



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JANUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL REVISION PETITION NO. 528 OF 2025**

BETWEEN:

SRI BHASKAR REDDY
S/O MUNI REDDY,
AGED ABOUT 55 YEARS,
R/AT NO. 102, VENKATESHWARA
APARTMENTS, 1ST MAIN ROAD,
MUNNEKOLALA, VARTHUR HOBLI,
BANGALORE - 560 037.

...PETITIONER
[BY SRI S.BALAKRISHNAN, ADVOCATE (PH)]

AND:

Ms. ROSHINI
D/O BHASKAR REDDY,
AGED ABOUT 22 YEARS,
R/AT NO.102,
VENKATESHWARA APARTMENTS,
1ST MAIN ROAD, MUNNEKOLALA,
VARTHUR HOBLI,
BANGALORE - 560 087.

...RESPONDENT
[BY SRI HARISH H.V., ADVOCATE (PH)]

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka
THIS CRL.RP FILED U/S.397 R/W 401 CR.P.C BY THE
ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE
COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT PASSED BY
METROPOLITAN MAGISTRATE TRAFFIC COURT-I, MAYOHALL UNIT,
BENGLAURU ON 19.07.2023 IN CRL.MISC.NO.42/2013 PARTIALLY
ALLOWING THE PETITION AND DIRECTING PETITIONER HEREIN TO
PAY RS.15,000/- TO RESPONDENT HEREIN TILL MARRIAGE AND TO
PAY COMPENSATION OF RS.10,00,000/- AND PERMANENT
ACCOMMODATION TO STANDARD OF HER STATUS, AND SET ASIDE
JUDGMENT PASSED BY LXXIII ADL. CITY CIVIL AND SESSIONS
JUDGE AT MAYO HALL UNIT, BENGALURU (CCH-74) ON 28.02.2025
IN CRL.A.25220/2023 CONFIRMING ORDER OF TRIAL COURT.



THIS PETITION IS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.10.2025, THIS DAY, THE COURT, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

CAV ORDER

Challenging order dated 28.02.2025 passed by LXXIII Addl. City Civil and Sessions Judge, Mayo Hall Unit, Bengaluru (CCH-74) (**Appellate Court**), in Crl.A.no.25220/2023 and order dated 19.07.2023 by Metropolitan Magistrate Traffic Court-I, Mayo Hall, Bangalore, (**DV Court**) in Crl.Misc.no.42/2013, this revision petition is filed.

2. Sri Balakrishnan S., learned counsel for petitioner submitted above revision arose out of Crl.Misc.42/2013 filed by respondent under Section 12 of Protection of Women from Domestic Violence Act, 2005, ('**DV Act**', for short) seeking for protection order under Section 18, order of residence under Section 19, monitory relief of Rs.5,00,000/- under Section 20, monthly maintenance of Rs.30,000/- and compensation of Rs.50,00,000/- under Section 22 of DV Act. And for sake of convenience, parties referred as per their ranks in said petition.



3. It was submitted in petition, it was stated, petitioners i.e. Miss Roshini D/o Bhaskar Reddy (**Petitioner no.1**) and Master Hitesh S/o Bhaskar Reddy (**Petitioner no.2**) were children of Bhaskar Reddy (**Respondent**) and Late P. Geetha. That during October, 2012, petitioner no.1 was narrating to her mother about sexual acts that respondent and others were indulging with her. Same was overheard by respondent, who manhandled petitioner no.1 and her mother and due to which, her mother died on 27.10.2012. When maternal grandmother of petitioners (**Ramadevi**) came to know about it, she filed complaint against respondent. It was stated that petitioners were in custody of Ramadevi and needed money for education, food, clothing etc., while respondent was earning Rs.1,20,000/- per month as Software Engineer. It was alleged, respondent was facing allegations of sexual abuse, causing physical and mental harm. Therefore, petitioners were entitled for relief.

