



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION No.100448 OF 2022 (482(CR.PC)/528(BNSS))

BETWEEN:

1. SOMASHEKHAR S/O GOVINDAPPA JUTTAL
AGED ABOUT 43 YEARS, OCC. GOVT. SERVANT,
2. SHARAVVA W/O. GOVINDAPPA JUTTAL
AGED ABOUT 60 YEARS, OCC. HOUSEHOLD WORK,
3. CHANDRASHEKHAR S/O. GOVINDAPPA JUTTAL
AGED ABOUT 46 YEARS, OCC. AGRICULTURE,
4. SMT. LAXMI W/O. CHANDRASHEKHAR JUTTAL
AGED ABOUT 40 YEARS, OCC. HOUSEHOLD WORK,
ALL ARE R/O. KAMADOLLI VILLAGE,
TALUK KUNDAGOL, DIST. DHARWAD-581113.
5. MUKUNDAPPA GANIGER
OCC. COOK,
R/O. UPPINABETAGERI,
DHARWAD, HUBBALLI DHARWAD CITY,
KARNATAKA-580206.

...PETITIONERS

(BY MISS. RANJITHA, ADVOCATE FOR SRI. GANGADHAR J.M.,
ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY WOMENS P.S.
HUBBALLI-580009
R/BY SPP., HIGH COURT OF KARNATAKA,
BENCH AT DHARWAD.
2. SMT. MANJULA W/O. SOMASHEKHAR JUTTAL
AGED ABOUT 30 YEARS, OCC. HOUSEWIFE,





NC: 2026:KHC-D:3185
CRL.P No. 100448 of 2022

R/O. KAMADOLLI VILLAGE,
KUNDAGOL TALUK, DHARWAD DISTRICT
NOW AT P.B. ROAD, HOSAGABBUR VILLAGE,
TAL. HUBBALLI, DIST. DHARWAD-580009.

...RESPONDENTS

(BY SRI. PRAVEENA Y. DEVAREDDIYAVARA, HCGP FOR R1;
SRI. SATISH S. RAICHUR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.,
SEEKING TO QUASH THE PROCEEDINGS INITIATED AGAINST THE
PETITIONERS/ACCUSED NO.1 TO 5 FOR THE ALLEGED OFFENCES
PUNISHABLE U/S 498(A), 323, 504, 506, R/W 149 OF IPC AND
SECTION 3 AND 4 OF DOMESTIC VIOLENCE ACT, PENDING ON THE
FILE OF THE III ADDITIONAL CIVIL JUDGE AND JMFC HUBBALLI IN CC
NO.53/2022 (CRIME NO.11/2018 OF WOMEN P.S. HUBBALLI), IN THE
INTEREST OF JUSTICE.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

Heard Ms.Ranjitha, advocate for Sri Gangadhar J.M.,
learned counsel for the petitioners, Sri Praveena Y.
Devareddiyavara, learned High Court Government Pleader, and
Sri Satish S. Raichur, learned counsel for respondent No.2.

2. During the course of arguments Ms.Ranjitha, learned
counsel would file a memo praying to dismiss the petition as
against petitioner No.1 is concerned, which reads as under:

*"Advocate for the petitioner herein respectfully submits
that, petitioner may please be permitted to not press the
petition insofar as petitioner No.1, and permit to proceed*



against other petitioners, in the interest of justice and equity."

3. Placing the memo on record, petition insofar as petitioner No.1 is concerned needs to be dismissed.

4. Petition is taken up for consideration on merits in respect of petitioner Nos.2 to 5.

5. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:

A complaint came to be lodged by respondent No.2 with Hubballi Dharwad Woman Police Station, which was registered in Crime No.11/2018 on 04.04.2018 alleging commission of the offences punishable under Section 498A, 323, 504, 506, 149 and Section 3 and 4 of Dowry Prohibition Act.

6. The police after registering the complaint, investigated the matter and after thorough investigation filed the charge sheet.

7. As per column No.17 of the charge sheet, it is noted that first petitioner got married the second respondent on 04.04.2014.



8. At the time of marriage, Rs.3,00,000/- representing ten tholas gold and Rs.2,50,000/- towards the purchase of clothes, watch etc. were given.

9. It is the specific allegation that for a period of 15 days the second respondent was looked after well and thereafter, there used to be demand for additional dowry.

10. On 12.10.2017 at about 08.30 p.m., first accused said to have assaulted the complainant and said to have driven her out of the matrimonial home. Other accused persons also joined in such assault and threatened the complainant that if the additional dowry is not met, second marriage would be contracted for the first petitioner.

11. Learned Trial Magistrate after receipt of the charge sheet, has taken cognizance of the aforesaid offences and has issued process. Said order is called in question in this petition.

12. Ms.Ranjitha, learned counsel for the petitioners reiterating the grounds urged in the petition would contend that as on 12.10.2017, first petitioner was working as a Circle Inspector in Koppal District and remaining petitioners were residing in



Hubballi. Therefore, in the alleged incident dated 12.10.2017, there was no scope for participation of the remaining petitioners and sought for allowing the petition.

13. *Per contra*, learned High Court Government Pleader and learned counsel for the respondent No.2 would support the Order taking cognizance and sought for dismissal of the petition.

14. Having heard the arguments of both sides, this Court perused the material on record meticulously.

15. On such perusal of the material on record, it is noticed that except the omnibus and general allegations levelled against petitioner Nos.2 to 5, there are no specific allegations insofar as these petitioners are concerned.

16. Moreover, when the first petitioner was residing in Koppal because of his employment as Circle Inspector, on 12.10.2017, it is highly unimaginable that all these petitioners went to Koppal and then picked up the quarrel that too at 08.30 p.m.

17. Taking note of these aspects of the matter and following the dictum of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam and others vs. State of Bihar and others***



reported in **(2022)6 SCC 599**, this Court is of the considered opinion that continuation of the criminal proceedings insofar as petitioner Nos.2 to 5 would result in abuse of process of law.

18. Accordingly, the following:

ORDER

- (i) Placing the memo on record, petition insofar as petitioner No.1 is ***dismissed***.
- (ii) Petition is ***allowed*** insofar as petitioner Nos.2 to 5 are concerned.
- (iii) Consequently pending proceedings in Crime No.11/2018 registered by Hubballi Dharwad Woman Police Station insofar as petitioner Nos.2 to 5 are concerned is hereby ***quashed***.

Sd/-
(V.SRISHANANDA)
JUDGE

kcm
CT-CMU
LIST NO.: 1 SL NO.: 15