IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.221 OF 2022

BETWEEN:

1. SRI. H.K.SREENIVASA,
   AGED ABOUT 59 YEARS,
   998, AGB LAYOUT,
   CHIKKASANDRA,
   BENGALURU – 90.

...PETITIONER

(BY SRI. H.K.SREENIVASA, PARTY-IN-PERSON)

AND:

1. SMT. C. JAYANTHI,
   AGED ABOUT 57 YEARS,
   38, NEW POTTERY TOWN,
   BENSON TOWN POST,
   BENGALURU – 46.

...RESPONDENT

(BY SRI. SHRIDHARA K., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.PC PRAYING TO SET ASIDE THE JUDGMENTS IN FULL VIDE C.MISC.NO.82/2014 DATED 11.03.2020 OF LEARNED MMTC-II, BENGALURU AND CRL.A.NO.588/2020 DATED 04.10.2021 OF LEARNED LXIII ADDL. CITY AND SESSIONS COURT AT BENGALURU BY CALLING THE ENTIRE RECORDS OF THE SAID CASES FROM THE COURT AND PASS APPROPRIATE ORDERS DEEMED BY ALLOWING THIS CRL.RP.

THIS CRIMINAL REVISION PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.06.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

Heard the revision petitioner/party-in-person and the learned counsel for the respondent.

2. This revision petition is filed praying this Court to set aside the order passed by the Trial Court in C.Misc.No.82/2014 dated 11.03.2020 on the file of the learned MMTC-II, Bengaluru and also the confirmation order passed in Crl.A.No.588/2020 dated 04.10.2021 on the file of the learned LXIII Additional City Civil and Sessions Court (CCH-64), Bengaluru.

3. The factual matrix of the case of the wife/respondent herein before the Trial Court invoking Section 12 of the Protection of Women from Domestic Violence Act, 2005 ('DV Act' for short) is that her marriage was solemnized with the petitioner herein on 14.02.1990 at Devanga Sangha, Palani, Tamil Nadu. From 1996, the husband deliberately refused to maintain the wife. The petitioner herein assaulted the respondent herein and caused bleeding injuries. Inspite of

the wife being a dutiful wife, the husband filed a judicial separation petition in M.C.No.190/1996 and the same was dismissed. The wife filed a suit for maintenance in O.S.No.288/2001 and the said suit was decreed awarding maintenance of Rs.3,500/- per month. The husband did not take back the wife, instead he filed a divorce petition in M.C.No.483/2005 on the ground of cruelty and desertion. The said petition was also dismissed. In M.C.No.483/2005, an interim maintenance of Rs.5,000/- was granted to the wife and the Hon'ble High Court of Karnataka enhanced the interim maintenance of Rs.8,000/- from October 2011 till the disposal of M.C.No.483/2005. From 04.12.2014, he avoided to pay maintenance. On 22.03.2014 before CCH-52, the wife approached the husband to take back her, but the husband refused to do so. The husband instead of taking back the wife, filed several other petitions. During subsistence of their marriage, he married Smt.Parimala and in the said wedlock, one female child was born. With regard to the second marriage of the husband, the wife lodged the complaint before the Court in C.C.No.11268/2006. That on 22.03.2014 and on 26.04.2014, the wife went along with her mother to the house of her husband, but he refused to take back her. Hence, the

wife filed the petition seeking maintenance as well as compensation.

4. In pursuance of the notice, the husband appeared and filed the objection statement. The respondent No.2 therein was discharged from the petition, since the second wife was also made as respondent No.2. It is contended that the wife is residing in the house of respondent No.1/husband since 1996 and husband is residing separately at Central Street, Frazer Town. There is no dispute with regard to marriage and no dispute with regard to filing of petition in M.C.No.190/1996, suit in O.S.No.288/2001 and M.C.No.483/2005. But the husband contended that there were no changes in their lifestyle and question of entertaining this petition and granting maintenance does not arise. It is contended that the wife is getting income from tuition to students and also by selling Gowri-Ganesha idols and rental income. She is a M.Sc. M.Phil and B.Ed graduate and also worked as a teacher and left the job only to harass the husband.

