of January in the evening I called my mom and told her that I had pain in my stomach because of my periods, she told me to come home. I was very scared to tell my mom or family about the way my Husband treated me as my family would be devastated if they came to know that my Husband is this kind of person. My parents agreed for this marriage only because we believed that my Husband is a nice person.

16. After going home I could not control and I started crying. Since I could not enter pooja room I just sat outside and cried uncontrollably when my mother asked me about this, I had to tell her the truth. I told my mother how my husband had treated me, but I did not get courage to tell her that our marriage has not yet consummated. On the other hand my mother thought that my Husband is angry with me because he wanted me to conceive and I got my periods. She tried to console me saying that my Husband is angry only because I got my periods but I could not gather the courage to tell her the truth."

Paragraph 13 depicts that the husband was a follower of the sisters of Brahmakumari Samaja. Whenever the wife approached the husband he was always watching Brahmakumari sister Shivani videos and was always telling the wife that he is not interested in physical relationship and told that love is not getting physical relationship and should have soul to soul love. It is alleged that, day and night he was playing sister Shivani's preachings and forced the wife to watch them too. Therefore, the allegation is being a follower of Brahmakumari Samaja, he could not have married her at the outset. It amounts to cruelty. No other allegation with regard to demand of dowry is made against the husband. Insofar as the in-laws, it is admitted that they never stayed with the couple. The couple themselves stayed together for only 28 days. The Police after investigation filed a charge sheet even in the case at



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

hand. Summary of the charge sheet as obtaining in column 17 reads as follows:

