



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201289 OF 2025

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

BETWEEN:

1. CHANNABASAYYA S/O IRAYYA KALMATH
@ INGALAGIKALMATH,
AGE: 73 YEARS, OCC: FINANCER,
2. GIRIJA W/O CHANNABASAYYA KALMATH
@ INGALAGIKALMATH,
AGE: 63 YEARS, OCC: HOUSEWIFE,
3. CHANAYYA S/O CHANNABASYA KALMATH
@ INGALAGIKALMATH,
AGE: 33 YEARS, OCC: PVT. EMPLOYEE,

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA

ALL ARE R/O: C/O: C.V. PATIL,
NEAR GUDDIHAL,
POST: RAYNAL, TQ. HUBBALLI,
DIST. DHARWAD-580024.

...PETITIONERS

(BY SRI B. SHARANAVEER AND
SRI PRANAV UMESH BADAGI, ADVOCATES)

AND:

1. NAGAMMA @ PARVATI
W/O SHIVANANDAYYA KALMATH @
INGALAGIKALMATH,
AGE: 29 YEARS, OCC: HOUSEWIFE,



2. MANVITH
S/O SHIVANANDAYYA KALMATH @
INGALAGIKALMATH,
AGE: 07 YEARS, OCC: STUDENT,

(SINCE R2 IS MINOR,
REPRESENTED BY HIS NATURAL
GUARDIAN MOTHER I.E., R1)
R1 & 2 ARE R/O: SAINAGAR, MUDDEBIHAL,
TQ. MUDDEBIHAL, DIST. VIJAYPUR-586101.
3. SHIVANANDAYYA
S/O CHANNABASAYYA
KALMATH @ INGALAGIKALMATH,
AGE: 35 YEARS, OCC: CIVIL ENGINEER,
R/O C/O C.V. PATIL, NEAR GUDDIHAL,
POST: RAYNAL, TQ. HUBBALLI,
DIST. DHARWAD-580024.

...RESPONDENTS

(BY SRI VARUN PATIL, ADVOCATE FOR R1 & R2;
V/O DATED 09.09.2025, NOTICE TO R3 IS D/W)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD), UNDER SECTION 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRL.MISC. NO.158/2023 UNDER SECTION 12 OF DV ACT, 2005, ON THE FILE OF THE CIVIL JUDGE AND JMFC, MUDDEBIHAL AS AGAINST THE PRESENT PETITIONERS WHO ARE ARRAYED AS ACCUSED NOS.2 TO 4 BY ALLOWING THIS PETITION.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This petition is filed by the in-laws seeking quashing of the proceedings pending in Criminal Miscellaneous No.158/2023 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, 'DV Act') seeking compensation from the petitioners and husband, who is not a party to this proceedings.

2. The learned counsel for the petitioners, reiterating the grounds urged in the petition, has placed reliance on paragraph No.8 of the complaint filed under Section 12 of the DV Act, 2005. Referring to the said paragraph, he contends that the complainant herself has categorically admitted that she and her husband were residing at Jamkhandi and were jointly running a medical shop in partnership. It is further submitted that the material on record clearly demonstrates that the petitioners have never lived in a domestic relationship with the respondent/complainant at any point of time. The



petitioners are permanent residents of Hubli, and therefore, the learned counsel would urge that the proceedings initiated under Section 12 of the DV Act, insofar as the present petitioners are concerned, are wholly misconceived and unsustainable in law.

3. *Per contra*, the learned counsel appearing for respondent Nos.1 and 2 submits that there are specific allegations made against the petitioners as well, and therefore, this is not a fit case for exercising the discretionary power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing the proceedings at this stage.

4. I have heard the learned counsel for the petitioners and the learned counsel appearing for respondent Nos.1 and 2.

5. Before advertng to the rival contentions, this Court finds it appropriate to extract paragraph No.8 of the



complaint filed under Section 12 of the DV Act, which reads as follows:

