



Reserved on : 20.02.2025
Pronounced on : 07.03.2025

IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 07TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.103553 OF 2023

BETWEEN:

- 1 . SRI H.SANNA DEVANNA
S/O HULGAPPA
AGED ABOUT 58 YEARS
OCC: GOVT. EMPLOYEE
- 2 . SMT. SHIVAGANGAMMA
W/O SANNA DEVANNA
AGED ABOUT 52 YEARS
OCC: HOUSEHOLD
R/O VALMIKI, ANANT SHYANAGUDI
PANDURANG COLONY, HOSAPETE
DIST: VIJAYANAGAR – 583 201.

... PETITIONERS

(BY SRI B.C.JNANAYYA SWAMI, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
DHARWAD (THROUGH KUDLIGI PS).

2 . SMT. PADMAPRIYA @ RASHMIKA
W/O SAGAR H.,
AGED ABOUT 26 YEARS
OCC: HOUSEHOLD
R/O VALMIKI, ANANT SHYANAGUDI
PANDURANG COLONY, HOSAPETE
DIST: VIJAYANAGAR – 583 201.

... RESPONDENTS

(BY SRI SHARAD V.MAGADUM, AGA FOR R1;
SRI L.T.MANTAGANI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.NO 387/2023 PENDING ON THE FILE OF SR. CIVIL JUDGE AND JMFC COURT KUDLIGI, BALLARI ARISING OUT OF CRIME NO. 16/2023 FOR THE OFFENCE U/SEC. 504, 506, 498A, 323, 324 R/W 34 OF IPC REGISTERED BY KUDLIGI (PS).

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 20.02.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

Petitioners/accused No.2 and 3 are before this Court calling in question proceedings in C.C.No.387 of 2023 pending before the Senior Civil Judge and JMFC, Kudligi, arising out of crime in Crime No.16 of 2023.

2. Heard Sri B.C. Jnanayyaswami, learned counsel appearing for the petitioners, Sri Sharad V.Magadum, learned Additional Government Advocate appearing for respondent No.1 and Sri L.T.Mantagani, learned counsel appearing for respondent No.2.

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

These very petitioners were before this Court in Crl.P.No.101763/2023 seeking quashment of registration of crime in Crime No.16 of 2023 registered for offences punishable under Sections 323, 324, 498A, 504 and 506 r/w 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. This Court noticing the fact that the matter was at the stage of crime had dismissed the petition on 10.08.2023, by the following order:

"2. The second respondent is the complainant. The petitioners are accused Nos.2 & 3 / mother-in-law & father-in-law of the complainant. The complainant is the wife of the accused No.1, who is not before the Court. They two got married on 02.07.2021 and also have a child from the wedlock. It transpires that the relationship between the husband and wife turned sour and on account of the torture meted out by the accuse Nos.1, 2 & 3, the complainant registered a crime on 23.01.2023. The complaint becomes a crime in Crime No.16/2023 for the offenses punishable under Sections 323, 324, 498-A, 504, 506 read with Section 34 of IPC. Registration of the crime is what drives the petitioners to this Court in the subject petition.

3. Learned counsel appearing for the petitioners would contend that there is no material against the petitioners. It is only an omnibus and vague allegation that form against the petitioners. It is the submission that all the allegations are against the accused No.1 / husband and therefore, further proceedings should not be permitted to be continued against these petitioners.

4. On the other hand, learned HCGP would submit that the allegations are indeed found and the crime is registered on 23.01.2023 and is being investigated into. Learned HCGP would submit that the Court should not entertain the petition at this juncture.

5. I have given my anxious consideration to the arguments advanced by the respective counsel and also have perused the material on record.

