IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.127 OF 2026

BETWEEN:

1. MR. SHIVA PRASAD
S/O LATE G.V. GANESH
HINDU, AGED ABOUT 45 YEARS
RESIDING AT NO.18, 1ST FLOOR
7TH CROSS, CENTRAL STREET
KUMARA PARK, SESHADRI PURAM
BENGALURU, KARNATAKA-560 020.

…PETITIONER

(BY SRI. NITHIN A.M., ADVOCATE)

AND:

1. JANITH FLAVIA SEQUERIA
CHRISTIAN
AGED ABOUT 41 YEARS
RESIDING AT NO.422
7TH 'B' MAIN, 2ND CROSS,
1ST BLOCK, KALYANA NAGAR
BENGALURU-560 043.

2. ACHINTYA SHIVA
W/O S. PRASAD
AGED ABOUT 32 YEARS
RESIDING AT NO.18, 1ST FLOOR
7TH CROSS, CENTRAL STREET
KUMARAK PARK, SESHADRIPURAM
BENGALURU-560 020.

…RESPONDENTS

(BY SRI FREDDY CHARLES RAVI KUMAR G, ADVOCATE FOR R1;
VIDE ORDER DATED 13.02.2026,
NOTICE TO R2 IS DISPENSED WITH)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C (U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE ORDER DATED 31.01.2025 OF THE TRIAL COURT IN THE CRL.MISC.NO.185/2017 AND ORDER PASSED BY THE LXXIV ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BENGALURU, DATED 07.01.2026 IN CASE CRIMINAL MISC.APPEAL NO.25076/2025 AND TO REJECT THE PETITION FILED UNDER SECTION 12 OF DV ACT.

THIS CRIMINAL REVISION PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 19.06.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

Heard learned counsel for the petitioner and learned counsel for respondent No.1. Vide order dated 13.02.2026 notice to respondent No.2 is dispensed with.

2. The parties are referred to in their original ranking before the Trial Court for the sake of convenience.

3. This petition is filed against the order passed in Crl. Misc.No.185/2017 dated 31.01.2025, wherein the petition filed by the wife under Section 12 of Protection of Women from Domestic Violence Act, 2005 ('PWDV Act' for short) was allowed-in-part granting compensation of Rs.10,00,000/- directing the respondent/ petitioner herein to pay the compensation restraining the respondent to visit premises

where aggrieved person resides and also restrained to communicate with petitioner in any form and other reliefs are rejected and petition is dismissed against respondent No.2.

4. The order of the Trial Court is challenged in Crl.A.No.25076/2025. The said appeal was dismissed confirming the order of the Trial Court.

5. The factual matrix of case of respondent No.1 herein is that she is the wife of the petitioner herein and her marriage was solemnized with the revision petitioner on 26.01.2005 at St. Antony Church, Hosanagara, Shimoga as per Christian rites and customs. The revision petitioner is a Hindu and the respondent No.1-Wife is a Christian. It is contended that revision petitioner is not a dutiful husband and he has not performed marital obligations. As the wife was an employee, the revision petitioner has harassed her mentally and physically. It is contended that husband demanded her to take a separate house at their place Bengaluru. Hence, she took separate house and the family members of the revision petitioner herein were not known about the same. The revision petitioner herein was residing at Ramamurthynagar, wherein, next stage, both of them were residing. The house was

obtained by the wife with the assistance of the fund provided by her mother and the revision petitioner would always demand for money as he is less educated. The husband assaulted the wife and after that, he left the house on 20.07.2008. The wife settled in family friend, care taker Mr. Shanawaz's house. After that, whereabouts was not known to her and wife had no hope that husband reforming him or joins the normal household as a responsible person. The husband with an ulterior motive, deserted her and started behaving as a stranger. The attitude of the revision petitioner is very abnormal and gone to an extent that apart from hurling in abusive language, she was also physically abused. The husband got married to respondent No.2 and with their relationship, they had one daughter named Kumari Inika. The respondent Nos.1 and 2 lived together as husband and wife till filing of this petition and cause of action arose on 26.02.2005 on the date of marriage. Hence, sought relief under Section 12 of PWDV Act.