“8. ವಿಷಯ ಹೀಗಿರಲೂ ಅರ್ಜಿದಾರಳಿಗೆ 1ನೇ ಎದುರುದಾರನು ಔಷಧಗಳ ವ್ಯಾಪಾರದಲ್ಲಿ ಲಾಭವಿದ್ದು, ಪಾಲುದಾರಿಕೆಯಲ್ಲಿ ಔಷಧ ಅಂಗಡಿಯನ್ನು ನಡೆಯಿಸುವ ಪ್ರಸ್ತಾವವನ್ನು ಇಟ್ಟನು. ಅರ್ಜಿದಾರಳು 1ನೇ ಎದುರುದಾರನ ಮಾತಿಗೆ ಒಪ್ಪಿ ತನ್ನಲ್ಲಿರುವ ಬಂಗಾರವನ್ನು ಬ್ಯಾಂಕಿನಲ್ಲಿ ಅಡವಿಟ್ಟು, ಸದರಿ ಅಡವಿಟ್ಟ ಹಣದಲ್ಲಿ ಪಾರ್ಕ್‌ನರಶಿಪ್‌ನಲ್ಲಿ ಮೆಡಿಕಲ್ ಶಾಪ್ ಪ್ರಾರಂಭಿಸಿದನು. ಅರ್ಜಿದಾರಳು ಸದರಿ ಮೆಡಿಕಲ್ ಶಾಪ್‌ನಲ್ಲಿ ಸಹಾಯಕಳಾಗಿ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸುತ್ತಿದ್ದಳು. 1ನೇ ಎದುರುದಾರನು ಮೆಡಿಕಲ್ ಶಾಪ್‌ನ್ನು ಸರಿಯಾಗಿ ನಡೆಯಿಸಿಕೊಂಡು ಹೋಗದೇ, ಬಂದ ಗಿರಾಕಿಯ ಮೇಲೆ ಅನುಮಾನ ಪಡ್ತಾ ಇದ್ದು, ಇದರಿಂದ ಅರ್ಜಿದಾರಳು ಬೆಸತ್ತು ಹೋಗಿ ಅಂಗಡಿಗೆ ಹೋಗುವದನ್ನು ಬಿಟ್ಟಳು. ಆಗ ಎದುರುದಾರನು ಅರ್ಜಿದಾರಳನ್ನು ಹೊಡಿಬಡಿ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ. ಅರ್ಜಿದಾರಳು 1ನೇ ಎದುರುದಾರನು ವರ್ತನೆಗೆ ಅಂಜಿ ಜಮಖಂಡಿಯಲ್ಲಿರುವ ಅಜ್ಜಿಯ ಮನೆಗೆ ಬಂದಳು. ಅಲ್ಲಿಯು ಸಹ ಬಂದ 1ನೇ ಎದುರುದಾರನು ಅರ್ಜಿದಾರಳ ಆಪರೇಶನ್ ಆಗಿರೋ ಜಾಗಕ್ಕೆ ಸಾಕಷ್ಟು ಒದ್ದು ಹುಬ್ಬಳ್ಳಿಗೆ ಹೋದನು. ಅರ್ಜಿದಾರಳು ತನ್ನ ತಂದೆಗೆ ಪೋನಿನ ಮೂಲಕ ನಡೆದ ವಿಷಯವನ್ನು ತಿಳಿಸಿದಳು. ಅರ್ಜಿದಾರಳ ತಂದೆ ತಾಯಿಯು ಬಂದು ಆಸ್ಪತ್ರೆಗೆ ತೋರಿಸಿ, ಜಮಖಂಡಿ ಪೋಲಿಸ್ ಸ್ಟೇಶನ್‌ನಲ್ಲಿ ಒಂದು ಅರ್ಜಿಯನ್ನು ಕೊಟ್ಟಿದ್ದು ಇತ್ತು. ಮರುದಿನ ಪೋಲಿಸರು ಎದುರುದಾರರನ್ನು ಕರೆದುಕೊಂಡು ಬಂದು ಬುದ್ಧಿವಾದ ಹೇಳಿ, ಅರ್ಜಿದಾರಳಿಗೆ ಮತ್ತು 1ನೇ ಎದುರುದಾರನಿಗೆ ಬೇರೆ ಮನೆ ಮಾಡಿ ಇರಲು ಸೂಚಿಸಿದ್ದರು. ಬೇರೆ ಮನೆ ಮಾಡಿ ಕೇವಲ 3 ತಿಂಗಳು ಮಾತ್ರ ಚೆನ್ನಾಗಿ ಇದ್ದರು, ನಂತರ ಮತ್ತೆ 1ನೇ ಎದುರುದಾರನು ಮುಂಚಿನ ಚಾಳಿ ಮುಂದುವರೆಸಿದನು. ಇದರಿಂದ ಬೆಸತ್ತ ಅರ್ಜಿದಾರಳು ಮನೆ ಬಿಟ್ಟು ಬಂದಳು.”

6. On a plain reading of paragraph No.8, this Court is of the considered view that the petitioners, who are the in-laws of the complainant, have never shared a common household with the respondent/complainant nor were they ever in a domestic relationship with her. The



complainant herself has unequivocally admitted that she was residing with her husband at Jamkhandi, where both of them were jointly managing a medical shop. This clear admission, as reflected in the extracted portion of the complaint, reinforces the petitioners' contention that they were not part of the shared household.