4. On service of summons, respondent appeared and filed objections denying petition claims by stating that on 18.10.2012, while he was at work, his wife fell in bathroom and



died during treatment on **27.10.2012**. On 26.10.2012, Ramadevi took his children away to Chennai and refused to send them back. Therefore, he lodged complaint against Ramadevi. She also lodged complaint against respondent and TK Mallikarjun Reddy, Phani and Smt.Sunitha, who had treated his wife. On 04.02.2013, Ramadevi also lodged complaint for offence punishable under Section 302 of Indian Penal Code, 1860 ('**IPC**', for short) against respondent and his brothers. She filed another complaint against respondent for offence punishable under provisions of Protection of Children from Sexual Offences Act, 2012 ('**POCSO**', for short). It was specifically stated that allegations were contrary to Medical Examination Reports. It was stated, respondent being natural guardian was ready and willing to take care of his children and sought dismissal of petition.

5. Based on same, DV Court framed following points for consideration:

- (i) *Whether petitioners prove that respondent has committed domestic violence upon the petitioners?*
- (ii) *Whether petitioners prove that they are entitled for the reliefs as sought for?*
- (iii) *What order?*



6. To establish their claim, Ramadevi and petitioners deposed as PWs.1 to 3 and got marked Exhibits P1 to P10. In rebuttal, respondent deposed as RW.1 and got marked Exhibits R1 to R16.

7. On consideration, DV Court answered point no.1 in affirmative, point no.2 partly in affirmative and point no.3 by allowing petition in part, directing respondent against commission of any acts of domestic violence against petitioners; to return *stridhan* of petitioners' mother to petitioners; to pay monthly maintenance of Rs.15,000/- to petitioner no.1 till her marriage; to pay compensation of Rs.10 Lakhs to petitioner no.1 and provide accommodation to petitioner no.1 to standard of her status and living.

8. Aggrieved, respondent filed Crl.A.no.25220/2025 on various grounds, based on which first appellate Court framed following points for consideration:

1. *Whether the impugned order requires to be set aside?*
2. *What order?*



9. It was submitted, after answering point no.1 in negative, appeal was dismissed. Aggrieved thereby, this revision was filed. It was submitted, marriage of petitioner and his wife Geeta was solemnized on 04.04.2001. They led happy marital life during which petitioners were born. It was submitted, until 26.11.2012, petitioners were residing with respondent and pursuing their studies. On 18.10.2012, his wife fell down in bathroom and sustained injuries. She was immediately got admitted to Yashomati Hospital on 18.10.2012 and later at Manipal Hospital on 20.10.2012. However, she died on **21.10.2012**, during treatment. Thereafter, her cremation was performed as per prevailing customs at Tirupati.

10. Thereafter, when Ramadevi took his children away, he filed complaint against her on 26.11.2012. As counterblast, Ramadevi filed two complaints, one alleging offence under Section 302 of IPC against respondent and others and another for offence under Section 376 of IPC and POCSO. It was submitted, medical examination of petitioner no.1 conducted on 02.02.2013 revealed *fresh injuries to her private parts*, which could obviously be while petitioner no.1 was residing with



Ramadevi. Therefore, said injuries could not in any manner implicate respondent or were caused to frame him.

11. With sole intention of vengeance, Ramadevi got filed present petition under provisions of DV Act. It was submitted, petitioner no.1 was born on 07.01.2002 and would attain age of majority on 07.01.2020. It was submitted, definition of '*aggrieved person*' under Section 2 (a) of DV Act would refer to a '*woman*' and not to a '*child*' defined under Section 2 (b) of DV Act as being under age of 18 years. It was submitted, until 07.01.2020, petitioner would be under age of 18 years and thus a *child* and as such would not fall within definition of *aggrieved person*. Therefore, application by petitioner no.1 would not sustain. Apart from above, award of maintenance to petitioner no.1 till date of her marriage was contrary to decision of this Court in **G. Kalasegowda v. NK Nethravathi**, reported in **2023 SCC OnLine Kar 1611**.

12. It was further submitted, definition of '*domestic relationship*' under Section 2 (f) of DV Act would mean relationship between two persons who live or have, at any point of time, lived together *in a relationship of marriage* in shared



household. Therefore, petitioner no.1 as daughter, could not invoke provisions of DV Act. It was submitted, Section 12 of DV Act provided only an aggrieved person, Protection Officer or any person on behalf of aggrieved person to file application under DV Act. Likewise, even Sections 20 and 22 of DV Act, provided remedy to aggrieved person. It was submitted, admittedly, there was no application filed under Section 23 of DV Act.

