



CNR: KAHC020075372025

NC: 2026:KHC-D:15584
CRL.P No. 101593 of 2025
C/W CRL.P No. 101594 of 2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CRIMINAL PETITION NO.101593 OF 2025

CONNECTED WITH

CRIMINAL PETITION NO.101594 OF 2025

[482(Cr.P.C)/528(BNSS)]

IN CRL.P. NO.101593/2025:

BETWEEN:

1.

2.

3.

Digitally signed by
CHANDRASHEKAR
LAXMAN
KATTIMANI
Location: High
Court of Karnataka,
Dharwad Bench,
Dharwad

(BY SRI ROHIT N. LATUR, ADVOCATE)

...PETITIONERS



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AND:

...RESPONDENT

(BY SRI DEEPAK S. KULKARNI, ADVOCATE)

* * *

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE ORDER OF COGNIZANCE TAKEN BY THE COURT BASED ON THE PETITION/COMPLAINT FILED BY THE RESPONDENT-WIFE VIDE ORDER DATED 19.12.2023 AND ENTIRE PROCEEDINGS AS AGAINST THE PETITIONERS, WHO ARE ARRAIGNED AS RESPONDENT NOS.1 TO 3, PENDING ON THE FILE OF THE III JUDICIAL MAGISTRATE FIRST CLASS, BELAGAVI, IN CRIMINAL MISCELLANEOUS NO.144 OF 2023 FOR THE OFFENCE PUNISHABLE UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.

IN CRL.P NO.101594/2025:

BETWEEN:

...PETITIONER

(BY SRI ROHIT N. LATUR, ADVOCATE)



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AND:

...RESPONDENT

(BY SRI DEEPAK S. KULKARNI, ADVOCATE)

* * *

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO SET ASIDE THE INTERIM ORDER DATED 08.07.2024 PASSED BY THE III JUDICIAL MAGISTRATE FIRST CLASS, BELAGAVI, ON I.A. NO.2 OF 2023 FILED BY THE RESPONDENT-WIFE UNDER SECTION 20 READ WITH SECTION 23 OF THE D.V. ACT IN CRIMINAL MISCELLANEOUS NO.144 OF 2023, WHICH DIRECTED PETITIONER NO.1 TO PAY INTERIM MAINTENANCE OF RS.7,000/- FROM THE DATE OF PETITION TILL ITS DISPOSAL AND TO QUASH THE ORDER OF DISMISSAL DATED 06.03.2025 PASSED BY THE V ADDITIONAL SESSIONS JUDGE IN CRIMINAL APPEAL NO.249 OF 2024, WHICH DISMISSED THE APPEAL CHALLENGING THE ORDER OF PAYMENT OF INTERIM MAINTENANCE TO BE PAID BY THE PETITIONER HUSBAND TO RESPONDENT WIFE AND UPHELD THE INTERIM ORDER DATED 08-07-2024 IN THE INTEREST OF JUSTICE AND ETC.

THESE CRIMINAL PETITIONS ARE COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

This Criminal Petition No.101593 of 2025 has been filed by the petitioner/accused No.1 to 3, seeking to quash the entire proceedings in Criminal Miscellaneous No.144 of 2023 pending before the III Judicial Magistrate First Class, Belagavi, filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the "D.V. Act").

2. This Criminal Petition No.101594 of 2025 has been filed by the petitioner-husband seeking to set aside the order dated 08.07.2024 passed by the III Judicial Magistrate First Class, Belagavi, on I.A. No.2 of 2023 in Criminal Miscellaneous No.144 of 2023, whereby the trial Court directed the petitioner to pay interim maintenance of Rs.7,000/- per month to the respondent-wife from the date of the filing of the petition and also to quash the



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order dated 06.03.2025 passed by the V Additional District and Sessions Judge, Belagavi, in Criminal Appeal No.249 of 2024 confirming the order of interim maintenance passed by the trial Court.

3. The brief facts of the case are that petitioner No.1 is the husband and the respondent is the wife. Petitioner Nos.2 and 3 are the father and the mother of petitioner No.1. The marriage of petitioner No.1 and the respondent was solemnised on 21.08.2022. According to the respondent-wife, their relationship remained cordial only for a few months after the marriage. Thereafter, she alleged that her husband and his parents started harassing her and demanding additional dowry. She further alleged that her husband neglected and subjected her to various acts of domestic violence. On the basis of these allegations, the respondent instituted proceedings under Section 12 of the D.V. Act in Criminal Miscellaneous No.144 of 2023.