6. The issue now lies in a narrow compass as the crime is registered only on 23.01.2023 and what is required to be noticed is the complaint, whether it does make out ingredients of the offences alleged or not. The summary of the complaint as found in Column 10 of the FIR reads as follows:

"10. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ ವಿವರಗಳು ದಿನಾಂಕ: 02.07.2021 ರಂದು ಫಿರ್ಯಾದಿದಾರರಿಗೂ ಮತ್ತು ಆರೋಪಿ-01 ರವಿಗೂ ಕುಲ ಪದ್ಧತಿ ಪ್ರಕಾರ ಮರಬ ಗ್ರಾಮದ ಶ್ರೀ. ವೀರಭದ್ರೇಶ್ವರದೇವಸ್ಥಾನದಲ್ಲಿ ಮದುವೆಯಾಗಿದ್ದು, ಕೆಲವು ತಿಂಗಳುಗಳ ಆರೋಪಿ-01 ರಿಂದ 03 ರವರು ಫಿರ್ಯಾದಿದಾರರಿಗೆ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಂಡಿದ್ದು, ನಂತರದ ದಿನಗಳಲ್ಲಿ ಆರೋಪಿ-01 ರವರು ಮದುವೆ ಮಾತುಕತೆಯ ಪ್ರಕಾರ 04 ತೊಲೆ ಬಂಗಾರತೆಗೆದುಕೊಂಡು ಬರುವಂತೆ ಮತ್ತು ಎನ್ನೂ 20 ತೊಲೆ ಬಂಗಾರ ಮತ್ತು 50 ಲಕ್ಷ ರೂ.ಗಳನ್ನು ವರದಕ್ಷಿಣೆಯಾಗಿ ತರುವಂತೆ ಪೀಡಿಸುತ್ತಿದ್ದು, ಅಷ್ಟೊಂದು ಹಣ ಮತ್ತು ಬಂಗಾರವನ್ನು ತರಲಾಗುವುದಿಲ್ಲವೆಂದು ಫಿರ್ಯಾದಿಯು ಹೇಳಿದ್ದಕ್ಕೆ ಆರೋಪಿ-01 ರವರು ಅವಾಚ್ಯವಾಗಿ ಬೈದು, ಕೈಗಳಿಂದ ಹೊಡೆದಿದ್ದು, ಮತ್ತು ಆರೋಪಿ 02 ಮತ್ತು 03 ರವರು ಸಹಾ ಕಿರುಕುಳ ನೀಡಿದ್ದು, ಈ ವಿಷಯವನ್ನು ತನ್ನ ತವರು ಮನೆಯವರಿಗೆ ತಿಳಿಸಿದಾಗ ಆರೋಪಿತರಿಗೆ ಬುದ್ಧಿವಾದ ಹೇಳಿ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳಲು ತಿಳಿಸಿದ್ದು, ದಿನಾಂಕ : 01-04-2022 ರಂದು ಫಿರ್ಯಾದಿದಾರರಿಗೆ ಒಂದುಗೂಡು ಮಗು ಜನಿಸಿದ್ದು, ಆರೋಪಿತರು ಫಿರ್ಯಾದಿದಾರರನ್ನು ಮತ್ತು ಮಗುವನ್ನು ನೋಡಲು ಬರದೇ ಇದ್ದು ನಮ್ಮ ಮಗುವಲ್ಲಂತಾ ಅನುಮಾನ ವ್ಯಕ್ತಪಡಿಸಿದ್ದು, ದಿನಾಂಕ : 16-01-2023 ರಂದು ಬೆಳಿಗ್ಗೆ : 7.00 ಗಂಟೆ ಸುಮಾರಿಗೆ ಫಿರ್ಯಾದಿಯು ಹುಬ್ಬಳ್ಳಿಯ ಮನೆಯಲ್ಲಿದ್ದಾಗ ಆರೋಪಿ-01 ರವರು ಫಿರ್ಯಾದಿಯೊಂದಿಗೆ ಜಗಳ ತೆಗೆದು ವರದಕ್ಷಿಣೆ ಹಣ ಮತ್ತು