13. It was submitted, this Court in **G. Kalasegowda**'s case (*supra*), High Court of Nagpur in case of **Koushik s/o Anil Gharami v. Sau. Sangeeta Koushik Gharami & Ors.**, reported in **2014 ALL MR (Cri) 2398** and Hon'ble Supreme Court in case of **Abhilasha v. Parkash & Ors.** reported in **(2021) 13 SCC 99**, held award of maintenance beyond age of majority was not justified. And in support of proposition that only on proof domestic violence, reliefs can be granted under DV Act, learned counsel relied on decision of this Court in case of **Ramesh BS v. Navaneetha**, reported in **NC:2023:KHC:36044**.

14. It was submitted, before DV Court, PW.1 - Ramadevi admitted in cross-examination that she had filed



three cases against respondent, one rape case against 5-6 persons and another one rape case against three persons in Madras. She admitted in both rape cases, victim was petitioner no.1 and there was camera recording of incident, which would arise suspicion. Her deposition in said cases was confronted and on admission got marked as Ex.R6. She stated that her daughter died on **27.10.2012**, her body was cremated at Bhakra, Tirupati and obsequies performed on 08.11.2012. And after admitting that from **26.11.2012** till 27.01.2013, both petitioners were with her, she stated that she filed rape complaint against respondent on 27.01.2013. She admitted, about not filing any complaint against respondent prior to death of her daughter and also about not giving statement before police about respondent murdering her daughter and that complaint alleging rape was filed only after coming to know that respondent had obtained bail in criminal case on first complaint. And when confronted, she feigned ignorance about fresh injury to private part mentioned in Medical Examination Report.

15. Besides, petitioner no.1 herein had deposed as PW.2 in Spl.CC.no.163/2013, wherein she admitted that till



death of her mother (Geeta) her life in Bengaluru was happy and pleasant. It was submitted, said statement was after petitioner no.1 had returned to Bangalore, and cremation of her mother's body at Tirupati. It was submitted, she further stated that even thereafter, she was going to Chaitanya School, Bengaluru, carrying lunch prepared by her father and that she wanted to continue there itself. But, decided to stay at Chetan lodge alongwith Ramadevi. She also admitted that Ramadevi had taken both petitioners to lodge, when respondent was at work. And further she was brought back to Bangalore only after filing of complaint by respondent herein.

16. Thus, points requiring consideration were, whether Ramadevi would be an '*aggrieved person*'; whether without cohabitation and proof of domestic violence, DV Act would be attracted; whether without details/description blanket direction for return of *stridhan* would be sustainable; whether direction to pay maintenance till date of marriage of petitioner no.1 was sustainable and whether present proceedings were an abuse of process of law ?



17. On other hand, Sri Harish H.V., learned counsel for respondent submitted, petition under Section 12 of DV Act was filed by daughter and son of respondent aged 11 and 10 years respectively due to their minority, represented by Ramadevi maternal grandmother. It was submitted, petition was allowed only insofar as petitioner no.1 and rejected insofar petitioner no.2. It was submitted, petition was filed alleging incidents of domestic violence i.e. murder of petitioners' mother and sexual harassment of petitioner no.1, by respondent.

18. It was submitted, both Courts had passed impugned order based on material produced by petitioners. It was submitted, though respondent had cross-examined PWs.1 and 2 and filed affidavit examination-in-chief, but had failed to offer himself for cross-examination, apparently to withholding best evidence, calling for drawing of adverse inference. It was submitted, reliance on depositions in proceedings that had not yet concluded, would not be justified. Besides, marking of entire deposition instead of specific portions of same by drawing attention of witness, would be defective and in violation of Section 145 of Evidence Act.



19. It was submitted, since their mother had died and they were making allegations against their father arrayed as respondent, there was nothing wrong in Ramadevi - maternal grandmother acting as guardian. It was submitted, petitioners were not provided interim maintenance/travel expenses ordered during pendency of proceedings, apparently with view to starve them financially. Defence that respondent was in jail and therefore unable was without evidence. It was submitted, Hon'ble Supreme Court in **Rajnesh v. Neha & Anr.** reported in **(2021) 2 SCC 324**, had held maintenance was to be paid from date of petition and further submitted, since respondent was admittedly a Software Engineer, had an independent house in Bengaluru as per his affidavit of Assets and Liabilities, direction to pay maintenance of Rs.15,000/- per month till date of her marriage, would be fully justified.

20. It was submitted claim for return of Stridhan was based on pleadings in paras 7, 10 and 12 of petition. It was submitted, in para 8 of objections, respondent stated that he would keep jewelry in safe custody and therefore, respondent cannot claim to be aggrieved by direction to return Stridhan. It



was submitted, while passing impugned judgment, both Courts had not only referred to contents of Section 2 (a) of DV Act but also Section 3 thereof. It was submitted, daughter was included in Section 2 (a) of DV Act.

21. It was submitted, both DV Court as well as Appellate Court had taken note of all contentions urged by respondent herein, and after observing that there was no attempt by respondent to establish that he had not subjected petitioner no.1 to sexual/physical abuse, arrived at well-reasoned conclusions and passed impugned order.

22. It was submitted, petition filed was clear about incidents of physical/sexual abuse by respondent committed on petitioner no.1, which would fall under Section 3 of DV Act. Further, provisions of Section 2 (f) of DV Act would include any incidents of domestic violence suffered by any of family members. It was submitted, Hon'ble Supreme Court in **Prabha Tyagi v. Kamlesh Devi** reported in **(2022) 8 SCC 90** clearly held even a girl child cared for as foster child would be entitled to invoke provisions of DV Act and filing of Domestic Violence Incident Report ('**DVIR**') was not mandatory.



23. It was submitted, High Court of Andhra Pradesh in case of **Menti Trinadha Venkata Ramana v. Menti Lakshmi**, reported in **2021 SCC OnLine AP 2860**, had held application for maintenance under DV Act would survive even after age of majority as for purposes of 'aggrieved person' under Section 2 (a) of DV Act, it was irrelevant whether woman was minor or attained age of majority. It was submitted, in case of **Noor Saba Khatoon v. Mohd. Quasim** reported in **(1997) 6 SCC 233**, reference was made to provisions of Muslim Women (Protection of Rights on Divorce) Act, 1986 and claim for maintenance beyond age of majority upheld. Same was reiterated in **Naimullah Sheikh v. State of U.P.**, reported in **2024 SCC OnLine All 163** and in **Ram Kumar Pandey v. State of U.P.** reported in **2025:AHC:89742**, it was held, definition of aggrieved person would include daughter/grand daughter of aggrieved person, it was not mandatory application under Section 12 of DV Act to be preceded by DVIR and it was mandatory for domestic relationship to be subsisting. Further, Section 12 (1) empowered any person on behalf of aggrieved person to file application under DV Act. Therefore, petition filed



through guardian would be in accordance with law. Therefore, none of contentions of petitioner were meritorious and sought dismissal.

24. In support of his submissions, learned counsel relied upon various decisions. It was submitted Hon'ble Supreme Court in **Abhilasha v. Parkash** reported in **AIR 2020 SC 4355**, had upheld claim for maintenance by Hindu unmarried daughter, when she was unable to maintain herself as well as for proposition that it would suffice if, aggrieved person had at any earlier point of time was in *domestic relationship* with respondent in *shared household* and there was no requirement for prevalence of such status at time of filing application. For same proposition, he also relied on decisions in case of **Ajay Kumar v. Lata**, reported in **(2019) 15 SCC 352; Jagadish Juggawath v. Manju Lata & Ors.** reported in **2002 (5) SCC 422; Sumy Sreekumar & Anr. v. Rijesh Ram P. & Anr.** reported in **2016 SCC OnLine Kar 581; Nagashetty & Ors. v. Aruna** reported in **NC: 2024:KHC-K:4706** and **Preethi Correa & Ors. v. Vincent Correa** reported in **2025:KHC:19938**.



25. It was submitted that in **Juveria Abdul Majid Patani v. Atif Iqbal Mansori & Anr.** reported in **2014 (10) SCC 736**, it was held, even divorced muslim wife was included in definition of *aggrieved person* under DV Act, in case of incident of domestic violence occurred during subsistence of shared household. It was also held, relief can be claimed in any proceedings, even before Civil or Family Court.

26. It was submitted, Hon'ble Supreme Court in **Parvin Kumar Jain v. Anju Jain** reported in **2025 (2) SCC 422** had clarified about factors to be considered while granting maintenance. Likewise on decisions in case of **Jaiminiben Hirenbhai Vyas & Anr. v. Hirenbhai Rameshchandra Vyas & Anr.** reported in **2015 (2) SCC 385** and **Bhuwan Mohan Singh v. Meen & Ors.** reported in **2015 (6) SCC 353**, for clarity regarding date from which maintenance has to be paid. He also relied on decision in **Hiral P. Harsora & Ors. v. Kusum Narottamdas & Ors.** reported in **2016 (10) SCC 165.**

27. Heard learned counsel, perused impugned orders and record.



28. This revision petition is by respondent being aggrieved by concurrent findings allowing petition filed under Section 12 of DV Act filed by his daughter, granting protection against domestic violence, monthly maintenance and compensation of Rs.10 Lakhs.

29. As stated above, it is contended that petition under Section 12 by minor daughter would not be tenable as definition of *aggrieved person* under Section 2 (a) of DV Act would refer to a woman and not a 'child' which is defined separately under Section 2 (b) as person aged below 18 years of age.

30. However, in Hon'ble Supreme Court in **Prabha Tyagi**'s case has held foster girl child could claim relief under DV Act. In **Menti Lakshmi**'s case, it is held it was irrelevant whether woman was minor or attained age of majority and claim for maintenance would survive.

31. Further contention that definition of domestic relationship in Section 2 (f) of DV Act, contemplates aggrieved person to be in relationship by marriage or in nature of marriage, and therefore daughter cannot maintain application, would run contrary to following phrase in said definition "or are



family members living together as a joint family" and therefore rejected.

32. Next ground of challenge about requirement of currency of cohabitation at time of filing application would require to be rejected in view of ratio in case of **Abhilasha, Ajay Kumar, Jagadish Jugtawath**, etc. (supra)

33. Even challenge of direction to pay maintenance till date of marriage as being contrary to law would require rejection in view of ratio laid down in **Menti Lakshmi** and **Noor Saba Khatoon**, wherein direction to pay maintenance even after attainment of age of majority has been upheld.

34. Insofar as direction for return of stridhan being vague, though appearing substantial on first blush, a bare perusal of objections filed by respondent before DV Court especially in paragraph 8 reveals that respondent has specifically stated that he would keep jewelry of his wife and petitioners' mother in safe custody. Therefore, respondent cannot claim ignorance of particulars of jewelry and other valuable effects of deceased constituting stridhan. Hence, direction issued would sustain.



35. Insofar as challenge on ground of perversity of findings of both Courts, Hon'ble Supreme Court in ***Amit Kapoor v. Ramesh Chander & Anr.*** reported in **(2012) 9 SCC 460** and in ***State of Tamil Nadu v. R. Soundirarasu and Ors.***, reported in **2023 (6) SCC 768**, explained scope for interference against concurrent findings in revision petition under Section 397 CrPC. It was held revisional jurisdiction can be invoked only where decisions under challenge are grossly erroneous, there is no compliance with provisions of law, that finding recorded is based on no evidence or material evidence is ignored or judicial discretion was exercised arbitrarily or perversely. It is also clarified that there cannot be re-appreciation of evidence.

36. However, concurrent findings are susceptible to challenge on ground that findings are based on no evidence or are contrary to evidence on record. Therefore, material on record would require reference only for this limited purpose.

37. In pleading, incidents of domestic violence alleged in application filed under Section 12 are firstly with reference to petitioner's mother being assaulted for dowry etc. and secondly



about sexual abuse of petitioners. Details stated are that on one occasion of sexual abuse, petitioner no.1 suffered injury on her private part, which she informed to her mother and when questioned, respondent assaulting her. Thereafter, on one day in October, while petitioner no.1 was confiding about sexual assault, respondent overheard same, dragged her mother from living room to bed room manhandled her and pushed her out of house, that she fell on her face and broke her tooth. And after she died in hospital, respondent claimed she fell in bathroom and threatened petitioner no.1 against disclosing that he killed their mother. It is alleged, after cremation petitioners informed Ramadevi, who filed complaint.

38. In her affidavit examination-in-chief, petitioner no.1 stated that respondent sexually abused her by beating her with belt and burning her hand with cigarette, took her to hotel and sexually abused her. She also alleged, respondent had affair with Dr.Sunitha, who along with Pani, Chandra and Mallikarjuna Reddy took her to Hotel Nisarga at KR Puram, where she was forced to drink beer and Dr.Sunitha removed her clothes and she was blackmailed with releasing her videos on internet, if



she revealed about sexual abuse to anyone. She also stated respondent came near her school and blackmailed her by stating that in POCSO case, he was likely to be hanged, if she revealed truth.

39. She specifically stated that on 18.10.2012, respondent along with his brothers and uncle came home and killed her mother with iron rod and shifted her to bathroom to create evidence that she died there. When she threatened to reveal it to Ramadevi, respondent had a neighbour to take her mother to Yashomati Hospital, where respondent's lover – Dr.Sunitha was working. And at hospital, respondent assaulted her mother again in bathroom. Thereafter, as she was given injections, she became unconscious and shifted to ICU. She also stated that at Manipal Hospital, her mother slipped into coma. When respondent informed her about her mother's death, she went inside and found ventilator was removed.

40. In cross-examination, she admitted that she studied 7th Std. by staying in hostel at Vijayawada, for three years she stayed hostel at Nelluru and prior to going to Vijayawada, she stayed in hostel at Chennai. She admitted for last seven years,



she did not meet her father. She also admitted that while residing in Chennai, she along with grandmother had lodged FIR against three persons for sexual exploitation and about lodging similar case against her father at Bengaluru. She admits that her grandmother was present during cremation of her mother's body at Bhakrapet near Tirupati and until then respondent and Ramadevi were on good terms. In cross-examination about assault of her mother by respondent '**at hospital**', she stated it was with curtain rod in computer room and blood stains stretching from computer room to bathroom and about manipulation of PM report by respondent.

41. Though, petitioner no.2 also deposed on similar terms as PW.2, in cross-examination he stated that respondent and his brothers assaulted his mother with curtain rod in computer room '**at home**' and there were blood stains from computer room till bathroom. Suggestions about depositing falsely to implicate respondent on instructions of Ramadevi, were denied. They also admitted their respective depositions in POCSO case.



42. On other hand, respondent deposed as RW.1 denying all allegations against him, but failed to appear for cross-examination. Thus his deposition was struck-off.

43. At same time, admittedly, Ramadevi stated that she came to know about above incidents only on being informed by petitioners. Thus, she would be hearsay witness and her deposition would be useful for corroboration. In her affidavit - examination-in-chief, there is virtual reiteration of contents of application. She states that on petitioners narrating incidents to her, she filed police complaints against respondent. She also states that her daughter **had** gold jewellery of 150 Sovereigns, silver articles weighing 5 Kgs. and **she had given cash of Rs.20 Lakhs at time of marriage and thereafter**, claiming it to be returned to petitioners.

44. In cross-examination, she admits that on 18.10.2012, after her daughter fell in bathroom due to giddiness, she was taken to Yashomati Hospital and later to Manipal Hospital, where she died on 27.10.2012. She admitted that prior to death of her daughter, she had not filed any complaint against respondent. She admits, she was informed



about respondent filing complaint, from Commissioner's Office and that she filed complaint on 05.12.2012, in which she had not mentioned about her daughter's murder. She admits Police filing of B-Report. While denying suggestion that complaints were filed only as respondent refused to return jewellery, she admits, apart from three cases filed against respondent, **one rape case was registered against three persons in Chennai wherein petitioner no.1 was victim and in both cases, there was camera.** She also admitted that from 26.11.2012 to 27.01.2013, petitioners were with her.

45. While passing impugned order, DV Court observed about Ramadevi reiterating application averments and producing copies of school certificates, complaints/FIRs. It noted petitioners no.1 and 2 deposing as PWs.2 and 3 reiterating allegations of respondent murdering their mother, by hitting her on back of her head with rod and thereafter, shifting her to bathroom to create evidence that she died in bathroom and respondent assaulting their mother in hospital and on instructions of Dr.Sunitha, their mother being given injections causing her unconsciousness and shift to ICU. They alleged improper treatment by Dr.Sunitha and that their mother died



on 27.10.2012 at Manipal Hospital as respondent removed ventilator connection. It noted failure by respondent to appear for cross-examination.

46. DV Court rejected defense contentions that petitioners being minors and petitioner no.2 being a boy would not be *aggrieved person* defined in Section 2 (a) of DV Act, as well as requirement of applicant being in domestic relationship by referring to decision of this Court in **Smt.NS Leelavathi & Anr. v. Smt.Dr.R. Shilpa Brunda** reported in **ILR 2020 Kar 574**. While arriving at conclusion about entitlement of petitioners for relief, DV Court noted that respondent had instead of establishing that he was not guilty of domestic violence, had sought to establish that death of petitioners' mother was an accident. Likewise he failed to establish that he was having cordial relationship with petitioners. It also drew adverse inference for failure to appear for cross-examination. However, it is seen, except stating that Ramadevi had paid all school fees and day to day expenses and respondent failing to maintain petitioners despite having sufficient means, there are no reasons assigned or basis disclosed for quantification of relief.



47. In appeal also Appellate Court held, respondent failed to cross-examine petitioners' witnesses on allegation of sexual abuse, which entitled them for relief.

48. However, it cannot be in doubt that in complaint about respondent murdering petitioners' mother, police have filed B-Report, while respondent herein is acquitted by judgment dated 28.01.2020 passed by L Additional City Civil and Sessions Judge, Bengaluru, in Spl.C.C.no.163/2013, leading to conclusion that respondent had not committed any acts of sexual abuse of petitioner no.1. Apart from above, pleadings about sexual abuse suffer from glaring absence of particulars such as date and place of sexual abuse. Moreover, when PW.1 admitted that from 26.11.2012 till 27.01.2013, petitioners were with her. On other hand, there is specific suggestion by respondent that due to refusal to return jewellery, Ramadevi had filed complaints. Ex.R13 – deposition of petitioner no.1 in POCSO case reveals clear admission that until her death, her mother's life was happy and pleasant in Bengaluru, corroborating admission by PW.1 that until death of her daughter, she had not filed any complaint against



respondent. These materials would cast allegations of domestic violence in serious doubt. Apart from above, it is not clarified, whether filing of B-report in murder complaint and acquittal case in POCSO case had not yet attained finality. It is also observed that there are specific suggestions made by respondent about allegations and complaints filed against being false and as counterblast against his refusal to return his wife's jewellery.

49. And lastly, there is no provision in DV Act casting onus on respondent to disprove allegations of domestic violence. Therefore, failure of respondent to appear for cross-examination by itself cannot be a ground to hold incidents of domestic violence established. Thus, impugned judgments passed by DV Court and Appellate Court holding incidents of domestic violence alleged by petitioners as established against respondent, would be contrary to material on record or without any basis. As such same, would require to be termed perverse, calling for interference.

50. Consequently, Revision Petition is **allowed** and judgment dated 19.07.2023 passed by Metropolitan Magistrate



Traffic Court-I, Mayohall Unit, Bengaluru, in
Crl.Misc.No.42/2013 and judgment dated 28.02.2025 passed by
LXXIII Addl. City Civil and Sessions Judge at Mayo Hall Unit,
Bengaluru (CCH-74) in Crl.A.no.25220/2023 are set-aside.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV/GRD
List No.: 1 Sl No.: 59