



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 5TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL PETITION No.103370 OF 2025 (482(CR.PC)/528(BNSS))
C/W
CRIMINAL PETITION No.103552 OF 2024

IN CRL.P.NO.103370/2025
BETWEEN:

1. KAMAL KISHORE S/O. RAJU
AGE 31 YEARS, OCC. BUSINESS
2. SMT. RAJINI W/O. RAJU
AGE 53 YEARS, OCC. BUSINESS
3. RAJU SHINDHI
AGE 57 YEARS, OCC. BUSINESS

ALL ARE R/O. DR. SHARMAS HOUSE
2ND FLOOR, T.K.STREET, GOLLARAHATTI,
BALLARI DIST 583201.

...PETITIONERS

(BY SRI. B. ANWAR BASHA, ADVOCATE)

AND:

SANDHYA W/O. KAMAL KISHORE
AGE.28 YEARS,
R/O. FLOWER STREET, BALLARI-583201.

...RESPONDENT

(BY SRI. NARAYANAKUMAR, ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C.
PRAYING TO QUASH THE PROCEEDINGS PENDING IN THE
PROCEEDINGS IN CRL. MISC (DV) NO. 01/2022 ON THE FILE OF THE
COURT OF THE IST ADDL CIVIL JUDGE AND J.M.F.C.-BALLARI, IS
LIABLE TO BE QUASHED FOR THE OFFENCES PUNISHABLE UNDER
SECTION 20, AND 23 OF PROTECTION OF WOMEN FROM DOMESTIC
VIOLENCE ACT, IN THE INTEREST OF JUSTICE.





IN CRL.P.NO.103552/2024

BETWEEN:

1. KAMAL KISHORE S/O M. RAJU
AGE 31 YEARS, OCC. FACTORY WORKER
2. RAJANI W/O M. RAJU
AGE 51 YEARS, OCC. HOUSEWIFE
3. RAJA S/O MOHANDAS
AGE 54 YEARS, OCC. SELF WORK,
ALL ARE R/O. DR. SHARMAS HOUSE, TK STREET,
GOULERAHATTI, BALLARI 583201.

...PETITIONERS

(BY SRI. B. ANWAR BASHA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH WOMEN P.S. BALLARI
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA, DHARWAD 580001.
2. SMT. SANDHYA S. D/O LATE S. SHRINIVA ACHAR
W/O KAMAL KISHORE,
AGE 28 YEARS, OCC. HOUSE WIFE,
R/O. DR. SHARMAS HOUSE 2ND FLOOR,
STREET, GOULERAHATTI, BALLARI 583201

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R1;
SRI. NAYANA KUMAR, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/SE. 482 OF CR.P.C. (U/S. 528 OF BNSS, 2023) SEEKING TO QUASH THE COMPLAINT, FIR, AND CHARGE SHEET IN CRIME NO. 49/2021 BY WOMEN PS BALLARI AND ENTIRE PROCEEDINGS IN C.C.NO. 1549/2021 PENDING ON THE FILE OF THE IV ADDL. CIVIL JUDGE AND JMFC, BALLARI FOR THE OFFENCE P/U/SEC. 498(A), 323, 504, 506 R/W 34 OF IPC AND SEC. 4 OF DOWRY PROHIBITION ACT. IN THE INTEREST OF JUSTICE.

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



ORAL ORDER

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

Heard Sri B.Anwar Basha, learned counsel for the petitioners, Sri Nayana Kumar, learned counsel and Smt.Kirtilata R.Patil, learned High Court Government Pleader for the respondents.

2. Learned counsel for the respondent would submit that there is arrears of maintenance of more than Rs.2,00,000/- at the rate of Rs.3,000/- per month. Since maintenance is not paid, Crl.P.No. 103370/2025 deserves to be dismissed for non prosecution.

3. A complaint came to be lodged by respondent-Smt.Sandhya with Ballari Women Police Station, alleging that on 29.10.2020 she got married to the petitioner No.1 and it was a love marriage. After the marriage, she joined the matrimonial home and for a period of one month, first petitioner looked after well and thereafter, demanded dowry.

4. When the respondent/complainant was unable to meet the demands of the petitioners, they started to ill treat complainant



and there was physical and mental harassment meted out to her by the petitioners.

5. When the complainant was in her three months' pregnancy, on 28.03.2021, there was an ugly incident wherein all the petitioners have harassed the complainant physically and mentally, whereby the complainant fell down and lost her consciousness. Her husband intimidated the parents of the complainant who came to the house of the petitioners and then took her to their home. Thereafter, husband and wife are living separately.

6. Police after registering the case thoroughly investigated the matter and filed charge sheet.

7. Sri Anwar Basha, learned counsel for the petitioners has now challenged the taking of cognizance and issue of process.

8. He would contend that the self-serving testimony of the complainant alone would not be sufficient enough to attract the ingredients of the offence punishable under Sections 498A, 323, 504, 506, r/w Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.



9. He would also contend that, there was a love affair between the complainant and petitioner No.1. Therefore, there cannot be any demand for dowry and sought for quashing the pending proceedings.

10. *Per contra*, Smt. Kirtilata R. Patil, learned High Court Government Pleader and Sri Nayana Kumar, learned counsel for the respondent No.2/complainant, would support the impugned order of taking cognizance and would contend that material collected in the charge sheet would be sufficient enough to proceed with the criminal case and sought for dismissal of the petitions.

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

12. On such perusal of the material on record, in the complaint itself, there are specific allegations leveled against the petitioners.

13. Admittedly, proceeding that has been initiated against the first petitioner is under the provisions of Dowry Prohibition Act. There is no compliance of the order passed by the learned Trial



Magistrate in payment of maintenance. There is a huge arrears of more than Rs.2,00,000/- payable by the first petitioner towards the maintenance ordered by the learned Trial Magistrate.

14. Further, specific instance has been spelt out by the complainant in the complaint itself as to what transpired on 28.03.2021 in the matrimonial house.

15. The material collected by the Investigation Agency would be sufficient enough to proceed with the criminal case.

16. Expressing any opinion on the merits of the matter at this stage would hamper the rights of the parties during the trial one way or the other.

17. The grounds urged in the petition are more in the nature of defence that is to be canvassed before the Trial Court in the pending trial.

18. Taking note of the same, this Court is of the considered opinion that no case is made out to quash the pending criminal case.



19. Hence the following:

ORDER

- (i) CrI.P.No.103552/2024 is ***dismissed***.
- (ii) CrI.P.No.103370/2025 is ***dismissed*** for non prosecution for non payment of arrears of maintenance to the tune of Rs.2,00,000/-.

Sd/-
(V.SRISHANANDA)
JUDGE

kcm
Ct-cmu
LIST NO.: 1 SL NO.: 52