6. In pursuance of the notice issued against the respondent No.1/revision petitioner, he appeared through counsel and filed detailed written statement denying the contents of the petition and set out his case. In the defence, he categorically stated that there was no marriage between them

and only there was an engagement and the petitioner-wife took several signatures in the Church as it was mandatory for any person, who is not Christian to visit their Church. When the petitioner started having relationship with another person, the same was brought to notice of the parents. The respondent No.1 also in the objection statement contended that he was against called to her wife's home town saying that her father is ill and she wants to talk to him. Thereafter, the respondent No.1 got job in Bengaluru and the petitioner had asked help for accommodation of rented house at Bengaluru and he assisted her when she was not having money to give security deposit for renting a house. The respondent No.1 left Bengaluru and lived with another woman in Pune. But, petitioner has filed cases against him and in all the cases, he was acquitted and they never lived together as husband and wife and the respondent No.1 never shared any house with the petitioner, there was no domestic relationship between each other. Hence, question of invoking Section 12 of PWDV Act does not arise and prayed the Court to dismiss the petition.

7. The Trial Court having considered the pleadings of the parties, framed the points for consideration:

1 Whether petitioner proves domestic relationship with respondent?

2. Whether petitioner proves that the respondent has committed domestic violence upon the petitioner?

3. Whether the petitioner proves that she is entitled for the reliefs as sought for?

4. What order?

8. In order to establish her case, the petitioner examined herself as P.W.1 and marked the documents as Exs.P1 to P7. The respondent examined himself as R.W.1 and marked the documents as Exs.R1 to R3. But, P.W.1 was not fully cross-examined and the respondent also did not subject for cross-examination.

9. The Trial Court taking note of the material and evidence available on record, considered the wound certificate and Whatsapp chats and also taken note of the fact that he is working as Financial Consultant with Tata Mutual Fund Company and in Ex.P1, he has shown one Achintya as his wife. The Trial Court also taken note of definition of Section 2(f) of PWDV Act and also Section 2(q) of PWDV Act and referring the definition of Section 2(q), comes to the conclusion that the

petitioner and respondent admits the relationship. Hence, in paragraph No.20 comes to a conclusion that petitioner and respondent were having domestic relationship within the meaning of Sections 2(f) and 2(q) of PWDV Act.

10. The Trial Court having considered particular defence which was taken in paragraph Nos.17 to 24 of the objection statement, comes to a conclusion that they were in relationship. The respondent No.1 is not an unsound mind person or he does not understand any act as someone made him to sign or be in relationship with any person as he contented that his signature was taken in the blank paper when he had visited the Church. It is also observed in paragraph No.23 that he is very much prudent person to understand facts and consequences of the same. Hence, answered point No.1 as 'affirmative' in respect of respondent No.1 and 'negative' in respect of respondent No.2. The Trial Court also taken note of definition of Section 3 of PWDV Act and extracted the same and comes to the comes that according to this Section, not only physical or mental, however, even economic and emotional abuse also amounts to domestic violence and also taken note of charge-sheet copy and observed that its documents reveals that the respondent has abused and caused distress to the

petitioner and answered point No.2 as 'affirmative'. In respect of point No.3 is concerned, the petitioner sought Rs.30,000/- per month as maintenance, Rs.20,000/- per month as alternate accommodation, Rs.5,00,000/- as medical expenses, Rs.1,88,000/- as monitory expenses and Rs.10,00,000/- for causing mental and physical injury.

11. The Trial Court having taken note that both of them have not filed assets and liabilities affidavit which is necessary and mandatory to consider before passing any order on maintenance and also considered the relationship admitted by the petitioner with respondent No.2. However, an observation is made that respondent No.2 cannot be prosecuted in the present case and husband is duty bound to look after his wife and also taken note of the fact that petitioner was acquitted in criminal case. However, in paragraph No.29 taken note that it is well settled position of law that any evidence is considered as complete when witnesses tender himself for cross-examination. But, in the case on hand, P.W.1 was not cross-examined in full and even, she did not tender herself for cross-examination. Taking note of all these factors into consideration, the Trial Court allowed the petition in part.

12. The First Appellate Court in Crl.A.No.25076/2025 also having reassessed the material available on record, particularly framed the point for consideration whether the impugned order requires to be set aside and particularly, in paragraph Nos.13 and 14 taken note that marriage had solemnized between the petitioner and respondent No.1 and also considered the documents which have been produced. The First Appellate Court also taken note of the fact that P.W.1 was not cross-examined in respect of the documents which have been marked and also she did not subject herself for cross-examination. Hence, confirmed the judgment of the Trial Court.

13. The main contention of learned counsel for the revision petitioner before this Court is that marriage has not solemnized between petitioner and respondent No.1 the and the Trial Court made a wrong interpretation in paragraph No.18 that the revision petitioner admitted relationship and no such admission in respect of the present petitioner and the only admission is in respect of respondent No.2 in Criminal Miscellaneous proceedings. The counsel also would submit that though criminal cases are registered, the petitioner before the Trial Court has not led evidence and the respondent No.1 was acquitted in both the cases. The counsel also would submit that

no domestic relationship between both of them and the same is not proved and no documents are produced to establish the marriage and so also, they lived together and except complaint, no documents are produced and contra statements are made in both the criminal proceedings and the present proceedings.