5. The Trial Court allowed the parties to lead evidence. Accordingly, the wife examined herself as P.W.1 and got marked the documents at Exs.P.1 to 20. The husband also

examined himself as R.W.1 and got marked the documents at Exs.R.1 and 2. The Trial Court having considered the material available on record, allowed the petition and awarded monthly maintenance of Rs.20,000/- to the wife including food, clothes, shelter, medication and other basic necessities from the date of the petition till her lifetime. The husband was also directed to pay the compensation of Rs.3,00,000/- to the wife within one month from the date of order and so also prohibitory order is issued directing the husband not to alienate the house situated at No.38, New Pottery Town, Benson Town, where the wife is residing which is standing in the name of the husband, till the lifetime of the wife. The husband was prohibited from committing any act of domestic violence upon the wife.

6. The said order is challenged before the Appellate Court in Crl.A.No.588/2020. The Appellate Court having considered the material available on record and also the grounds urged before the Appellate Court, formulated the points whether the Trial Court committed an error in appreciating the evidence placed before it and committed an error in awarding maintenance of Rs.20,000/- per month as well as compensation of Rs.3,00,000/- and so also passing an order not to alienate and whether it requires interference. All

the points for consideration are answered in the negative re-appreciating the material available on record as well as scope and ambit of Section 12 of the DV Act and other allied provisions to grant compensation as well as passing a prohibitory order.

7. Being aggrieved by the order of the Trial Court as well as the Appellate Court confirming the same, the present revision petition is filed before this Court.

8. The revision petitioner/party-in-person, who has filed this revision petition would vehemently contend that the order passed by both the Courts is erroneous and the petition is filed only to harass the revision petitioner. Both the Courts have erred in blindly believing the allegation of bigamy, describing the same as emotional abuse caused by him, which is nothing but domestic violence. The learned judge does not have any reasons to come to such a conclusion, unless both respondent Nos.1 and 2 have admitted the allegations each other and prosecuted in the Trial Court. Moreover, respondent No.2 was already discharged and the 9th ACMM Court has passed the judgment acquitting both the accused. Even inspite

of acquittal order was duly submitted, an erroneous observation is made with regard to allegation of bigamy.

9. The revision petitioner/party-in-person in his arguments would vehemently contend that the allegations made are civil in nature and the same does not attract domestic violence and the same is also not spoken in the pleadings as well as in the evidence and inspite of it, the Trial Court committed an error. The party-in-person also submits that there is no any report of domestic violence and the fact that both of them married in the year 1990 is not disputed. The judicial separation petition was filed in the year 1996 and case is registered against the petitioner making an allegation of bigamy and in that case also acquitted and hence, the question of invoking DV Act and passing an order does not arise. Both the Courts have committed an error in invoking the jurisdiction of DV Act. The party-in-person also reiterates that the Family Court passed an order of maintenance of Rs.3,500/- per month and both the Courts failed to take note of the said fact into consideration and committed an error in awarding an amount of Rs.20,000/- per month and also compensation of Rs.3,00,000/- The party-in-person also submits that once the Family Court awarded Rs.3,500/- per month, the wife has to go before the

appropriate forum for enhancement and not invoking of Section 12 of DV Act.

10. Per contra, the learned counsel for the respondent would submit that the petition was filed for judicial separation in the year 1996 and also divorce petition and all those petitions filed by the petitioner were dismissed and attained finality. The learned counsel would submit that one more divorce petition is also filed. The counsel would submit that it is proved that the revision petitioner is residing along with a woman and in the said wedlock, got two children and to that effect, a finding was given in O.S.No.288/2001 by the Family Court. The counsel also submits that there is no dispute that the respondent is living in the house belonging to the petitioner. But he has got three buildings and also there is an admission that he is getting a salary of Rs.94,000/- per month and categorically admitted that he has no any other dependants. The counsel would submit that the house in which the respondent is residing was not in a habitable condition and she has invested the money for renovation. The counsel also would submit that the petitioner got an amount of Rs.75,00,000/- as retirement benefit in the year 2023 and even

not declared his assets. When such being the case, the question of exercising the revisional jurisdiction does not arise.

