



CNR: KAHC010458792019

NC: 2026:KHC:52809
CRL.P No. 8876 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.8876 OF 2019

BETWEEN:

1. SRI NARAYANA GOWDA
S/O MUNE GOWDA
AGED ABOUT 70 YEARS
R/AT KODUGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.
2. SMT. NARAYANAMMA
W/O NARAYAN GOWDA
AGED ABOUT 65 YEARS
R/AT KODUGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.
3. SRI. SHANKARE GOWDA
S/O NARAYANA GOWDA,
AGED ABOUT 55 YEARS
R/AT KODEGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.
4. SMT. PADMAMMA
W/O SHAKARE GOWDA
AGED ABOUT 47 YEARS
R/AT KODEGENAHALLI VILLAGE

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.

5. SRI. THAYLURAPPA
S/O NARAYANA GOWDA
AGED ABOUT 48 YEARS
R/AT KODEGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136

PRESENTLY RESIDING
AT M.N.HALLI ROAD
MARUTHINAGAR
MULBAGAL TOWN
KOLAR DISTRICT-563 131.

6. SMT. PARVATHAMMA
W/O THAYALURAPPA,
AGED ABOUT 44 YEARS
R/AT KODEGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.

PRESENTLY RESIDING
AT M.N.HALLI ROAD
MARUTHINAGAR
MULBAGAL TOWN
KOLAR DISTRICT-563 131

...PETITIONERS

(BY SRI. H.C. NATRAJ, ADVOCATE)

AND:

1. SMT. H.G. PRAMILAMMA
W/O GOVINDA GOWDA
AGED ABOUT 47 YEARS
R/AT KODEGENAHALLI VILLAGE



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KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.

PRESENTLY/CURRENTLY RESIDING AT
C/O POLICE NARAYANASWAMY
NEAR KAMAKSHI TEMPLE
MUTHALPET, MULBAGAL TOWN
KOLAR DISTRICT-563 131.

WORKING AS ASSISTANT TEACHER
GOVERNMENT URDU
HIGHER PRIMARY SCHOOL
MUTHALPET, MULBAGAL TOWN
KOLAR DISTRICT-563 131.

2. SRI. GOVINDA GOWDA
S/O NARAYANA GOWDA
AGED ABOUT 50 YEARS
R/AT KODUGENAHALLI VILLAGE
KYASAMBALLI HOBLI
K.G.F. TALUK
KOLAR DISTRICT-563 136.

...RESPONDENTS

(BY SRI. T.V. SUBRAMANYA PRASAD, ADVOCATE
FOR R1 - ABSENT;
SRI. T. NAGARAJA, ADVOCATE FOR R2 - ABSENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS
AGAINST THE PETITIONERS IN D.V.C.NO.9/2019 FILED BY THE
RESPONDENT NO.1 VIDE DOCUMENT NO.1 UNDER SECTION
12 OF THE PROTECTION OF WOMEN FROM DOMESTIC
VOILENCE ACT, 2005, PENDING ON THE FILE OF SENIOR CIVIL
JUDGE AND PRINCIPAL J.M.F.C., K.G.F., KOLAR.

THIS PETITION COMING ON FOR ADMISSION THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE H.P.SANDESH



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ORAL ORDER

Heard learned counsel for the petitioners. Though respondent Nos.1 and 2 are represented through counsel, the counsel is absent.

2. The prayer is sought for quashing entire proceedings against the petitioners in D.V.C.No.9/2019, filed by respondent No.1 under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

3. The main contention of learned counsel appearing for the petitioners is that petitioner Nos.1 and 2 are in-laws of the first respondent, who are the senior citizens and from day one, they are the permanent residents of Kodigehally Village and the respondent Nos.1 and 2 got married in the year 1992 and they never stayed along with the petitioners. Therefore, question of committing the alleged domestic violence against first respondent does not arise. The counsel also would submit that it was surprised that though respondent got married in 1992 and they are residing separately, allegations are made in the present petition in respect of 25 years back the date of marriage and the Trial Court failed to take note of the same



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and issued notice against the petitioners. It is contended that there is no nature of allegations and even there is no cause of action which appear in the petition as well as the alleged prayer are sought as against second respondent, who is the husband of first respondent and without there being allegations and prayer against these petitioners, there cannot be any proceedings against these petitioners. Learned counsel for the petitioners also would submit that even otherwise in the year 2014 itself, all the petitioners and respondent No.2 have already divided their immovable properties by way of Panchayath Parikath and revenue documents were got transferred in their respective names and they are no way concerned with these petitioners and there cannot be any relief against these petitioners and by misusing the law misinterpreting before the Court, they have been falsely implicated in the case.

4. The counsel also brought to notice of this Court that, MC petition was filed in M.C.No.18/2019, wherein allegations are made only against the husband and nothing is alleged against these petitioners with regard to domestic



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violence is concerned. When there is no such averment in the M.C.No.18/2019 which was also filed in the very same year and question of making these petitioners as parties does not arise. The counsel also brought to notice of this Court that address mentioned in the MC petition is different from the address mentioned in respect of these petitioners are concerned. In the MC petition filed in M.C.No.18/2019, the address of the respondent-husband is shown as Kodigenahalli Village, Kuppampalya Post, Kyasamballa Hobli, K.G.F. Taluk and working place is shown as 'Headmaster' at Higher Primary School, Kannassandra Village, Avani Hobli, Mulbagal Taluk. The counsel brought to notice of this Court the address mentioned in an ingenious method and cleverly drafted showing the same address in D.V.C.No.9/2019, wherein it is stated that all of them are residents of Kodugenahalli Village, Kyasamballi Hobli, K.G.F. Taluk. But, in M.C.No.18/2019, categorically stated that both of them lived together and not along with these petitioners.

5. Having considered the averments made in M.C.No.18/2019, the same was filed on 25.04.2019 and



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D.V.C.No.9/2019 was filed on 16.08.2018 and though date is mentioned as 16.08.2018, the same was filed on 16.08.2019 and affidavit also discloses, it is dated 16.08.2019. But, there was mistake in mentioning the date as 16.08.2018 in the petition. Hence, it is clear that D.V. petition is filed subsequently after filing of M.C. petition. When the MC petition was filed in M.C.No.18/2019, no such allegations are made against these petitioners. But, while filing D.V.C.No.9/2019, subsequently, averments are made against these petitioners.

6. When such being the case and they are not living together and the averments made in the petition are very clear that marriage has taken place in 1992 and this petition was filed in 2019 making all the family members as parties to the proceedings and prayer is sought under Sections 18, 19 and 20 of the Protection of Women from Domestic Violence Act, 2005 and no specific prayer against these petitioners and prayer is also very silent to grant the relief claimed herein and nowhere, it is stated against these petitioners. Having taken note of clever drafting while filing the petition and also considering the averments made in MC petition, the very presence of these



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petitioners, that too in DVC proceedings when the marriage has taken place in 1992 and petition is filed in 2019, though same address is given, but the fact that both of them are working as Teachers in different places and stayed in different places and not along with these petitioners is not in dispute. When such being the material on record, it is a fit case to exercise the power under Section 482 of Cr.P.C. to quash the proceedings initiated these petitioners, that too in D.V.C case which is unwarranted.

7. In view of the discussion made above, I pass the following:

ORDER

- (i) The Criminal petition is ***allowed***.
- (ii) The proceedings initiated against these petitioners in D.V.C.No.9/2019, filed by respondent No.1 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, is hereby quashed

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 13