



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL PETITION NO. 200264 OF 2024

(482(Cr.PC)/528(BNSS))

BETWEEN:

1. RATNDEEP
S/O MANOHAR MAHORAKAR,
AGE: 28 YEARS,
OCCU: PRIVATE WORK,
R/O VISHAL NAGAR TARFAIL,
BEHIND RAILWAY STATION,
KALABURAGI.
2. MANOHAR
S/O AMBAJI MAHORKAR,
AGE: 65 YEARS,
OCC: RETIRED GOVT. SERVANT,
R/O VISHAL NAGAR TARFAIL,
BEHIND RAILWAY STATION,
KALABURAGI.
3. SUNITA
W/O MANOHAR MAHORAKAR,
AGE: 60 YEARS,
OCC: HOUSE WIFE,
R/O VISHAL NAGAR TARFAIL,
BEHIND RAILWAY STATION,
KALABURAGI.

...PETITIONERS

(BY SRI. DEEPAK K. GAWALI, ADVOCATE)



AND:

SMT. NEETA W/O RATNDEEP MAHORKAR,
AGE: 27 YEARS, OCC: HOUSEWIFE,
R/O H.NO.2-911/4/14, SARVODAY NAGAR,
BEHIND AMBEDKAR HOSTEL,
RAJAPUR ROAD,
KALABURAGI-585105

...RESPONDENT

(BY SRI. SACHIN M. MAHAJAN, ADVOCATE)

THIS CRL.P IS FILED U/SEC. 482 OF CR.P.C (OLD)
U/SEC. 528 OF BNSS (NEW) PRAYING TO QUASH THE
REGISTRATION OF PETITION FILED UNDER THE PROVISIONS
OF DOMESTIC VIOLENCE ACT AND FURTHER PROCEEDINGS IN
CRL. MISC. NO.202/2024 PENDING DISPOSAL BEFORE THE
IV ADDL. CIVIL JUDGE AND JMFC KALABURAGI.

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

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL ORDER

The petitioners have filed this petition under Section
528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for
short, 'BNSS, 2023') seeking following reliefs:

*"Wherefore, for the reasons stated above
amongst others, it is humbly prayed that, the
Hon'ble Court be pleased to quash the registration
of petition filed under the provisions of Domestic
Violence Act and further proceedings in Crl. Misc.
No.202/2024 pending disposal before the IV Addl.*



Civil Judge & JMFC, Kalaburagi, in the interest of justice and equity."

2. The respondent-Neeta had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in Crl.Misc.(DVC) No.202/2024, on the file of IV-Addl. JMFC, Kalaburagi, and the Court has issued summons to the respondents. The petitioners (respondent Nos.1 to 3 before the Trial Court) appeared before the Trial Court and Trial Court has passed an order to submit their affidavit as to the assets and liabilities on 09.02.2024 and case was being adjourned from time to time till 06.03.2025. The present petitioners have not filed their objections before the Trial Court. Without filing objections, the petitioners have filed this petition to quash the proceedings.

3. It is admitted in the criminal petition that the petitioner No.1 married respondent on 22.05.2022 as per the customs and rituals prevailing in their community at Kosagi Kalyan Mantap, Shahbad Road, Kalaburagi.



Though, the petitioner No.1 admitted the relationship with respondent that she is the legally wedded wife of petitioner No.1, the present petitioners have not filed any objections before the Trial Court with regard to the maintainability of the petition. Instead of filing objection, the petitioners have directly approached this Court seeking to quash the proceedings on several grounds. Since the trial Court has not passed any order against the present petitioners, at this stage, the petition is not maintainable and this petition is premature. Hence, I proceed to pass the following:

ORDER

The Criminal Petition is ***dismissed***.

However, the present petitioners are at liberty to file their petition written objections before the trial Court. After filing written objections, the trial Court shall consider the same and proceed with the case in accordance with law.



It is made clear that this Court has not expressed any opinion on the merits of the case.

Registry is directed to send the copy of this order to the Trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

SDU,MSR
LIST NO.: 1 SL NO.: 20
CT-BH