



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 27TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.102971 OF 2023
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

SHANTAPPA
S/O. SHANKRAPPA TUGGALDONI,
AGE: 46 YEARS,
OCC: AGRICULTURE AND COOLIE,
R/O. TUMARIKOPPA-581204,
TQ. KUSTAGI, DIST. KOPPAL.

...PETITIONER

(BY SMT. SHAILA BELLIKATTI, ADVOCATE)

AND:

1. MASAWWA @ RENUKA
W/O. SHANTAPPA TUGGALDONI @ MASAWWA
D/O. HANUMAPPA PARASAPUR,
AGE: 41 YEARS,
OCC: FALSELY SHOWN AS COOLIE,
R/O. TUMARIKOPPA VILLAGE,
TQ. KUSTAGI PRESENT RESIDENT
AT: C/O. RAJNA B. W/O. KHAJUL SAB,
H.NO.12-6-1237/12, LBS NAGAR RAICHUR,
BUT OCC: ANGANWADI HELPER HOLGERA
CIRCLE, WOMEN AND CHILD DEVELOPMENT
DEPARTMENT, KABBARGI-01, CENTER,
R/O. KABBARAGI-584114,
TQ. KUSTAGI, DT: KOPPAL.
2. MASAWWA D/O. SHANTAPPA TUGGALDONI,
AGE: 17 YEARS, PUC 1 YEAR STUDENT FALSELY



SHOWN AS, R/O. TUMARIKOPPA VILLAGE,
KUSTAGI DIST., KOPPAL,
PRESENT RESIDENT AT: C/O. RAJNA B.
W/O. KHAJUL SAB, H.NO.12-6-1237/12,
LBS NAGAR RAICHUR,
SINCE MINOR REPRESENTED BY MINOR
GUARDIAN RESPONDENT NO.1
MASAWWA @ RENUKA W/O. SHANTAPPA
TUGGALDONI, @ MASAWWA
D/O. HANUMAPPA PARASAPUR,
AGE: 41 YEARS, OCC: ANGANWADI HELPER
HOLGERA CIRCLE, KABBARGI-01 CENTER,
R/O. KABBARAGI-584114,
TQ. KUSTAGI, DIST. KOPPAL,

3. SMT. RENAVVA FALSELY SHOWN AS
W/O. SHANTAPPA
AGED ABOUT 32 YEARS,
OCC. HOUSEHOLD WORK,
R/O. TUMARIKOPPA-581204,
TQ. KUSTAGI, DIST. KOPPAL

...RESPONDENTS

(BY SRI MAHANTESH S. HIEMATH, ADV. FOR R1;
NOTICE TO R3 DISPENSED WITH)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE
OF CRIMINAL PROCEDURE, 1973, PRAYING TO CALL FOR
RECORDS IN QUASHING CRL.MISC NO.1010/2022 ON THE FILE
OF PRINCIPAL SR. CJ AND COURT AT RAICHUR AND ALLOW
THIS PETITION BY QUASHING CRL.MISC.NO.1010/2022 ON THE
FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM COURT AT:
RAICHUR UNDER SECTION 12 OF DOMESTIC VIOLENCE ACT AND
ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973¹/Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023², by the petitioner, who is respondent No.1 in Crl.Misc.No.1010/2022 pending on the file of Principal Senior Civil Judge and CJM, Raichur³, praying to quash the entire criminal proceedings instituted under Section 12 of the Protection of Woman from Domestic Violence Act, 2005⁴.

2. The respondents No.1 and 2 herein have filed a petition in Crl.Misc.No.1010/2022 under Section 12 of the PWDV Act praying for the following reliefs:

"a. Pass protection orders U/s 18.

b. Pass residence order U/s 19(1)(f), (2), (3), (4), (5), (6), (7), (8),

c. Direct the Respondent to pay monitory relief U/s 20 (1)(d), (2), (3), (4),

¹ Hereinafter referred to as the 'Cr.P.C.'

² Hereinafter referred to as the 'BNSS, 2023'

³ Hereinafter referred to as the 'learned Magistrate'

⁴ Hereinafter referred to as the 'PWDV Act'



- d. Direct the Respondent to pay compensation and damages U/s 22,*
- e. Pass such interim orders as prayed in the affidavit U/s 23 (2) filed along with this application,*
- f. Pass any order as deems fit in the circumstance of the case."*

3. Therefore, the learned Magistrate has started enquiry. The petitioner herein was respondent No.1 in the PWDV proceedings before the learned Magistrate. The relationship between the parties is not in dispute. Respondent No.1 herein is wife of the petitioner. Since there are disputes and with the allegation that the petitioner herein, being the husband, has neglected the wife and children, a petition is filed under Section 12 of the PWDV Act for the reliefs stated above.

4. Learned counsel for the petitioner submitted that the Probationary Officer has not conducted enquiry and submitted a report before the learned Magistrate. Therefore, the proceedings initiated and enquiry conducted amounts to an abuse of process of Court.



5. Not in every case is an enquiry by the Probationary Officer mandatory. When a prima facie allegation of domestic violence is made in the petition seeking relief under the PWDV Act, the same cannot be turned as an abuse of process of Court. It is submitted that the enquiry is now in progress. Therefore, there is no merit involved in the petition.

6. The petition has failed to demonstrate how it is necessary to give effect to the Code and has also failed to demonstrate what constitutes an abuse of process of Court as well as how the petition aids in securing the ends of justice. Hence, the petition is liable to be dismissed.

7. Accordingly, the petition is ***dismissed***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE