



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 103149 OF 2024 (482(CR.PC)/528(BNSS))

BETWEEN:

1. NARAYAN S/O NAGOJI SAVANT
AGE 57 YEARS, OCC. AGRICUTLURE
R/O MARUTI GALLI, KATGALI
KHANAPUR.
2. MAHESH S/O DATTU LAKKEBAILAKAR
AGE 22 YEARS, OCC. AGRICULTURE
R/O. MARUTI GALLI, KATGALI
KHANAPUR, DIST. BELAGAVI 591302.
3. MANDA S/O MANOHAR SHAPURKER
AGE 43 YEARS, OCC. AGRICULTURE
R/O. LAXMI GALLI, KATGALI
KHANAPUR, DIST. BELAGAVI 591302.
4. NYAN S/O MANOHAR SHAPURKAR
AGE 57 YEARS, OCC. AGRICULTURE
R/O. MARUTI GALLI, KATGALI
KHANAPUR, DIST. BELAGAVI 591302

...PETITIONERS

(BY SRI. RAM P. GHORPADE, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KHANAPUR POLICE STATION,
R/BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, DHARWAD 11.
2. SMT. AKSHATA W/O MARUTI SAVANT
AGE 24, OCC. HOUSEWIFE,
R/O. MARUTI GALLI, KATGALI,
KHANAPUR, DIST. BELAGAVI 591302.





...RESPONDENTS

(BY SMT. KIRTI LATA R. PATIL, HCGP FOR R1;
SRI. MAQBOOLAHAMED M. PATIL, ADVOCATE FOR SRI.
SHEKHARGOUDA M. NAGANURI, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SE. 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO CALL FOR THE RELEVANT RECORDS AND QUASH THE ENTIRE PROCEEDINGS CASE REGISTERED BY KHANAPUR POLICE STATION CRIME NO. 170/2023 DATED 21.07.2024 IN C.C.NO. 2991/2023 WHICH IS PENDING BEFORE THE PRL. C.J. AND J.M.F.C. KHANAPUR COURT AGAINST THE PETITIONERS/ACCUSED 2, 3, 4, 5 FOR THE OFFENCES P/U/SEC. 143, 147, 341, 498(A), 323, 504, 506 R/W 149 OF IPC AGAINST THE PETITIONERS/ACCUSED NO.2, 3, 4 AND 5 AND ETC.,.

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

ORAL ORDER

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

1. Heard Sri. Ram P. Ghorpade, learned counsel for the petitioners, Smt. Kirtilata R. Patil, learned High Court Government Pleader for respondent No.1-State and Sri. Maqboolahamed M. Patil, learned counsel appearing on behalf of Sri. Shekhargouda M. Naganuri, learned counsel for respondent No.2.



2. During the course of arguments, a memo came to be filed by the learned counsel for the petitioners seeking dismissal of the petition *insofar as* petitioner No.1-Accused No.2 is concerned.

3. Accordingly, placing the memo on record, the petition is ***dismissed*** *insofar as* petitioner No.1/accused No.2 being the father-in-law of respondent No.2 is concerned.

4. Matter is taken up for final disposal *insofar as* petitioner Nos.2 to 4/accused Nos.3 to 5 are concerned.

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

6. Respondent No.2 got married to the son of petitioner No.1 by name Maruti Narayan Savant. For a period of one month, accused Nos.1 and 2 looked after the respondent No.2 in a good manner.

7. Thereafter, there were frequent quarrels with regard to domestic issues namely she does not know how to



cook and attend household activities and used to assault her physically.

8. The incidents were brought to the notice of the elders and at that juncture, Mahesh, Smt. Manda Shapurkar and Nyanu Manohar Shapurkar visited the house of accused Nos.1 and 2 and requested them to look after the respondent No.2 in a proper manner.

9. But, on 27.11.2022 at about 09.00 p.m., again there was a quarrel wherein petitioner Nos.2 to 4/accused Nos.3 to 5, visited the house of accused Nos.1 and 2 and abused the respondent No.2 in a filthy language and assaulted and pushed her out of the matrimonial home.

10. In respect of the said incident, a complaint came to be lodged on 21.07.2023, which was registered in Crime No.170/2023 for the offences punishable under Sections 143, 147, 341, 498A, 323 504 and 506 read with Section 149 of Indian Penal Code, 1860.



11. Police after thorough investigation filed the charge sheet against the petitioners herein for the aforesaid offences.

12. Learned Trial Magistrate took cognizance of the offences alleged against the petitioners and issued process.

13. Being aggrieved by the same, accused Nos.2 to 5 are before this Court in this petition with the following prayer:

"WHEREFORE, the petitioners most humbly pray that this Hon'ble Court may kindly be pleased to:-

a) call for the relevant records;

b) Quash the entire proceedings Crime No.170/2023 registered by Khanapur Police Station dated 21.07.2024 in C.C. No.2991/2023 which is pending before the Prl. C.J. & JMFCm Khanapur Court against the Petitioners/accused Nos.2 to 5 for the offences punishable under Sections 143, 147, 341, 498(A), 323, 504, 506 R/w 149 of IPC against the petitioners/accused Nos.2, 3, 4 and 5; and

c) grant such other relief or reliefs as this Hon'ble Court deems fit in the facts and



circumstances of the case, in the interest of justice and equity."

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, as could be seen from the complaint itself, the incident said to have occurred on 27.11.2022, but a belated complaint came to be lodged on 21.07.2023.

16. The reasons assigned in the affidavit for lodging a belated complaint are general in nature and the allegations against petitioner Nos.2 to 4/accused Nos.3 to 5 are omnibus in nature.

17. There was no Panchayath convened in between 27.11.2022 to 21.07.2023.

18. Taking note of the omnibus allegations leveled against petitioner Nos.2 to 4 and also taking note of the fact that they did not share the common roof along with accused Nos.1 and 2, following the dictum of the Hon'ble Apex Court in the case of ***Kehkashan Kausar @ Sonam and Others***



Vs. State of Bihar and Others¹, continuation of the criminal case against them would result in abuse of process of law.

19. Accordingly, the following:

ORDER

- (i) Placing the memo on record, petition *insofar as* petitioner No.1 (accused No.2) is hereby ***dismissed***.
- (ii) Petition *insofar as* petitioner Nos.2 to 4 (accused Nos.3 to 5) is hereby ***allowed***.
- (iii) Consequently, pending criminal case in C.C. No.2991/2023 pending on the file of Civil Judge and JMFC, Khanapur, is hereby ***quashed***.

**Sd/-
(V.SRISHANANDA)
JUDGE**

SMM / CT-CMU
LIST NO.: 1 SL NO.: 24

¹ (2022) 6 SCC 599