"17. Brief facts of the case

ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ:14 ರಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಸಾಕ್ಷಿ-4 ಮತ್ತು ಸಾಕ್ಷಿ-5 ರವರು ದಿನಾಂಕ:19/12/2019 ರಂದು ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ:12ರಲ್ಲಿ ನಮೂದಿಸಿರುವ 2ನೇ ಮತ್ತು 3ನೇ ಆರೋಪಿತರ ಮಗನಾದ ಎ1 ಆರೋಪಿಯೊಂದಿಗೆ ಕೊಡಗು ಜಿಲ್ಲೆಯ ಪೊನ್ನಪೇಟೆಯ ಕೊಡವ ಸಮಾಜ ಕಲ್ಯಾಣ ಮಂಟಪದಲ್ಲಿ ಕೊಡವ ಸಮಾಜದ ಸಂಪ್ರದಾಯದಂತೆ ಲಕ್ಷಾಂತರ ರೂ ಖರ್ಚು ಮಾಡಿ ಅದ್ವಾರಿಯಾಗಿ ಮದುವೆ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಮದುವೆ ಪೂರ್ವದಲ್ಲಿ ನಡೆದ ಮಾತುಕತೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-1 ರವರ ಕುಟುಂಬದವರು ಮತ್ತು 1ನೇ ಆರೋಪಿಯ ಕುಟುಂಬದವರು ಮದುವೆ ವೆಚ್ಚದಲ್ಲಿ ಸಮನಾಗಿ ಭರಿಸುವಂತೆ ಮಾತುಕತೆಯಾಗಿದ್ದು, ಆದರೆ 2 ಮತ್ತು 3ನೇ ಆರೋಪಿತರು ವೆಚ್ಚಕ್ಕಿಂದ 2-3 ಪಟ್ಟು ಬಿಲ್ಲುಗಳನ್ನು ತೋರಿಸಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಸಾಕ್ಷಿ-1 ರವರು ಬೆಂಗಳೂರು ನಗರ ಗಾರೆಬಾವಿ ಪಾಳ್ಯದ ಎಟಿಪಿಎಲ್ ಕಂಪನಿಯಲ್ಲಿ ಟೆಕ್ನಿಕಲ್ ಸಪೋರ್ಟ್ ಹುದ್ದೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು, 1ನೇ ಆರೋಪಿ ಸಹ ಬೆಂಗಳೂರು ನಗರದ ಹೆಬ್ಬಾಳದ ಮಾನ್ಯತ ಟೆಕ್ನಾಲಜೀಸ್‌ನಲ್ಲಿನ ಕ್ಯಾಂಪಸ್ ಕಂಪನಿಯಲ್ಲಿ ಸಾಫ್ಟ್‌ವೇರ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಟೀಮ್‌ಲೀಡರ್ ಆಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು, ಮದುವೆ ನಂತರ ಸಾಕ್ಷಿ-1 ಮತ್ತು 1ನೇ ಆರೋಪಿ ರವರು ಜೆ.ಪಿ.ನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನ ಜೆ.ಪಿ.ನಗರ 1ನೇ ಹಂತ, ಗುರುಮೂರ್ತಪ್ಪ ಗಾರ್ಡನ್, 6ನೇ ಅಡ್ಡರಸ್ತೆ, ನಂ.20/1, ಎಲಿಗಂಟ್ ಪ್ರಭಾ ಅಪಾರ್ಟ್‌ಮೆಂಟ್ ನ ಜಿ.ಎಫ್.-001 ರ ಫ್ಲಾಟ್‌ನಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, 3ನೇ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ಮತ್ತು 1ನೇ ಆರೋಪಿಯನ್ನು ಬೆಂಗಳೂರಿಗೆ ಬಿಟ್ಟು ಹೋಗಲು ಬಂದಿದ್ದಾಗ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ತವರು ಮನೆಯಿಂದ ವರದಕ್ಷಿಣೆಯಾಗಿ ಸೋಪಾಸೆಟ್, ಟಿ.ವಿ ಮತ್ತು 65 ಸಾವಿರ ರೂ ಬೆಲೆಯ ಪ್ರಿಜ್ಡ್ ಅನ್ನು ತರುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿದ್ದು, ತದನಂತರ ಸಾಕ್ಷಿ-1 ರವರು ವರದಕ್ಷಿಣೆಯಾಗಿ ಸೋಪಾಸೆಟ್, ಟಿ.ವಿ ಮತ್ತು 65 ಸಾವಿರ ರೂ ಬೆಲೆಯ ಪ್ರಿಜ್ಡ್ ಅನ್ನು ತವರು ಮನೆಯಿಂದ ತಂದಿರುವುದಿಲ್ಲ ಎಂದು ತಿಳಿದು 2 ಮತ್ತು 3ನೇ ಆರೋಪಿತರು 1ನೇ ಆರೋಪಿಗೆ ಚಾಡಿ ಮಾತುಗಳನ್ನು ಹೇಳಿಕೊಟ್ಟು ಮಾನಸಿಕವಾಗಿ ಚಿತ್ರಹಿಂಸೆ ನೀಡುತ್ತಿದ್ದು, 1ನೇ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರೊಂದಿಗೆ ಕೌಟುಂಬಿಕ ಜೀವನ ನಡೆಸಿದ ಅವಧಿಯಲ್ಲಿ ದೈಹಿಕ ಸಂಪರ್ಕ ಹೊಂದದೆ ಬ್ರಹ್ಮಕುಮಾರಿ ಸಮಾಜದ ಸನ್ಯಾಸಿನಿಯರ ಭೋದನೆಗಳ ವಿಡಿಯೋಗಳನ್ನು ನೋಡುತ್ತಾ ಸಾಕ್ಷಿ-1 ರವರಿಗೂ ವಿಕೃಣೆ ಮಾಡುವಂತೆ ಬಲವಂತ ಪಡಿಸಿ ಮಾನಸಿಕವಾಗಿ ಕಿರುಕುಳ ನೀಡಿದ್ದು, ಸಾಕ್ಷಿ-1 ರವರು ಅನಾರೋಗ್ಯದಿಂದ ಬಳಲುತ್ತಿದ್ದರು ಸಹ 1ನೇ ಆರೋಪಿ ಆರೈಕೆ ಮಾಡದೆ 2 ಮತ್ತು 3ನೇ ಆರೋಪಿತರ ಚಾಡಿ ಮಾತುಗಳನ್ನು ಕೇಳಿಕೊಂಡು ನಿರ್ಲಕ್ಷ್ಯ ಮಾಡಿರುತ್ತಾನೆ, ಅಲ್ಲದೆ 1ನೇ ಆರೋಪಿ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಬರುತ್ತಿದ್ದ ಸಂಬಳವನ್ನು 2ನೇ ಆರೋಪಿತೆಯ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ವರ್ಗಾಯಿಸುವಂತೆ ಒತ್ತಾಯ ಪಡಿಸಿದ್ದು, ಸದರಿ 1, 2 ಮತ್ತು 3ನೇ ಆರೋಪಿತರು ಸಮಾನ ಉದ್ದೇಶದಿಂದ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಅನೇಕ ರೀತಿಯಲ್ಲಿ ಮಾನಸಿಕವಾಗಿ ಚಿತ್ರಹಿಂಸೆ ನೀಡಿ ಹೆಚ್ಚಿನ ವರದಕ್ಷಿಣೆಯಾಗಿ ಬೇಡಿಕೆ ಇಟ್ಟಿರುವುದು ಸಾಕ್ಷ್ಯಾಧಾರಗಳಿಂದ