ಬಂಗಾರತಂದಿಲ್ಲವೆಂದುಅವಾಚ್ಯವಾಗಿ ಬೈದು, ಮನೆಯಲ್ಲಿದ್ದತಗ್ಗುಂಡುತೆಗೆದುಕೊಂಡು ಫಿರ್ಯಾದಿಯತೆಲೆಗೆ, ಬಲ, ಭುಜಕ್ಕೆ, ಹೊಟ್ಟೆಗೆ ಹೊಡೆದು ಗಾಯಪಡಿಸಿದ್ದು, ತಪ್ಪಿಸಿಕೊಳ್ಳಲು ಪ್ರಯತ್ನಿಸಿದ ಫಿರ್ಯಾದಿಗೆ ಆರೋಪಿ-3 ರವರುಕೂದಲು ಹಿಡಿದು ಇವಳನ್ನು ಬಿಡಬೇಡ ಸಾಯಿಸಿಬಿಡು ಎಂದು ಮತ್ಸರರೋಪಿ- 02 ರವರು ಸಹಾ ಇವಳಿಗೆ ಹೊಡೆದು ಸಾಯಿಸಿ ಬಿಡು ನಿನಗೆ ಇನ್ನೊಂದು ಮದುವೆ ಮಾಡುತ್ತೇವೆಅಂತಾಆರೋಪಿ-01 ರವರಿಗೆ ಹೇಳಿದ್ದು, ಆರೋಪಿತರು ಮಾನಸಿಕ ಮತ್ತುದೈಹಿಕ ಕಿರುಕುಳ ನೀಡಿದ್ದರಿಂದ ಫಿರ್ಯಾದಿದಾರರುತನ್ನತವರೂರಿಗೆ ಬಂದು ದಿನಾಂಕ : 22-01-2023ರಂದು ಕೂಡಲೆಗೆ ಸರ್ಕಾರಿಆಸ್ಪತ್ರೆಯಲ್ಲಿಚಿಕಿತ್ಸೆ ಪಡೆದು, ತನ್ನತಂದೆತಾಯಿಗಳೊಂದಿಗೆ ಚರ್ಚಿಸಿ ಈ ದಿನ ತಡವಾಗಿರಾಣೆಗೆ ಬಂದುಆರೋಪಿತರ ಪಿರುದ್ದ ನೀಡಿದುದೂರಿನ ಸಾರಾಂಶದ ಮೇರೆಗೆ ಪ್ರಕರಣ ದಾಖಲಿಸಿದೆ.”

7. The allegation in the complaint no doubt, is for demand of dowry, but the acts of all the accused are clearly narrated, with pointed reference to certain instances of unbearable torture. In the teeth of the aforesaid facts which becomes a crime in Crime No.16/2023, further investigation cannot be stalled on the plea that the petitioners are the mother-in-law and father-in-law and they are dragged into the web of crime, without rhyme or reason. Both the rhyme and reason are present in the case at hand against the petitioners. The petition thus, lacking in merit stands dismissed.”

The relationship between the parties and the allegations were captured by this Court in the aforesaid order while dismissing the petition. The allegation in the complaint, as observed hereinabove, was no doubt demand of dowry. The police after investigation have now filed a charge sheet. The filing of the charge sheet has driven the petitioners back to this Court in the subject petition. The offences that were alleged at the time of registration of crime are all maintained even while filing the charge sheet.

4. The learned counsel for the petitioners would vehemently contend that all IPC offences are retained while filing the charge sheet but the offences punishable under Sections 3 and 4 of the Dowry Prohibition Act have been dropped. It is his submission that when there is no demand of dowry, Section 498A of the IPC cannot be alleged against the petitioners, in particular. He would submit that all the allegations are against the husband. The mother-in-law and father-in-law do not stay with the couple but they are unnecessarily dragged into the web of crime.

5. *Per contra*, the learned counsel appearing for the 2nd respondent/complainant would vehemently refute the submissions contending that allegations are against all the three. The complainant has been tortured by the accused and, therefore, it is a matter of trial for them to come out clean. He would submit that merely because the offences under the Dowry Prohibition Act have been dropped, it does not mean that the present offences as afore-quoted are not met. He would seek dismissal of the petition.

6. The learned Additional Government Advocate representing the State would also toe the lines of the learned counsel appearing

for the 2nd respondent by taking this Court through the charge sheet so filed. He would also seek dismissal of the petition.

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 earlier proceedings has captured the gist of the crime. After dismissal of the petition, comes the charge sheet. The summary of the charge sheet as obtaining under Column 17 is as follows:-

“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಕಾಲಂ: 504, 498(ಎ), 323, 324, 506 ರೆ/ಎ 34 ಐ.ಪಿ.ಸಿ ಅಡಿಯಲ್ಲಿ.

