



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.105148 OF 2025
(482 OF Cr.PC/528 OF BNSS)

BETWEEN:

1. SHRI GULABHUSEN S/O. NABEELAL TIKOTA,
AGE: 27 YEARS, OCC: PRIVATE WORK,
R/O. RAHEEMNAGAR, VIJAYAPUR,
DIST. VIJAYAPURA-586211.
2. SHRI NABEELAL TIKOTA,
AGE: 53 YEARS, OCC: GOVT. OFFICIAL,
R/O. RAHEEMNAGAR, VIJAYAPUR,
DIST. VIJAYAPURA-586211.
3. SMT. DIILSHAD W/O. NABEELAL TIKOTA,
AGE: 45 YEARS, OCC: HOUSE WIFE,
R/O. RAHEEMNAGAR, VIJAYAPUR,
DIST. VIJAYAPURA-586211.
4. SHRI TOUFIQ D/O. NABEELAL TIKOTA,
AGE: 26 YEARS, OCC: PVT. WORK,
R/O. RAHEEMNAGAR, VIJAYAPUR,
DIST. VIJAYAPURA-586211.
5. SMT. SHAFIYA SANGLIKAR,
D/O. NABEELAL TIKOTA,
AGE: 24 YEARS, OCC: HOUSE WIFE,



R/O. RAHEEMNAGAR, VIJAYAPUR,
DIST. VIJAYAPURA-586211.

...PETITIONERS

(BY SRI R. H. ANGADI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
(HD CITY WOMEN POLICE STATION, DHARWAD),
R/BY STATE PUBLIC PROSECUTOR,
THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580011.
2. SMT. HALEEMASADIYA W/O. GULABHUSEN TIKOTA,
AGE: 23 YEARS, OCC: HOUSEHOLD WORK,
R/O. RAHEEMNAGAR, VIJAYPUR,
NOW AT: SAIDAPUR, DHARWAD-580004.

...RESPONDENTS

(BY SRI ABHISHEK MALIPATIL, HCGP FOR R1;
SRI A. M. SHALIBAN, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S.482 OF THE CODE OF CRIMINAL PROCEDURE, (U/S.528 OF BNSS), PRAYING TO QUASH THE COMPLAINT, FIR AND ENTIRE CRIMINAL PROCEEDINGS IN HD CITY WOMEN POLICE STATION, AT THEIR P.S CRIME NO.57/2025, PENDING ON THE FILE OF 2ND COURT DHARWAD, HUBLI DHARWAD, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 85, 115(2), 351(2), 352, R/W. SECTION 3(5) OF BNS-2023, (U/S.498A, 323, 504, 506 R/W. SECTION 34 OF IPC) AND U/S.3 AND 4 OF D.P. ACT, IN SO FAR AS ACCUSED NO.1 TO 5 ARE CONCERNED BY ALLOWING THE PETITION TO MEET THE ENDS OF JUSTICE AND EQUITY.

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 criminal petition is filed by the petitioners/accused Nos.1 to 5 under Section 482 of Code of Criminal Procedure (Cr.P.C.)/528 of Bharatiya Nagarika Suraksha Sanhita, 2023 (BNSS), seeking to quash the entire proceedings initiated against the petitioners/accused Nos.1 to 5, with the following prayer:

"PRAYER

Wherefore, for these and amongst other grounds to be urged at the time of hearing, it is most humbly and graciously prayed that, this Hon'ble Court be pleased to quash the complaint, FIR and entire criminal proceedings in HD City Women Police Station, at their P.S Crime No. 57/2025, pending on the file of 2nd Court Dharwad, Hubli Dharwad, for the offences punishable under Sections 85, 115(2), 352, R/w Sec 3(5) of BNS-2023, [U/Sec 498A 323, 504, 506 R/w of IPC] and U/Sec 3 and 4 of D.P. Act, in so far as accused No.1 to 5 are concerned by allowing the petition to meet the ends of justice and equity."

2. It is the brief case of prosecution as per the FIR and complaint averments that respondent No.2/complainant is the wife of accused No.1 and the allegation is that all the petitioners/accused Nos.1 to 5 have ill-treated the



complainant and subjected her to cruelty both mentally and physically and also there is dowry harassment by them. Hence, with these allegations, the complaint is lodged for the offences as above stated.

3. Heard the learned counsel appearing on behalf of the petitioners/accused Nos.1 to 5 and learned HCGP appearing on behalf of respondent No.1/State and learned counsel appearing on behalf of respondent No.2/complainant.

4. Learned counsel appearing on behalf of the petitioners/accused Nos.1 to 5 submitted that the petitioner/accused No.1 has filed a suit in O.S.No.48 of 2025 on the file of Principal Judge, Family Court, Vijayapura, against respondent No.2/complainant herein for restitution of conjugal rights. Thereafter, respondent No.2/complainant has filed a complaint before the Police; therefore, the complaint filed is afterthought and amounts to abuse of process of law. Hence, prayed to quash the



proceedings initiated against the petitioners/accused Nos.1 to 5.

5. Upon considering the complaint averments, there is a *prima facie* allegation made out against the petitioners/accused Nos.1 to 5 that they have demanded dowry and subjected the complainant to cruelty both mentally and physically for dowry harassment and there are also averments in the complaint that the petitioners/accused Nos.1 to 5 have subjected the complainant/respondent No.2 to cruelty both physically and mentally. Therefore, she has lodged complaint after leaving the house of the husband.

6. Though the petitioner/accused No.1/husband has filed a suit for restitution of conjugal rights and thereafter such complaint is filed, which is not a ground to quash the proceedings. When there are allegations made in the complaint, the same deserve to be investigated and at this stage, the disputed facts cannot be decided in a petition



filed under Section 482 of Cr.P.C. Further, the petitioners/accused Nos.1 to 5 have failed to demonstrate how the petition would give effect to the Code and also how it is abuse of process of the Court and have also failed to demonstrate whether this petition is to secure the ends of justice. Hence, when such grounds are raised, the same are matters for trial and cannot be considered in a petition filed under Section 482 of Cr.P.C. Thus, the petition is liable to be dismissed.

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

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**