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

ದೃಢಪಟ್ಟ ಮೇರೆಗೆ ಮೇಲ್ಕಂಡ ಕಾನೂನಿನಡಿಯಲ್ಲಿ ಆರೋಪಿಗಳ ವಿರುದ್ಧ ಈ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ.”

The entire crux of the summary is with regard to watching of Shivani's videos by the husband and the grievance is that, he is a follower of Brahmakumari and did not want to have physical relationship with the complainant. Insofar as the other accused are concerned i.e., father-in-law and mother-in-law, the allegation is that they had demanded dowry at the time of marriage and have instigated their son, 1st petitioner in that regard.

12. Certain analogous proceedings are instituted by the wife seeking annulment of marriage on the ground of cruelty due to non-consummation of marriage in a petition filed under Section 12(1)(a) of the Hindu Marriage Act in M.C.No.586 of 2020. The concerned Court by its order dated 16th November, 2022 allows the petition on the ground of cruelty by the following observation:

*"23. Even though the petitioner has not examined the doctor, but considering the absence of the respondent, as he is not interested to conduct cross-examination of P.W.1 and enter the witness box to rebut the evidence of petitioner, this Court can draw adverse inference against him. Therefore, I am of the view that the petitioner has discharged the burden and she has brought on record the ingredients of Sec.12(1)(a) of The Hindu Marriage Act, 1955 that owing to impotency of the respondent, her marriage with the respondent has not been consummated. Since she has proved that it is a voidable marriage and she has also filed this petition on 31.1.2020 i.e., within one year of their marriage which took place on 18.12.2019. So, the petitioner is certainly entitled for decree of annulment of her marriage. Hence, I answer **Points No.1 and 2 in the Affirmative.**"*

and draw up the order as follows:

*"24. **Point No.3:** In view of my discussion and findings given on points No.1 to 3, I proceed to pass the following;*



CNR: KAHC010365242024

ORDER

The petition filed under Sec.12(I)(a) and (v) of The Hindu Marriage Act, 1955, by the petitioner/wife is hereby allowed with costs.

The marriage between the petitioner and respondent solemnized on 18.12.2019, at Kodava Samaja, Ponnampet is hereby annulled by granting decree of nullity.

Draw up a decree accordingly."

Decree is also granted annulling the marriage as per the afore-extracted order. The respondent therein and the 1st petitioner herein has not challenged the same and would submit that he has accepted the decree. The decree was on the ground that the husband did not have physical relationship with the wife. He is treated as an impotent and the decree is granted on the ground of cruelty. In the teeth of the aforesaid facts i.e., the complaint, summary of the charge sheet and a decree of divorce, whether further proceedings in C.C.No.15166 of 2020 should be permitted to be continued is the issue.