ಗೌರವಸ್ಥಿತ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಕೂಡಲಿಗಿ ಪೊಲೀಸ್ ಠಾಣಾ ಸರಹದ್ದಿನಲ್ಲಿ ಬರುವ ಕೂಡಲಿಗಿ ಪಟ್ಟಣದ ವಾಸವಾಗಿರುವ ಈ ದೋಷಪತ್ರದ ಕಾಲಂ ನಂ: 14 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಸಾಕ್ಷಿ-1 ಮತ್ತು ಈ ದೋಷಪತ್ರದ ಕಾಲಂ ನಂ:12 ರಲ್ಲಿ ನಮೂದು ಮಾಡಿದ ಆರೋಪಿ-1 ಇವರಿಗೆ ಕೊಟ್ಟು ಮದುವೆ ಮಾಡಲು ಮದುವೆ ಮಾತುಕತೆಯನ್ನು ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರು ಸಾಕ್ಷಿ-6 ರಿಂದ 10 ರವರ ಸಮಕ್ಷಮ 2021 ಜೂನ್ 20 ರಂದು ಸಾಕ್ಷಿ-4 ರವರ ಮನೆಯಲ್ಲಿ ಮದುವೆ ಮಾತುಕತೆ ಮಾಡಿ ಮದುವೆಯನ್ನು ದಿನಾಂಕ : 02-07-2021 ರಂದು ಮರಬ ಗ್ರಾಮದ ವೀರಭದ್ರೇಶ್ವರ ದೇವಸ್ಥಾನದಲ್ಲಿ, ಮಾಡಿಕೊಡುವುದಾಗಿ ಮಾತುಕತೆ ಮಾಡಿ ಅದರಂತೆ ದಿನಾಂಕ: 02-07-2021 ರಂದು ಮರಬ ಗ್ರಾಮದ ವೀರಭದ್ರೇಶ್ವರ ದೇವಸ್ಥಾನದಲ್ಲಿ, ಸಾಕ್ಷಿ-11 ರವರು ನೇರವೇರಿಸಿಕೊಟ್ಟಿದ್ದು, ಮದುವೆ ನಂತರ ಸಾಕ್ಷಿ-1 ರವರು ಆಷಾಡ ಮಾಸ ಇದ್ದುದರಿಂದ 1 ತಿಂಗಳು ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರ ಮನೆಯಲ್ಲಿಯೇ ವಾಸವಿದ್ದು ಆಷಾಡ ಮಾಸ ಮುಗಿದ ನಂತರ ಆರೋಪಿ-1 ಈತನು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಹೊಸಪೇಟೆಯಲ್ಲಿರುವ ಅವರ ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಸಂಸಾರ ಮಾಡುತ್ತಿದ್ದು, ಕೆಲ ತಿಂಗಳು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆರೋಪಿ-2 ಮತ್ತು 3 ರವರು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಂಡು ನಂತರ ಆರೋಪಿತರು ಸಾಕ್ಷಿ-1 ಇವರಿಗೆ ಅಡಿಗೆ ಮಾಡಲು ಬರುವುದಿಲ್ಲ, ಮನೆಕೆಲಸ ಮಾಡಲು ಬರುವುದಿಲ್ಲ, ವೆಂದು, ಪ್ರತಿ