11. The learned counsel for the respondent in support of his arguments relies upon the judgment of the Apex Court in the case of **KRISHNA BHATACHARJEE v. SARATHI CHOUDHURY AND OTHERS** reported in **(2016) Crl.L.J. 330** and brought to the notice of this Court paragraph Nos.12, 22 and 28 of the said judgment. The learned counsel also relied upon the judgment of the Madhya Pradesh High Court in the case of **MANOJ PILLAI v. SMT.PRASITA MANOJ PILLAI** reported in **(2017) Crl.L.J. 4174** and brought to the notice of this Court paragraph Nos.6, 12 and 13. The learned counsel also relied upon the Full Bench judgment of the Apex Court in the case of **SATISH CHANDER AHUJA v. SNEHA AHUJA** reported in **(2021) 1 SCC 414** and brought to the notice of this Court paragraph Nos.111 and 136. The learned counsel also relied upon the Division Bench judgment of the Apex Court in the case of **SARASWATHY v. BABU** reported in **(2014) 3 SCC 712** and brought to the notice of this Court paragraph Nos.12 to 15. The learned counsel also relied upon the judgment of the High Court of Judicature of Bombay in the case of **VISHAL v. APARNA** passed in **Criminal Revision**

Application No.203/2017 and brought to the notice of this Court paragraph Nos.11 and 25. The learned counsel also relied upon the judgment of the High Court of Andhra Pradesh in the case of **MONAKURU RENUKA v. MENAKURU MONA REDDY** reported in **CRIMES-2009-3-473** and brought to the notice of this Court paragraph No.13. The learned counsel also relied upon the judgment of the Andhra Pradesh High Court in the case of **MOHIT YADAM AND ANOTHER v. STATE OF A.P. AND OTHERS** reported in **2010 Crl.L.J.3751** and brought to the notice of this Court paragraph Nos.34 to 38.

12. Having heard the revision petitioner/party-in-person and the learned counsel for the respondent and considering the principles laid down in the judgments referred supra, this Court has to examine whether this Court can exercise the revisional jurisdiction. The points that would arise for the consideration of this Court are:

(i) Whether both the Courts have committed an error in awarding maintenance of Rs.20,000/- per month and awarding Rs.3,00,000/- as compensation and passing the prohibitory order against the petitioner herein and whether it requires interference of this Court?

(ii) What order?

Point No.(i):

13. Having considered the pleadings of the parties before the Trial Court, when the petition was filed under Section 12 of DV Act and also invoking of other provisions seeking compensation as well as prohibitory order, it is specifically pleaded that the marriage was taken place in the year 1990 and the same is not disputed. It is also not in dispute that both of them separated in the year 1996 and also it is not in dispute that the revision petitioner himself has approached the Court by filing a petition for judicial separation in M.C.No.190/1996. It is not in dispute that the same was dismissed. It is also not in dispute that the wife had filed O.S.No.288/2001 seeking for maintenance and the same was allowed directing the revision petitioner to pay maintenance of Rs.3,500/- per month. It is not in dispute that the revision petitioner had filed M.C.No.483/2005, wherein maintenance of Rs.5,000/- per month was awarded and the wife had approached the High Court and the High Court enhanced the same to Rs.8,000/- per month till the disposal of M.C.No.483/2005. It is not in dispute that the divorce petition filed in M.C.No.483/2005 was also dismissed. Having taken note of the said fact into consideration, it is very clear that the

wife also filed a criminal case making an allegation of bigamy and the same was dismissed acquitting the revision petitioner as well as accused No.2 i.e., Smt. Parimala.

14. The main contention of the revision petitioner/party-in-person is that the allegations made in the petition does not attract DV Act and it is only civil in nature. The Trial Court as well as the Appellate Court taken note of definition of Sections 2(a), (f), (e) and (s) of DV Act. The Appellate Court also extracted Rule 6(1) of the Protection of Women from Domestic Violence Rules, 2006 i.e., Application to the Magistrate under Section 12 of the DV Act shall be in Form II and so also taken note of Sections 18, 19, 20, 21 and 22 of the DV Act. The Appellate Court, when the ground was urged with regard to all these provisions, taken note of definition of Sections 2(a), (f), (e) and (s) and so also Section 3 of the DV Act, which defines the meaning of domestic violence, including the explanation for the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes domestic violence. Both the Courts have taken note of Ex.P.15 and the same is confronted to the revision petitioner during the course of cross-examination and he categorically admits that while disposing of O.S.No.288/2001, the Family