13. Insofar as accused 2 and 3/mother-in-law and father-in-law are concerned, the complaint or the summary of the charge sheet on the face of it, does not make out an iota of ingredient of Section 498A of the IPC. Section 498A of the IPC reads as follows:

"498-A. Husband or relative of husband of a woman subjecting her to cruelty.—
Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty" means—



CNR: KAHC010365242024

- (a) *any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or*
- (b) *harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."*

Section 498A of the IPC has two parts in it which define cruelty. Cruelty would mean any willful conduct which is of the nature as is likely to drive a woman to commit suicide or cause grave injury or danger to the life of the woman. The other part is harassment, where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand. The section itself punishes the husband or the relative who subjects a woman to such cruelty.

14. A perusal at the complaint would indicate no ingredient of any cruelty by the in-laws i.e., father-in-law and the mother-in-law and it is an admitted fact that the parents never stayed with the couple. In the teeth of such facts, if further proceedings are permitted to continue against the parents, it would become an abuse of the process of law and run foul of the judgment of the Apex Court in the case of **KAHKASHAN KAUSAR v. STATE OF BIHAR**⁵ 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 in-laws Appellants are in the nature of general omnibus allegations and therefore liable to be quashed?

⁵ 2022 SCC OnLine SC 162



CNR: KAHC010365242024

11. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of section 498A of IPC 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 498A IPC 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.*⁴, has observed:—

"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 result in suicide or murder of a woman as mentioned in the statement of Objects and Reasons of the Act 46 of 1983. The expression 'cruelty' in Section 498A 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. It is a matter of serious concern that large number of cases continue to be filed under 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 visualized. 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*⁵, it was also observed:—



CNR: KAHC010365242024

"4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A 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 498-A 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, bed-ridden grandfathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested."

14. Further in *Preeti Gupta v. State of Jharkhand*⁶, it has also been observed:—

"32. 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. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber 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 fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.



CNR: KAHC010365242024

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized 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 husband and all his immediate relations is also not uncommon. At times, even after the conclusion of 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 scrutinized 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 amicable settlement altogether. The process of suffering is extremely long and painful."

15. In *Geeta Mehrotra v. State of UP*², it was observed:—

"21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of *G.V. Rao v. L.H.V. Prasad* reported in (2000) 3 SCC 693 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:



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

"12.....there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, 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 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 reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the 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. The State of Telangana*⁸, it was also observed that:—

"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 above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC 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 01.04.19, it is revealed that general allegations



CNR: KAHC010365242024

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 No. 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 Ld. 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 01.04.19, is distinct and independent, and cannot be termed as a repetition of an earlier FIR dated 11.12.17.

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 in-laws Appellants would simply result in an abuse of the process of law.



CNR: KAHC010365242024

21. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, 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.

22. Therefore, upon consideration of the relevant circumstances and in the absence of any specific role attributed to the accused appellants, 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)

In the light of the judgment of the Apex Court as afore-extracted, the proceedings against in-laws are required to be obliterated.

15. Insofar as the husband/1st petitioner is concerned, the complaint narrates several grievances and those grievances are trivial in nature. It is the averment that the complainant knew about the attitude of the husband. Even then, she gets married due to the force of elders of the family thinking that the husband would become alright and stayed only for 28 days in the matrimonial house. In those 28 days, neither the complaint nor the summary charge sheet narrates any factum/incident that would become an ingredient of Section 498A of the IPC. The only allegation is that, he is



CNR: KAHC010365242024

a follower of *Brahmakumari*; always was watching videos of one sister Shivani, a *Brahmakumari*; gets inspired by watching those videos, always told that love is never getting physical, it should be soul to soul. On this score, he never intended to have physical relationship with his wife. This would undoubtedly amount to cruelty due to non-consummation of marriage under Section 12(1)(a) of the Hindu Marriage Act and not cruelty as is defined under Section 498A of the IPC. It is on the basis of such cruelty a decree of divorce is granted to the complainant and on the same basis, criminal proceedings cannot be permitted to be continued. Finding no ingredient even against the husband, the proceedings if permitted to continue would degenerate into harassment, become an abuse of the process of law and ultimately result in miscarriage of justice.

16. In matrimonial cases, the Apex Court has time and again directed that unless the offences are found *albeit prima facie*, such proceedings should not be permitted to continue. The Apex Court in the case of **SHAFIYA KHAN v. STATE OF UTTAR PRADESH AND ANOTHER⁶**, has held as follows:

"18. Although it is true that it was not open for the Court to embark upon any enquiry as to the reliability or genuineness of the allegations made in the FIR, but at least there has to be some factual supporting material for what has been alleged in the FIR which is completely missing in the present case and documentary evidence on record clearly supports that her Nikah Nama was duly registered and issued by competent authority and even the charge-sheet filed against her does not prima facie disclose how the marriage certificate was forged.

19. In the given circumstances and going through the complaint on the basis of which FIR was registered and other material placed on record, we are of the considered view that no offence of any kind as has been alleged in the FIR, has been made out against

⁶ (2022) 4 SCC 549



CNR: KAHC010365242024

the appellant and if we allow the criminal proceedings to continue, it will be nothing but a clear abuse of the process of law and will be a mental trauma to the appellant which has been completely overlooked by the High Court while dismissing the petition filed at her instance under Section 482 CrPC."

(Emphasis supplied)

In the light of the judgments rendered by the Apex Court in the cases of **KAHKASHAN KAUSAR** and **SHAFIYA KHAN** (*supra*), I deem it appropriate to exercise the inherent jurisdiction under Section 482 of the Cr.P.C. and obliterate entire proceedings against all the accused."

(Emphasis supplied at each instance)

On a blend of the afore-quoted judgments of the Apex Court and this Court and the facts obtaining in the case at hand, the unmistakable inference would be that, the proceedings under Section 498A of the IPC cannot be permitted to continue.

10. **The case at hand, without embellishments, reveals that the gravamen of the accusation is nothing more than the alleged non-consummation of the marriage.** Every other allegation appears to have been ingeniously woven into the narrative only to bring the case within the four corners of Section 498A of the IPC. Such



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

embellishments, on a plain reading of the complaint, neither satisfy the statutory ingredients of the offence nor disclose acts that would constitute cruelty within the meaning of the provision. **The criminal law cannot be permitted to be invoked to convert matrimonial incompatibility , marital discord or non-consummation of marriage into a prosecution for cruelty by the simple device of adding ornamental allegations bereft of legal substance.**

11. What, however, aggravates the situation is the collateral consequence that has ensued. The petitioner is a serving Police Officer. The very registration of the impugned crime has unleashed a departmental inquiry against him, casting a shadow over his service career and professional reputation. **Thus, the repercussions of the untenable prosecution travel far beyond the confines of the criminal Court. The petitioner is compelled to face a two-pronged assault: first, the abuse of the criminal process, and second, the stigma and adverse service consequences flowing from the pendency of the criminal case.**



CNR: KAHC010365242024

NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

12. Once this Court comes to the conclusion that the continuation of the criminal proceedings is itself an abuse of the process of law and the same deserves to be obliterated, the superstructure erected upon such a legally unsustainable foundation cannot be permitted to survive. A departmental inquiry, if its genesis lies in the registration of the impugned crime, cannot have an independent existence once the substratum disappears.. Therefore, the inevitable and natural corollary of quashing the impugned proceedings would have a bearing on the departmental inquiry initiated solely on account of the registration of the said crime. **Any other view would amount to allowing the shadow to survive even after the substance has vanished,**

13. For the aforesaid reasons, the following:

ORDER

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



NC: 2026:KHC:38574
CRL.P No. 6355 of 2024

CNR: KAHC010365242024

(ii) The proceedings in C.C.No.16161/2024
pending on the file of the XXIV ACMM,
Bengaluru City stand quashed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

JY
List No.: 1 Sl No.: 1