ದಿನ ಅವಾಚ್ಯವಾಗಿ ಬೈದಾಡಿ ಮಾನಸಿಕವಾಗಿ ಮತ್ತು ದೈಹಿಕವಾಗಿ ಹಿಂಸೆ ಮಾಡಲು ಪ್ರಾರಂಭಿಸಿದ್ದು ಈ ವಿಷಯವನ್ನು ಸಾಕ್ಷಿ-1 ರವರು ಆರೋಪಿ-1 ಇವರಿಗೆ ಹೇಳಿದರು ಆರೋಪಿ-1 ಈತನು ಆರೋಪಿ-2 ಮತ್ತು 3 ರವರ ಮಾತು ಕೇಳಿ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಅವಾಚ್ಯವಾಗಿ ಬೈದಾಡಿದ್ದು ಹೊಂದಿಕೊಂಡು ಹೋಗುವಂತೆ ಹೇಳಿದ್ದು ನಂತರದ ದಿನಗಳಲ್ಲಿ ಆರೋಪಿ-2 ಮತ್ತು 3 ರವರು ಸಾಕ್ಷಿ-1 ಇವರಿಗೆ ಲೇ ಬೂಸೂಡಿ ಎಲ್ಲಿಂದ ನನ್ನ ಮಗನಿಗೆ ಗಂಟು ಬಿದ್ದೆ ನಿನಗೆ ಅಡುಗೆ ಮಾಡಲು ಬರುವುದಿಲ್ಲ, ನನ್ನ ಮಗನಿಗೆ ಒಳ್ಳೆ ಕೆಲಸ ಇದೆ ಬೇರೆಯವರನ್ನು ಮದುವೆ ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿ ಇರುತ್ತಿತ್ತು ಎಂದು ಮಾನಸಿಕ ಹಿಂಸೆ ಮಾಡಲು ಪ್ರಾರಂಭಿಸಿದ್ದು ಆರೋಪಿ-1 ರಿಂದ 3 ರವರು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಹಿಂಸೆ ನೀಡುವುದು ವಿಪರೀತವಾಗಿದ್ದರಿಂದ ಅವರು ನೀಡುವ ಹಿಂಸೆಯ ಬಗ್ಗೆ, ಸಾಕ್ಷಿ-1 ರವರು ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರ ಬಳಿ ತಿಳಿಸಿದ್ದು ಆಗ ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರು ನವೆಂಬರ್ ತಿಂಗಳಲ್ಲಿ ಹೊಸಪೇಟೆಗೆ ಹೋಗಿ ಆರೋಪಿ-1 ಈತನಿಗೆ ಬುದ್ಧಿ ಮಾತು ಹೇಳಿ ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುವಂತೆ ಇಬ್ಬರು ಹೊಂದಿಕೊಂಡು ಸಂಸಾರ ಮಾಡಿಕೊಂಡು ಹೋಗುವಂತೆ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆತನೊಂದಿಗೆ ಹುಬ್ಬಳಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗುವಂತೆ ಹೇಳಿದ್ದು ಅದಕ್ಕೆ ಆರೋಪಿ-1 ಈತನು ಒಪ್ಪಿ ಕೊಂಡು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆತನ ಜೊತೆ ಹುಬ್ಬಳಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಹುಬ್ಬಳಿಯ ಶಾಂತಿನಗರದ ಬಸವೇಶ್ವರ ಪಾರ್ಕ್ ಹತ್ತಿರ ಆತನು ಈಗಾಗಲೇ ಬಾಡಿಗೆ ಪಡೆದುಕೊಂಡಿರುವ ಮನೆಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದು ಅಲ್ಲಿ ಸಾಕ್ಷಿ-1 ರವರು 5 ತಿಂಗಳು ಗರ್ಭಿಣಿಯಾಗಿದ್ದು ಒಂದು ವಾರದ ನಂತರ ಹುಬ್ಬಳಿಗೆ ಆರೋಪಿ-2 ಮತ್ತು 3 ರವರು ಹೋಗಿ ಸಾಕ್ಷಿ-1 ಮತ್ತು ಆರೋಪಿ-1 ರವರೊಂದಿಗೆ ವಾಸವಿದ್ದಾಗ ಆರೋಪಿ-1 ಇವನು ಆರೋಪಿ-2 ಮತ್ತು 3 ಇವರ ಮಾತು ಕೇಳಿ ಸಾಕ್ಷಿ-1 ಇವರಿಗೆ ಮಾನಸಿಕವಾಗಿ ಮತ್ತು ದೈಹಿಕವಾಗಿ ಹಿಂಸೆ ನೀಡಲು ಪ್ರಾರಂಭಿಸಿದರೂ ಸಾಕ್ಷಿ-1 ರವರು ಸುಧಾರಿಸಿಕೊಂಡು ಹೋಗಿದ್ದು, 2021 ನವೆಂಬರ್ ತಿಂಗಳಲ್ಲಿ ಆರೋಪಿ-1 ರಿಂದ 3 ರವರು ಹೊಸಪೇಟೆಗೆ ಕರೆದುಕೊಂಡು ಬಂದು ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಸೀಮಾಂತ ಮಾಡಿ ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರ ಮನೆಗೆ ಕಳುಹಿಸಿದ್ದು, ಸಾಕ್ಷಿ-1 ಇವರಿಗೆ ದಿನಾಂಕ 01-04-2022 ರಂದು ಗಂಡು ಮಗುವಿಗೆ ಹೆರಿಗೆಯಾಗಿದ್ದು ಈ ವಿಷಯವನ್ನು ಸಾಕ್ಷಿ-1 ಇವರು ಆರೋಪಿ-1 ರಿಂದ 3 ಇವರಿಗೆ ತಿಳಿಸಿದರು ಅವರು ಸಾಕ್ಷಿ-1 ರವರನ್ನಾಗಲಿ, ಮಗುವನ್ನಾಗಲಿ ನನ್ನಾಗಲಿ ನೋಡಲಿಕ್ಕೆ ಬರದೇ ಇದ್ದುದರಿಂದ ಮತ್ತು ಮಗುವಿಗೆ 9 ತಿಂಗಳು ಆದರೂ ಆರೋಪಿತರು ಬರದೇ ಇದ್ದುದರಿಂದ ಸಾಕ್ಷಿ-4 ಮತ್ತು 5 ರವರು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಆರೋಪಿ-1 ಈತನ ಮನೆಗೆ ಬಿಟ್ಟು ಬರುವಂತೆ ಸಾಕ್ಷಿ-9 ಇವರಿಗೆ ತಿಳಿಸಿದ್ದು ಅದರಂತೆ ಸಾಕ್ಷಿ-9 ರವರು ದಿನಾಂಕ 22-12-2022 ರಂದು ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಹುಬ್ಬಳಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಆರೋಪಿ-1 ಇವರಿಗೆ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುವಂತೆ ಬುದ್ಧಿ ಮಾತು ಹೇಳಿ ಬಿಟ್ಟು ಬಂದಿರುವುದಾಗಿ ನಂತರ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ಆರೋಪಿ-1 ಇವನು ಆರೋಪಿ-2 ಮತ್ತು 3 ರವರ ಮಾತು ಕೇಳಿ ದಿನಾಲು ಲೇ ತುಡುಗಿ ಮಿಂಚ್ಚಿರಲಾಗಿ ಈ ಮಗು ನನ್ನದಲ್ಲ ಎಂದು ಅವಾಚ್ಯವಾಗಿ ಬೈದಾಡಿ ಕೈಗಳಿಂದ ಹೊಡೆ ಬಡೆ ಮಾಡಿರುವುದಾಗಿ, ದಿನಾಂಕ 16/01/2023 ಬೆಳಿಗ್ಗೆ ಸುಮಾರು 7-00 ಗಂಟೆಗೆ ಆರೋಪಿ-1 ಇವನು ಸಾಕ್ಷಿ-1 ಇವರೊಂದಿಗೆ ಜಗಳ ತೆಗೆದು ನೀನು ಇದ್ದರೆ ನನಗೆ ನೆಮ್ಮದಿ ಇಲ್ಲ, ಎಂದು ನನಗೆ ಮನೆಯಲ್ಲಿ ಬೇಳೆ ತಿಕ್ಕುವ ತಗ್ಗುಂಡು ತೆಗೆದುಕೊಂಡು ಸಾಕ್ಷಿ-1 ರವರ ಮೊಳಕಾಲು ಮತ್ತು ದೇಹದ ಮೇಲೆ ಇತರೆ ಕಡೆ ಹೊಡೆದು ಸಾದ ಸ್ವರೂಪದ ಗಾಯ ಪಡಿಸಿದ್ದು.