7. This Court further considers it appropriate to extract the relief sought for in the miscellaneous petition, which reads as follows:

“ಅ. ಮೆ||ರವರು ಅರ್ಜಿದಾರರ ಉಪಜೀವನ ಕುರಿತು ಅಂದರೆ ಹೊಟ್ಟೆ, ಬಟ್ಟೆ, ವಸತಿ, ಔಷಧೋಪಚಾರಕ್ಕಾಗಿ ಮತ್ತು ವೈದ್ಯಕೀಯ ಖರ್ಚುಗಳಿಗೆ ಪ್ರತಿ ತಿಂಗಳು ತಲಾ ರೂ. ೨೦,೦೦೦=೦೦ ಗಳಂತೆ ಒಟ್ಟು ರೂ. ೪೦,೦೦೦/- ಗಳನ್ನು ೧ನೇ ಎದುರುದಾರರಿಂದ ಪೋಷಣಾ ವೆಚ್ಚ (ಜೀವನಾಂಶ) ವನ್ನು ಕೊಡಿಸಲು ವಿನಂತಿ ಅದೆ.

ಆ. ಮೇ|| ರವರು ಎಲ್ಲ ಎದುರುದಾರರಿಂದ ಅರ್ಜಿದಾರರಿಗೆ ರೂ ೫,೦೦,೦೦೦=೦೦ ಪರಿಹಾರ ನೀಡುವಂತೆ ಮತ್ತು ವೈದ್ಯಕೀಯ ಖರ್ಚು ವ. ಇನ್ನಿತರ ಖರ್ಚು ಸೇರಿ ರೂ ೪,೦೦,೦೦೦=೦೦ ಗಳನ್ನು ಹೀಗೆ ಒಟ್ಟು ರೂ. ೯,೦೦,೦೦೦/- ಗಳನ್ನು ಪರಿಹಾರವಾಗಿ ಕೊಡಿಸಲು ವಿನಂತಿ ಅದೆ.

ಇ. ಸದರ ಅರ್ಜಿಯ ಖರ್ಚನ್ನು ಅರ್ಜಿದಾರರಿಗೆ ಎದುರುದಾರರಿಂದ ಕೊಡಿಸಬೇಕು.

ಈ. ಮೆ|| ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸೂಕ್ತ ಕಂಡ ಇತರೆ ಪರಿಹಾರವನ್ನು ಕೊಡಿಸಬೇಕು.

ಈ ಪ್ರಕಾರ ಆದೇಶವಾಗಲು ವಿನಂತಿ ಅದೆ.”



8. On a careful perusal of the reliefs sought in the miscellaneous proceedings, it is evident that the primary grievance of the complainant is directed against her husband. The complainant has specifically sought a monthly maintenance of Rs.20,000/- and an amount of Rs.40,000/- towards litigation expenses from her husband. Significantly, in the entire relief column, there is not even a whisper of any specific relief sought against the present petitioners, who are the in-laws. A conjoint reading of paragraph No.8 of the complaint and the reliefs sought in the petition filed under Section 12 of the DV Act, 2005, makes it abundantly clear that there are no allegations disclosing any act of domestic violence attributable to these petitioners. The record clearly demonstrates that the petitioners have never lived with the complainant in a shared household, nor is there any material to show that they have subjected her to any form of physical, emotional, or economic abuse. Therefore, the very



initiation of proceedings against the petitioners appears to be a gross misuse of the process of law.

9. It is an admitted position that the marital discord exists solely between the respondent/wife and her husband, who is arrayed as respondent No.1 in the criminal miscellaneous petition. The dispute being matrimonial in nature, the respondent/wife is well within her right to maintain a proceeding under Section 12 of the DV Act against her husband; however, the same cannot be stretched to implicate the husband's family members in the absence of any cogent or specific allegations. The materials on record unmistakably show that the petitioners, who are permanent residents of Hubli, have been unnecessarily dragged into the proceedings despite having no role in the alleged acts of domestic violence. Compelling them to face trial at Muddebihal would not only cause them undue hardship but would also amount to an abuse of the process of law. Hence, to secure the ends of justice and prevent such abuse, this Court finds it



appropriate to exercise its inherent powers to quash the proceedings insofar as the petitioners are concerned.

10. In view of the foregoing discussion and the reasons recorded hereinabove, this Court is of the considered opinion that the continuation of the proceedings against the petitioners is wholly unwarranted and unsustainable in law. Accordingly, the following order is passed:

ORDER

- i. The petition is hereby allowed.
- ii. The proceedings in Criminal Miscellaneous No.158/2025 on the file of the learned Civil Judge and JMFC, Muddebihal, insofar as they relate to the present petitioners, are hereby quashed.
- iii. It is, however, made clear that this order shall not preclude or in any manner affect the respondent/wife's right to pursue her



remedies as against her husband in
accordance with law.

- iv. All pending interlocutory applications, if
any, stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

RSP/SRT
List No.: 1 SI No.: 24
CT:SI