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4. During the pendency of the proceedings, the respondent-wife filed I.A. No.2 of 2023 seeking interim maintenance. Upon considering the material available on record, the trial Court, by order dated 08.07.2024, directed petitioner No.1-husband to pay interim maintenance of Rs.7,000/- per month to the respondent-wife from the date of filing of the petition.

5. Aggrieved by the said order, petitioner No.1-husband preferred Criminal Appeal No.249 of 2024 before the V Additional District and Sessions Judge, Belagavi. The First Appellate Court dismissed the appeal and confirmed the order granting interim maintenance. Being aggrieved by the same, petitioner No.1 approached this Court by filing Criminal Petition No.101594 of 2025.

6. Learned counsel for the petitioners has contended that there are no specific allegations of domestic violence against petitioner Nos.2 and 3, who are the father and the



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mother of petitioner No.1. He further contended that the allegations made by the respondent-wife are principally directed against petitioner No.1-husband. The allegations included that petitioner No.1 is suffering from erectile dysfunction, used to not speak to her, failed to open the door when she returned home, failed to recharge subscriptions such as Netflix and Amazon, and allegedly concealed grocery items from her in the kitchen. Therefore, he contended that such allegations, even if taken at face value, did not constitute specific acts of domestic violence attributable to petitioner Nos.2 and 3. He further contended that petitioner Nos.2 and 3 are aged 70 and 65 years, respectively and are retired Government officials and that petitioner Nos.2 and 3 had no independent role in the alleged incidents and had never harassed the respondent. He, therefore, contended that, in the absence of any specific overt act or allegation against petitioner Nos.2 and 3, continuation of the proceedings against them would be an abuse of process of law.



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7. In so far as interim maintenance of Rs.7,000/- per month is concerned, the learned counsel for the petitioners contended that the trial Court has not given sufficient opportunity for filing affidavit regarding assets and liability of both the parties prior to passing orders on interim maintenance. Hence, learned counsel prays to allow the petitions.

8. Learned counsel for the respondent-wife orally objected the petitions and contended that petitioner Nos.2 and 3 are necessary and proper parties to the proceedings. It is further contended that the proceedings should not be quashed at the threshold. Further, in so far as maintenance is concerned, the trial Court, after considering the facts and circumstances of the case, has rightly granted interim maintenance of Rs.7,000/-. Hence, learned counsel for respondent prays to dismiss the petitions.



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9. Heard learned counsel for the petitioner and learned counsel for the respondent, perused the material available on record. Upon perusal of the allegations made in the application filed under Section 12 of the D.V. Act, it clearly demonstrated that the allegations were principally directed against petitioner No.1-husband. The trial Court further observed that there are no specific allegations or overt acts attributed to petitioner Nos.2 and 3, except the general allegation that they supported petitioner No.1. In the absence of specific allegations constituting domestic violence against petitioner Nos.2 and 3, continuation of the proceedings against them would amount to an abuse of the process of law and hence, the same is liable to be quashed. However, in so far as petitioner No.1-husband is concerned, there are sufficient material against him.

10. With regard to interim maintenance, the trial Court, considering the material available on record, that the marital relationship between petitioner No.1-husband



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and the respondent-wife is not disputed, and the respondent-wife's contention that she was unable to maintain herself and the fact that petitioner No.1-husband is working as an Engineer and earning Rs.35,000/- per month, was justified in awarding interim maintenance of Rs.7,000/- per month to the respondent-wife. Further, the First Appellate Court, taking note of the facts and circumstances of the case, rightly affirmed the order of interim maintenance. Therefore, this Court finds no sufficient ground to interfere with the order of court below of granting interim maintenance. Accordingly, I proceed to pass the following

ORDER

- i. Criminal Petition No.101593 of 2025 is ***partly allowed***. The entire proceedings in Criminal Miscellaneous No.144 of 2023 pending before the III Judicial Magistrate First Class, Belagavi, are quashed insofar as petitioner Nos.2 and 3 are concerned.



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However, the proceedings against petitioner No.1-husband are permitted to continue.

- ii. Criminal Petition No.101594 of 2025 is **dismissed**. Consequently, the order dated 08.07.2024 passed by the III Judicial Magistrate First Class, Belagavi, in Criminal Miscellaneous No.144 of 2023, granting interim maintenance of Rs.7,000/- per month to the respondent-wife, and the order dated 06.03.2025 passed by the V Additional District and Sessions Judge, Belagavi, in Criminal Appeal No.249 of 2024, are upheld.

The trial Court is directed to expedite the matter without granting unnecessary adjournments.

In view of the dismissal of the petition, pending interlocutory applications, if any, shall stand dismissed.

Sd/-
(VENKATESH NAIK T)
JUDGE

KVK /CT-SK
List No.: 1 Sl No.: 12