ಆಗ ಸಾಕ್ಷಿ-1 ರವರು ತಪ್ಪಿಸಿಕೊಳ್ಳಲು ಹೋದಾಗ ಆರೋಪಿ-3 ಇವರು ಸಾಕ್ಷಿ-1 ಇವರ ಕೂದಲು ಹಿಡಿದು ಇವಳನ್ನು ಬಿಡಬೇಡ ಸಾಂಯಿಸಿಬಿಡು ಎಂದು ಆರೋಪಿ-1 ಇವರಿಗೆ ಹೇಳಿರುವುದಾಗಿ ಆರೋಪಿ-2 ಇವರು ಸಹ ಸಾಕ್ಷಿ-1 ಇವರಿಗೆ ಹೊಡೆದು ಸಾಯಿಸು ನಿನಗೆ ಇನ್ನೊಂದು ಮದುವೆ ಮಾಡುತ್ತೇನೆ ಎಂದು ಹೇಳಿರುವುದಾಗಿ ಆಗ ಸಾಕ್ಷಿ-1 ರವರು ಕಿರುಚಿಕೊಂಡಾಗ ಪಕ್ಕದ ಮನೆ ವಾಸಿಗಳಾದ ಸಾಕ್ಷಿ-12, 13 ರವರು ಬಂದು ಜಗಳ ಬೆಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆಂದು ವಿಷಯ ತಿಳಿದು ಸಾಕ್ಷಿ-8 ಮತ್ತು 9 ರವರು ಹುಬ್ಬಳ್ಳಿಗೆ ಹೋಗಿ ಸಾಕ್ಷಿ-1 ರವರನ್ನು ಕರೆದುಕೊಂಡು ಬರುವಾಗ ಆರೋಪಿ-1 ಇವನು ಸಾಕ್ಷಿ-1 ರವರ ಕೊರಳಲ್ಲಿದ್ದ ತಾಳಿ ಕಿತ್ತುಕೊಂಡು ಅವಾಚ್ಯವಾಗಿ ಬೈದಾಡಿ ಇನ್ನೊಮ್ಮೆ ನಮ್ಮ ಮನೆಗೆ ಬಂದರೆ ನಿನ್ನನ್ನು ಜೀವ ಸಹಿತ ಉಳಿಸುವುದಿಲ್ಲವೆಂದು ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾನೆಂದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿದ್ದರಿಂದ ಆರೋಪಿ-1 ರಿಂದ 3 ರವರ ವಿರುದ್ಧ ಕಲಂ: 504, 498[ಎ] 323, 324, 506 ರ/ವಿ 34 ಐ.ಪಿ.ಸಿ ಅಡಿಯಲ್ಲಿ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಈ ದೋಷಪತ್ರವನ್ನು ನಿವೇದಿಸಿಕೊಂಡಿದೆ.”