Court in page Nos.11 and 12 made an observation that the revision petitioner is living along with a woman and having a child. Even it is suggested that, to that effect there is a reference in page Nos.11 and 12 and the same is admitted by the revision petitioner. But he had not challenged that finding and the same was considered by both the Courts. He has even admitted that he requires an amount of Rs.40,000/- for his livelihood. When a suggestion was made that wife is also entitled for the same and she needs the said amount, he says he cannot say. He categorically admits that except the wife, he is not having any dependants. He categorically admits that in bigamy case, both himself and the woman with whom he is residing have engaged the very same advocate. He admits that both of them cannot afford and hence, engaged the very same advocate. He also admits making the wife to appear in Court from 1996 onwards by filing a petition and divorce petition and categorically admits while suggesting that wife is not earning Rs.5,00,000/- to Rs.6,00,000/- and he has not produced any document. His only contention is that the wife has done M.Sc. M.Phil. Having the degree itself is not enough and the same is also taken note of by the Trial Court as well as the Appellate Court. When the allegation of illicit relationship was made, he

categorically admits that he filed an application before the Court preventing the wife in collecting the material. When a suggestion was made whether he is ready to subject the children Shwetha and Bhoomika for DNA test as to whether he is the biological father or not, he objected the same.

15. Having taken note of all these factors into consideration, subjecting the wife for domestic violence comes within the definition of Section 3 of the DV Act and the very contention that the conduct of the revision petitioner does not amounts to domestic violence, cannot be accepted. A definite finding was given that he is residing along with a woman and having two children and the said conclusion in O.S.No.288/2001 has attained its finality and the said finding is also not challenged. The proceedings initiated against the wife is also not disputed and when he was living along with another woman when the marriage was subsisting, all this conduct amounts to a domestic violence only and the very contention that the dispute between the parties is civil in nature and no domestic violence cannot be accepted.

16. No doubt, the learned counsel for the respondent relies upon the judgment of the Apex Court in the case of

Krishna Bhatacharjee (supra), wherein it is held that petition under provisions of DV Act is maintainable even if acts of domestic violence had been committed prior to coming into force of the Act, notwithstanding the fact that in the past she had lived together with her husband in a shared household, but was no more living with him, at the time when the Act came into force. There is no dispute with regard to the principles laid down in the judgment of Madhya Pradesh High Court, which has been referred supra and so also the Full Bench decision of the Apex Court in the case of **Satish Chander Ahuja** (supra), wherein scope of Sections 17 and 19 – right to reside in shared household as well as effect of proceedings under the Act and relevancy of evidence is discussed. The use of both expressions "means" and "includes" in the definition clause. Interpretation of shared household means where person aggrieved has lived at any time in domestic relationship either singly or with respondent. The Apex Court in its judgment in the case of **Saraswathy** (supra) discussed with regard to Sections 18, 19, 20 and 22 of the DV Act i.e., ouster from matrimonial house. It is held that in view of continued domestic violence, it is not necessary for Courts below to decide whether domestic violence is committed prior to coming

into force of DV Act, 2005 and whether such act falls within definition of term domestic violence.

17. The Trial Court having considered the provisions of other allied offences invoked, rightly comes to the conclusion that the wife is entitled for maintenance of Rs.20,000/- per month and awarded compensation of Rs.3,00,000/-. The revision petitioner categorically admitted in his evidence that he is drawing salary of Rs.94,000/- per month. The revision petitioner contended that at the time of retirement, he got an amount of Rs.75,00,000/-. Though more amount was claimed, the Trial Court awarded only Rs.3,00,000/- as compensation and the same is not exorbitant. Both of them lived together from 1990 to 1996 and thereafter, differences arose between them and they were in continuous litigation from 1996 onwards till date and the petitioner is residing with other woman and having children and the said finding has attained finality and the same is not challenged. Under the circumstances, I do not find any error on the part of the Trial Court and the Appellate Court in invoking Section 12 of the DV Act and other allied offences, granting maintenance of Rs.20,000/- per month. The Court has to take note of the cost of living and also the standard of living and admittedly, the wife has done her

Masters and qualified. The Court also has to take note of the status of the husband, who is an Government employee and recently retired from service and he is living with a lady, who is also working in the very same department and all these factors disclose that the question of entertaining the revision does not arise. The scope of revision is very limited only to examine the legality and correctness of the judgment of the Trial Court and the Appellate Court. Both the orders not suffers from its legality and correctness and the same is within the ambit of DV Act and quantum is also not exorbitant. Hence, I answer the point in the negative.

Point No.(ii):

18. In view of the discussions made above, I pass the following:

ORDER

The criminal revision petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD