



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 201622 OF 2025

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

BETWEEN:

1. SRI ISMAIL SAB S/O. LATE MUSTAFFA,
AGED ABOUT-60 YEARS, OCCU AGRICULTURE,
2. SRI MUSTAQ S/O. ISMAIL SAB,
AGED ABOUT-32 YEARS, OCCU BUSINESS,
3. SMT. SHAMSHAD BEGUM W/O MUSTAQ,
AGED ABOUT-24 YEARS, OCCU HOUSEHOLD,
PETITIONER NO.1 TO 3 ARE
R/O PRASHANT NAGAR, WARD NO.21,
NEAR ROSHAN CIRCLE, SINDHANUR,
TQ SINDHANUR, DIST RAICHUR-584 128.
4. SMT. FATIMA W/O AZGAR SAB,
AGED ABOUT-40 YEARS, OCCU HOUSEHOLD,
5. SRI AZAGAR SAB S/O MAHEBOOB SAB,
AGED ABOUT- 45 YEARS,
OCCU GOVT. PROFESSOR (GANGAVATHI).
PETITIONER NO.4 AND 5 ARE
R/O ELAHI COLONY, GANGAVATHI,
TQ GANGAVATHI, DIST KOPPAL.
6. SMT. ASHRAF W/O RAFI,
AGED ABOUT-35 YEARS,
OCCU GOVT. TEACHER,

Digitally signed by
SHIVALEELA
DATTATRAYA
UDAGI
Location: HIGH
COURT OF
KARNATAKA



7. SRI. RAFI S/O MOHAMMED HUSSAIN,
AGED ABOUT- 50 YEARS, OCCU BANK MANAGER,

PETITIONER NO.6 AND 7 ARE
R/O ELAHI MASJID, INDIRANAGAR, SINDHANUR,
TQ SINDHANUR, DIST RAICHUR-584 128.

...PETITIONERS

(BY SRI ARUNKUMAR AMARGUNDAPPA.,ADVOCATE)

AND:

1. SMT. YASMEEN W/O. TAMEEM ANSARI,
AGED ABOUT-26 YEARS, OCCU HOUSEHOLD,
R/O NEAR SPARSHA HOSPITAL, MD COLONY,
SINDHANUR, NOW AT ADHARSHA COLONY,
SINDHANUR, TQ SINDHANUR,
DIST RAICHUR-584 128.
2. INNAYA D/O TAMEEM ANSARI,
AGE 15 YEAR, OCCU STUDENT,
SINCE MINOR REPRESENTED BY HER MOTHER
NATURAL GUARDIAN, I.E., RESPONDENT NO. 1

...RESPONDENTS

(BY SRI. MAHANTESH PATIL., ADV. FOR R1;
R2 IS MINOR U/G OF R1)

THIS CRL.P IS FILED U/S.482 OF CR.P.C. (OLD), U/SEC. 528 OF BNSS (NEW), PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CRL.MISC.NO.211/2025 FILED BY THE RESPONDENTS FILED U/SEC. 12 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005 R/W 6 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE RULES 2006 PENDING ON THE FILE OF THE HONOURABLE PRL. CIVIL JUDGE AND JMFC SINDHANUR IN SO FAR AS IT RELATES TO PETITIONERS HEREIN, IN THE INTEREST OF JUSTICE AND EQUITY.

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



CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to quash the proceedings against the petitioners in Crl.Misc.No.211/2025 filed by the respondents under Section 12 of the Protection of Women from Domestic Violence Act, 2005 read with Section 6 of the Protection of Women from Domestic Violence Rules, 2006 pending on the file of Prl. Civil Judge & JMFC, Sindhanur.

2. The abridged facts of the case are that, Tameem Ansari-respondent No.1 in Crl.Misc.No.211/2025 married one Yasmeen-respondent No.1 herein on 18.07.2022 as per the customs prevailing in the Muslim community. At the time of marriage, husband of respondent No.1 herein and the petitioners herein demanded dowry of 10 tolas of gold and Rs.1,00,000/- cash and also other household materials. The said demand



was fulfilled by the parents of the respondent No.1-wife. After the marriage, she started to reside along with her husband and petitioner Nos.1 and 2 i.e. respondent Nos.1 to 3 in Crl.Misc.No.211/2025. One month after the marriage, respondent No.1-wife came to know that her husband had an extramarital relationship with various women and also he was addicted for bad voices. When she questioned the same, he used to harass her both physically and mentally. The other petitioners i.e. in-laws used to support and instigated him for his act.

3. Later, on 26.09.2023 she gave birth to a female child i.e. respondent No.2 herein aged about one and half years. Subsequently, due to intolerable physical and mental harassment, she left the matrimonial home and started to reside at her parents' house and lodged a criminal case against her husband and petitioners, which was registered in Crime No.6/2025 for the offences punishable under Sections 85, 189(2), 191(2), 115(2), 118(1), 133, 54, 74, 352, 351(2) r/w Section 190 of BNS,



2023. Subsequently, she filed this petition under the provisions of D.V.Act, for monitory and other reliefs by arraying the petitioners as respondent Nos.2 to 8. The Learned Magistrate took cognizance of the complaint and issued notice to the petitioners. Hence, this petition to quash the proceedings.

4. Heard learned counsel for the petitioners and learned counsel for the respondents.

5. Apart from urging several contentions, the learned counsel for the petitioners primarily contented that these petitioners are no way connected to the alleged incident between wife-respondent No.1 herein and husband-respondent No.1 in Crl.Misc.No.211/2025. According to him, except petitioner Nos.1 and 2, all the other petitioners i.e. petitioner Nos.3 to 7 herein are residing separately along with their family. In such circumstances, there is no reason or possibility for them to involve in the alleged incident. He also contented that, the omnibus allegations made by respondent No.1-wife and



since she claimed the monitory reliefs, these petitioners are not the necessary parties in the domestic violence proceedings. Accordingly, he prays to quash the proceedings against the petitioners.

6. *Per contra*, the learned counsel for the respondents opposed the prayer by contending that there are clear and *prima facie* allegations are forthcoming in the petition and these petitioners have instigated the husband of respondent No.1-wife to harass her both physically and mentally and thereby thrown her out of the matrimonial home. Since they are the in-laws, sisters-in-law and brothers-in-law, they are also equally responsible for the act and they instigated accused No.1-husband to commit the said act. In such circumstances, he prays to dismiss the petition.

7. I have given my anxious consideration both on the submissions made by the learned counsel for the respective parties and documents available on record.



8. As could be gathered from records, the domestic violence petition is filed against these petitioners mainly for the relief of maintenance and damages. Moreover, except petitioner Nos.1 and 2, all other petitioners are residing separately in their respective houses with their family. There is no such possibility of they being involved in the affairs of respondent No.1 and her husband.

9. In such circumstances, the Co-ordinate Bench of this Court in Criminal Petition No.3578/2022 dated 28.06.2024 has held that, if *prima facie* case has not been made out against the other family members, except the husband, they cannot be roped in the criminal case by relying on the judgment of Hon'ble Apex Court in the case of **SHYAMLAL DEVDA v. PARIMALA** reported in **2020 (3) SCC 2014**, wherein paragraph Nos.8 and 9 reads as under:

"....



8. *Section 18 of the Domestic Violence Act relates to protection order. In terms of Section 18 of the Act, intention of the legislature is to provide more protection to woman. Section 20 of the Act empowers the court to order for monetary relief to the "aggrieved party". When acts of domestic violence are alleged, before issuing notice, the court has to be prima facie satisfied that there have been instances of domestic violence.*

9. *In the present case, the respondent has made allegations of domestic violence against fourteen appellants. Appellant 14 is the husband and Appellants 1 and 2 are the parents-in-law of the respondent. All other appellants are relatives of parents-in-law of the respondent. Appellants 3, 5, 9, 11 and 12 are the brothers of father-in-law of the respondent. Appellants 4, 6 and 10 are the wives of Appellants 3, 5 and 9 respectively. Appellants 7 and 8 are the parents of Appellant 1. Appellants 1 to 6 and 14 are residents of Chennai. Appellants 7 to 10 are the residents of the State of Rajasthan and Appellants 11 to 13 are the residents of the State of Gujarat. Admittedly, the matrimonial house of the respondent and Appellant 1 has been at Chennai. Insofar as Appellant 14 husband of the respondent and Appellants 1 and 2 parents-in-law, there are averments of alleged domestic violence alleging that they have taken away the jewellery of the respondent gifted to her by her father during marriage and the alleged acts of harassment to the respondent. There are no specific allegations as to how other relatives of Appellant 14 have caused the acts of domestic violence. It is also not known as to how other relatives who are residents of Gujarat and Rajasthan can be held responsible for award of monetary relief to the respondent. The High Court was not right in saying that there was prima facie case against the other Appellants 3 to 13. Since there are no specific allegations against Appellants 3 to 13, the criminal case of domestic violence*



against them cannot be continued and is liable to be quashed.

9. Further in para-12 and 13 of the judgment of the co-ordinate bench held as under:

"12. *The High Court of Andhra Pradesh, following the judgment of the Apex Court in SHYAMLAL DEVDA'S case supra, in the case of MORA v. STATE OF AP5 holds that the judgment in SHYAMLAL DEVADA'S case did not specifically decide maintainability, but there is no bar of exercise of power of a Court under Section 482 of the Cr.P.C. in a proceeding under the Act. The High Court has held as follows:*

"9. On the other hand, in case of Shyamlal Devda v. Parimala, (2020) 3 SCC 14, Hon'ble Apex Court has set aside the order passed by the High Court wherein the proceedings under DV Act were not quashed under Section 482 of the Code of Criminal Procedure. Though this judgment also does not specifically decide applicability of Section 482 of the Code of Criminal Procedure to DV Act, however, the said judgment more than sufficiently indicates that there is no bar to exercise powers under Section 482 of the Code of Criminal Procedure to the proceeding under DV Act."

13. *A coordinate Bench of this Court has in MRS. ARADHANA SHARDA v. MRS. GEETHA RASTOGI⁶ after considering the judgment of the Apex Court in KAMATCHI supra has held as follows:*

"...."



11. Now coming to the pivotal question whether this court can exercise jurisdiction under Section 482 of Code of Criminal Procedure, to set at naught the proceedings initiated by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, it is apposite to refer the judgment of Hon'ble Apex Court in the case of State Of Haryana referred supra, where it was held that the Court exercising jurisdiction is not shorn of the power under Articles 226 and 227 of the Constitution of India and whenever Court is confronted with a situation where the provision of any penal law is abused, it would unhesitatingly exercise jurisdiction to set at naught such proceeding.

12. In the case on hand, though it is contended that the Hon'ble Apex Court in the case of Kamatchi supra held that under Section 482 of Code of Criminal Procedure, the High Court cannot exercise jurisdiction to quash the proceedings under Section 12 of Protection of Women from Domestic Violence Act 2005, in the instant case, the proceedings before the Trial Court has moved on from the stage of issuing notice. The consequence of non-compliance of an order under Sections 21 and 22 is provided in Section 31 of the Act of 2005, which reads as follows :

"31. Penalty for breach of protection order by respondent.—

(1) A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall



be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

(2) The offence under sub-section (1) shall as far as practicable be tried by the Magistrate who had passed the order, the breach of which has been alleged to have been caused by the accused.

(3) While framing charges under sub-section (1), the Magistrate may also frame charges under section 498A of the Indian Penal Code (45 of 1860) or any other provision of that Code or the Dowry Prohibition Act, 1961 (28 of 1961), as the case may be, if the facts disclose the commission of an offence under those provisions."

13. Therefore, it cannot be held that the provisions under the PWDV Act 2005 are civil in nature. Therefore, when the Court is confronted with a false case or a case which does not constitute domestic violence as defined under the Protection of Women from Domestic Violence act 2005, the same cannot continue, as that would result in nuisance and harassment of the petitioner. Therefore, the proceedings against the petitioner cannot continue."

10. In view of the above judgment, except petitioner Nos.1 and 2, other petitioners are residing



separately, they cannot be involved in this case, that too the primary relief claimed by respondent No.1 is in respect of monetary compensation. Hence, the proceedings against petitioner Nos.3 to 7 is nothing but abuse of process of court. Accordingly, the same is liable to be quashed.

11. However, the proceedings against petitioner Nos.1 and 2 i.e. respondent Nos.2 and 3 in Crl.Misc.No.211/2025 shall be proceeded, since they are residing together with the accused No.1 and respondent No.1 herein.

12. Accordingly, the petition is ***allowed in-part.***

13. The petition in respect of petitioner Nos.1 and 2 i.e. respondent Nos.2 and 3 in Crl.Misc.No.211/2025 is hereby ***dismissed.***

14. The petition in respect of petitioner Nos.3 to 7 i.e. respondent Nos.4 to 8 in Crl.Misc.No.211/2025 is hereby ***allowed.***



15. The proceedings in Crl.Misc.No.211/2025 pending on the file of Prl. Civil Judge & JMFC, Sindhanur, in respect petitioner Nos.3 to 7 herein i.e. respondent Nos.4 to 8 in Crl.Misc.No.211/2025 is hereby ***quashed***.

**Sd/-
(RAJESH RAI K)
JUDGE**

SDU
LIST NO.: 1 SL NO.: 23
CT:RJ