(Emphasis added)

The offences that are dropped are under the Dowry Prohibition Act against the petitioners/accused Nos.2 and 3. **But, there are pointed instances of torture meted out against the complainant. She has been assaulted by pulling her hair by both accused Nos.2 and 3, the petitioners herein. There are eye witnesses to the incident. The charge sheet depicts the screaming of daughter-in-law, heard by a neighbor, who had come to her rescue. This being the observation in the summary of the charge sheet, merely because the offences under the Dowry Prohibition Act is dropped, it would not mean that mother-in-law and father-in-law, who have tortured the daughter-in-law, could walk away scot-free.**

Here it is apt to quote the judgment of the Apex Court in **ALURI VENKATA RAMANA v. ALURI THIRUPATHI RAO**¹, wherein it is held as follows:

7. Firstly, the provision under Section 498-A IPC must be examined. 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 purposes of this section, "cruelty" means-

(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."

8. Section 498A of the IPC was introduced in the year 1983 with the primary objective of protecting married women from cruelty at the hands of their husbands or their in-laws. The section provides a broad and inclusive definition of "cruelty," encompassing both physical and mental harm to the woman's body or health. In addition, it covers acts of harassment designed to coerce the woman or her family into fulfilling unlawful demands for property or valuable security, including demands related

¹ SLP (Crl.) No.9243 of 2024 decided on 12.12.2024

to dowry. Notably, the provision also recognizes acts that create circumstances leading a woman to the point of suicide as a form of cruelty.

9. The definition of "harassment" under the Explanation to Section 498A is specifically outlined in clause (b), independent to the "wilful conduct" described in clause (a), thus necessitating a separate reading of the two. It is significant to note that the inclusion of the word "**or**" at the end of clause (a) clearly indicates that "cruelty" for the purposes of Section 498A can either involve wilful conduct that causes mental or physical harm **or** harassment related to unlawful demands, such as dowry. Moreover, these forms of cruelty can co-exist, but the absence of a dowry-related demand does not preclude the application of the section in cases where there is mental or physical harassment unrelated to dowry. In interpreting the provision, it is crucial to consider the broader objective behind its introduction-to safeguard women from all forms of cruelty, regardless of whether the nature of the harm inflicted includes a specific demand for dowry or not.

