



CGHC010143372025



2026:CGHC:37370

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1472 of 2025

- 1 - Manoj Kurre S/o Rambriksh Aged About 33 Years R/o Village Kurda, Thana And Tahsil Malkharoda, District : Sakti, Chhattisgarh
- 2 - Raju Kurre S/o Rambriksh Aged About 35 Years R/o Dahdha Khar Forest Lawan, District : Balodabazar-Bhathapara, Chhattisgarh
- 3 - Amarnath Kurre S/o Rambriksh Aged About 29 Years R/o Dabhra, District : Sakti, Chhattisgarh
- 4 - Rambriksh Kurre S/o Kanhaiyalal Kurre Aged About 58 Years R/o Amlori Project, District : Singroli, Madhya Pradesh
- 5 - Mahettarin W/o Rambriksh Aged About 53 Years R/o Amlori Project, District : Singroli, Madhya Pradesh

... Petitioners

versus

- 1 - Smt. Sunita Kurre W/o Manoj Kurre Aged About 24 Years Caste Satnami R/o Village Kurda, Presently Birra, Thana Birra, District : Janjgir-Champa, Chhattisgarh
- 2 - Ayam Kurre S/o Manoj Kurre Aged About 4 Years Being Minor, Through His Mother Smt. Sunita Kurre Aged About 24 Years, W/o Manoj Kurre Caste Satnami R/o Village Kurda, Presently Birra, Thana Birra, District : Janjgir-Champa, Chhattisgarh

... Respondents

For Petitioners : Mr. Parag Kotecha, Advocate
 For Respondent(s) : None

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

20.08.2026

1. The petitioners have filed the present Cr.M.P. under Section 528 of the BNSS assailing issuance of registration of complaint under Section 12 of the Domestic Violence Act before the Judicial Magistrate First Class, Champa, District Janjgir Champa (C.G.) bearing Complaint Case No. 02/2020.
2. The brief facts, as reflected from the record, are that the complainant/respondent has filed a complaint against all the family members of the petitioners, alleging that petitioner No. 1/husband is not taking care of her and is subject to mental torture in connection with a demand for dowry of Rs. 1,00,000/- and a motorcycle. On this basis, respondent No. 1 has claimed Rs. 3,000/- per hearing towards litigation expenses and Rs. 30,000/- towards the cost of litigation.
3. Learned counsel for the petitioners would submit that, on the same set of allegations, the complainant had lodged an FIR at the Police Station under Section 498A of the I.P.C., wherein the accused persons have been acquitted. He would further submit that the parties have also obtained a divorce and that an application seeking custody of the child is pending before the Hon'ble Division Bench of this Court. Thus, in view of the aforesaid facts, he would further submit that the filing of the complaint and issuance of notice are nothing but an abuse of the process of law and would pray for quashing of the complaint filed by the respondents.
4. This Court has issued notice to the respondents, which was duly served upon them. However, they have chosen not to appear before

this Court. Therefore, this Court is proceeding on the basis of the record and the materials placed by the petitioners.

5. From the aforesaid averments and submissions made by the petitioners, it has been contended that since the petitioners have already been acquitted in a case arising out of the same set of allegations, the subsequent filing of the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in brief "Act of 2005") is per se illegal which is required to be considered by this Court.
6. It is quite vivid that Section 498A of the I.P.C. and Section 12 of the Protection of Women from Domestic Violence Act, 2005 operate in different fields and serve distinct objects. The Parliament, while enacting the Act of 2005, intended to provide more effective protection to the rights of women guaranteed under the Constitution who are victims of violence of any kind occurring within the family or matters connected therewith or incidental thereto. The Section 36 of the Act of 2005 further provides that the provisions of the said Act are in addition to, and not in derogation of, the provisions of any other law for the time being in force, therefore, Section 36 of the Act clearly provides that the provisions of the Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.
7. Since, both the acts operate in different sphere, therefore the acquittal of the petitioner under Section 498A of the I.P.C. will not prohibit or restrict the complainant to file a complaint under Section 12 of the Act of 2005.
8. Thus, this Court is of the considered view that the learned Trial Court has not committed any illegality in taking cognizance of the complaint.

However, it is clarified that dismissal of the present Cr.M.P. shall not preclude the learned trial Court from deciding the complaint on its own merits, uninfluenced by any observation made in the present order.

9. With the aforesaid observation and direction, the instant Cr.M.P is disposed of.

Sd/-

(Narendra Kumar Vyas)

Judge

Bhumika