

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

ON THE 14th DAY OF NOVEMBER 2016

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

CRIMINAL PETITION No.101868 of 2015
C/W CRIMINAL PETITION Nos.101876 OF 2015
AND 101877 OF 2015

IN CRL.P NO.101868 OF 2015

BETWEEN

1. UMESH S/O BASAPPA JABSHE'TTY
AGE:46 YEARS OCC:MANAGER
2. BHARATI W/O UMESH JABSHE'TTY
AGE:40 YEARS OCC:BUSINESS

BOTH ARE R/O:ULLAGADI ONI, LOKAPUR
TQ:MUDHOL, DIST:BAGALKOT.

... PETITIONERS

(By Sri SRINIVAS B NAIK, ADV.)

AND

LAXMI @ VIJAYALAXMI
W/O BASAVARAJ BATAKURKI
AGE:29 YEARS
R/O:BAZAR ROAD LOKAPUR
TQ:MUDHOL
NOW AT KUMBAR ONI, JUNIPETH
RAMDURG, DIST:BELAGAVI

... RESPONDENT

(By Sri R K KULKARNI, ADV.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C. SEEKING TO QUASH THE COMPLAINT FILED
AGAINST THESE PETITIONERS AT CRIMINAL
MISCELLANEOUS NO. 139 OF 2014 ON THE FILE OF SENIOR

CIVIL JUDGE AND JMFC, RANDURG, REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 18, 19, 20, 21 & 22 OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005.

IN CRL.P NO.101876 OF 2015

BETWEEN

ARATHI W/O MAHANTESH KAMATAGI,
AGE:36 YEARS, OCC:HOUSE WIFE
R/O:PATTAR GALLI, ATHANI
TQ:ATHANI, DIST:BELAGAVI

... PETITIONER

(By Sri SRINIVAS B NAIK, ADV)

AND

LAXMI @ VIJAYALAXMI
W/O BASAVARAJ BATAKURKI,
AGE:29 YEARS
R/O:BAZAR ROAD LOKAPUR
TQ:MUDHOL, NOW AT KUMBAR ONI,
JUNIPETH, RAMDURG
DIST:BELAGAVI

... RESPONDENT

(By Sri R K KULKARNI, ADV.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. SEEKING TO QUASH THE COMPLAINT FILED AGAINST THE PETITIONER AT CRIMINAL MISCELLANEOUS NO. 139 OF 2014 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, RAMDURGA REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 18, 19, 20, 21 & 22 OF PROTECTION OF WOMEN FORM DOMESTIC VIOLENCE ACT 2005.

CRL.P NO.101877 OF 2015

BETWEEN

1. GURUPADAPPA
S/O HOLABASAPPA BATAKURKI,
AGE:63 YEARS OCC:BUSINESS

2. DRAKSHAYANI
W/O GURUPADAPPA BATAKURKI
AGE:58 YEARS, OCC:HOUSE WIFE

3. SHIVANAND
S/O GURUPADAPPA BATAKURKI
AGE:34 YEARS OCC:BUSINESS

4. PREMLATHA
W/O SHIVANAND BATAKURKI
AGE:30 YEARS OCC:HOUSE WIFE

ALL ARE R/O:BAZAR ROAD, LOKAPUR
TQ:MUDHOL, DIST:BAGALKOT

... PETITIONERS

(By Sri SRINIVAS B NAIK, ADV.)

AND

LAXMI @ VIJAYALAXMI
W/O BASAVARAJ BATAKURKI,
AGE:29 YEARS
R/O:BAZAR ROAD, LOKAPUR
TQ:MUDHOL
NOW AT KUMBAR ONI, JUNIPEETH
RAMDURG, DIST:BELAGAVI

... RESPONDENT

(By Sri R K KULKARNI, ADV.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. SEEKING TO QUASH THE COMPLAINT FILED AGAINST THE PETITIONER AT CRIMINAL MISCELLANEOUS NO.139 OF 2014 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, RAMDURGA REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 18, 19, 20, 21 & 22 OF PROTECTION OF WOMEN FORM DOMESTIC VIOLENCE ACT 2005.

THESE CRIMINAL PETITIONS COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The case of the respondent is that her marriage was solemnized about 10 years ago. That her husband died on 11.04.2014. After the death of her husband, the accused who are her in-laws and others started harassing her. They were asking her to bring dowry to pay the loan taken by her husband. They used to abuse her in a filthy language and physically assault her. She was thrown out of her matrimonial home. They refused to take her back in spite of the advice of the elders. Based on the allegations, a case was registered in Criminal Miscellaneous No.139 of 2014 for the offence punishable under Sections 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, 2005. Seeking to quash the proceedings, accused Nos.5 and 6 have filed Criminal Petition No.101868 of 2015, accused No.7 has filed Criminal Petition No.101876 of 2015 and accused Nos.1 to 4 have filed Criminal Petition No.101877 of 2015.

2. Learned counsel for the petitioners contends that there is no case made out by the complainant against them. That a partition has taken place and she has taken all her property. In spite of that, allegations are being made. That none of the allegations are sustainable.

3. On the other hand, learned counsel for the respondent disputes the same.

4. On hearing learned counsel, I am of the considered view that there is no merit in this petition.

5. The allegations against the petitioners is that they were harassing her both physically and mentally to bring money to clear the loan. However, the material on record would show that there has been a serious allegation against the petitioners of having physically and mentally abusing the respondent. Even assuming a partition has taken place, the question of them demanding further amount to clear the loan cannot be ruled out. Each one of the contentions of the petitioners are matters for trial. The same cannot be gone into in this petition under Section

482 of the Code of Criminal Procedure in order to hold that there is no prima facie case. On considering the available material on record, I have no hesitation to say that there is a substantial case against the petitioners herein.

Hence, I find no good ground to quash the proceedings.
The petitions are dismissed.

Sd/-
JUDGE

kmv