10. The statement of objects and reasons for the introduction of this provision in the Indian Penal Code by The Criminal Law (Second Amendment) Act, 1983 (Act No.45 of 1983) reads as under -

"The increasing number of Dowry Deaths is a matter of serious concern. The extent of the evil has been commented upon by the Joint Committee of the Houses to examine the working of Dowry Prohibition Act, 1961. Cases of cruelty by the husband and the relatives of the husband which culminate in suicide by, or murder of, the hapless woman concerned, constitute only a small fraction of the cases involving such cruelty. It is therefore proposed to amend the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act suitably to deal effectively not only with cases of Dowry Death but also cases of cruelty to married woman by their in laws."

11. **It is relevant to note the last line which explains that the aim for the introduction of Section 498A in the IPC is not only to curb cruelty relating to dowry**

demand but also cases of cruelty to married woman by their in laws. A reasonable interpretation of this would be that cruelty within this section goes beyond the definition of cruelty relating just to dowry demand.

- 12. In the judgment of U.Suvetha v. State this Court outlined the necessary ingredients required to establish an offence under Section 498A of the IPC, as follows:**

"7. Ingredients of Section 498-A of the Penal Code are:

**(a)The woman must be married;
(b) She must be subjected to cruelty or harassment;
and (c) Such cruelty or harassment must have been shown either by husband of the woman or by the relative of her husband."**

- 13. From the above ingredients reiterated by this Court, it is clear that an unlawful demand for dowry is not a pre-requisite element to constitute "cruelty" under Section 498A IPC. It suffices that the conduct falls within either of the two broad categories outlined in clauses (a) or (b) of the provision, namely, wilful conduct likely to cause grave injury or mental harm (clause a), or harassment intended to coerce the woman or her family to meet any unlawful demand (clause b). Therefore, either form of cruelty, independent of a dowry, is sufficient to attract the provisions of Section 498A IPC and make the offence punishable under the law.**

- 14. Further, in the judgment of Arvind Singh v. State of Bihar, this Court observed that –**

"25. word 'cruelty' in common English acceptance denotes a state of conduct which is painful and distressing to another. The legislative intent in Section 498-A is clear enough to indicate that in the event of there being a state of conduct by the husband to the wife or by any relative of the husband which can be

attributed to be painful or distressing, the same would be within the meaning of the section".

15. The impugned judgment of the High Court carefully examined several legal precedents pertaining to the two distinct limbs of Section 498A IPC. The High Court correctly observed that the decisions cited by the counsel for the accused did not establish that the wilful conduct referred to in clause (a) of Section 498A would only be considered as cruelty if it is coupled with a dowry demand or any unlawful demand for property or valuable security, as specified in clause (b). The High Court rightly rejected this contention. However, following this observation, the High Court also noted that the Appellant did not specifically allege a demand for property or valuable security, and further concluded that the allegation of the accused physically assaulting the Appellant did not amount to "wilful conduct" as envisaged under clause (a) of Section 498A IPC. The judgment of the High Court primarily focused on the issue of whether a dowry demand is a necessary element for the applicability of Section 498A IPC. **The conclusion it arrived at was that the two clauses of the provision must be read disjunctively, thereby confirming that the absence of a dowry demand does not preclude the application of the section.** Despite this, the High Court went on to quash the criminal proceedings against the accused under Section 498A IPC. **Notably, the High Court failed to provide adequate reasoning as to why the allegations made by the Appellant—specifically, that she had been physically beaten—did not amount to "cruelty" under Section 498A IPC. The High Court's decision to quash the proceedings appears to have been primarily influenced by the lack of a dowry-related demand in the case, without addressing the broader implications of the allegations of physical abuse, which can fall within the scope of "cruelty" as contemplated by the provision."**

(Emphasis supplied)

The Apex Court observes that demand of dowry need not be an allegation for an offence under Section 498A of the IPC, if cruelty is *prima facie* met. The summary of the charge sheet, as quoted hereinabove, discloses cruelty in the case at hand by both the petitioners – mother-in-law and father-in-law is clearly met.

9. There are scores and scores of cases where offence under Section 498A of the IPC is misused. Merely because there is misuse of the said provision, that does not mean in cases where there is real torture can be brushed aside. The case at hand is one such illustration.

10. Therefore, finding no merit in the petition, the petition deserves to be dismissed. It is accordingly, **dismissed**.

SD/-

JUSTICE M.NAGAPRASANNA

nvj
CT:SS