14. Learned counsel for the revision petitioner in support of his argument relied upon judgment of High Court of Judicature at Bombay, Nagpur in ***SAU. SHILABAI HIRAJI LONARE vs. HIRAJI SITRU LONARE & ANR.*** delivered in ***CRL.W.P.NO.826/2018*** dated ***11.03.2020*** and relied upon paragraph Nos.9 and 10.

15. The counsel also relied upon judgment of High Court of Calcutta in ***ANGSHUMAN CHAKRABORTY vs. ARPITA BANERJEE*** reported in ***2015 SCC ONLINE CAL 7120*** delivered in ***C.R.R.NO.1143/2015*** dated ***18.09.2015.***

16. The counsel also relied upon judgment of the Apex Court in ***INDRA SARMA vs. V.K.V. SARMA*** reported in ***(2013) 15 SCC 755.***

17. The counsel referring these judgments would vehemently contend that PWDV Act cannot be invoked and

relying upon the judgment of High Court of Judicature at Bombay, brought to notice of this Court paragraph Nos.9 and 10, wherein discussion was made with regard to pre-requisite to establish the domestic violence within the meaning of Section 3 of the D.V. Act. The counsel also brought to notice of this Court judgment of High Court of Calcutta, wherein discussion was made with regard to Sections 2(f), 2(s) and 17 of the DV Act and also with regard to quantum of maintenance granted. The counsel brought to notice of this Court judgment of the Apex Court, particularly, detailed discussion made with regard to live-in-relationship and so also with regard to monetary relief bringing to the notice of this Court paragraph Nos.17.4, 17.6 20, 20.1 and 20.4. So also, paragraph No.34 with regard to relationship in the nature of marriage and paragraph Nos.38, 45, 46, 47, 52, 55 and 56, wherein detailed discussion was made with regard to guidelines for testing under what circumstances, a live-in relationship will fall within the expression "relationship in the nature of marriage" under Section 2(f) of the D.V. Act.

18. Per contra, learned counsel for respondent No.1/petitioner brought to notice of this Court that both the Courts have given concurrent finding and the scope of revision

is very limited. It is the specific case of respondent No.1 that her marriage was solemnized with the petitioner in the year 2005 and thereafter, she was shifted to Bengaluru and stayed in R.T. Nagar for five months and accommodation was also made by him and he deserted her. Once again, he married respondent No.2 and having a child. All these factors clearly disclose that there was a relationship and the contention that there was no marriage cannot be accepted, since the marriage was held in the Church and to that effect, document is also produced and also produced Ex.P6 and Certificate under Section 65B of the Indian Evidence Act. Though P.W.1 was cross-examined in part, not cross-examined with regard to the documents which have been exhibited and so also did not deny digital evidence available before the Court. The counsel admits that even R.W.1 also not subjected himself for full cross-examination, the Court can draw an adverse inference and the same has been done by both the Courts. Hence, it does not require any interference. The counsel also would submit that only restraint order was passed against the respondent and ordered to pay compensation of Rs.10,00,000/- considering domestic relationship between the parties. The counsel would further submit that the principles laid down in the judgments

referred by learned counsel for the revision petitioner will not come to the aid of the revision petitioner. Hence, prays this Court to dismiss the revision petition.

19. Having heard learned counsel for the revision petitioner and learned counsel for respondent No.1 and also the principles laid down in the judgments referred supra, the points that would arise for consideration of this Court are:

(i) Whether the order of the Trial Court in Crl.Misc.No.185/2017 and so also confirmation order passed in Crl.A.No.25076/2025 suffers from its legality and correctness?

(ii) What order?

Point No.(i)

20. Having heard respective counsel and also considering the jurisdiction of this Court, it is well settled law that scope of revision is very limited and this Court can exercise jurisdiction in a limited circumstances, when the order of both the Courts suffers from its legality and correctness. In the judgment of the Apex Court in ***AMIT KAPOOR vs. RAMESH CHANDER & ANR.*** reported in ***AIR ONLINE 2012***

SC 668, the Apex Court in paragraph No.8 discussed that before examining the merits of the case, we must advert to the discussion as to the ambit and scope of the power which the Courts including the High Court can exercise under Section 397 and Section 482 of the Code. Section 397 of the Code vests the Court with the power to call for and examine the records of an inferior Court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction of law. There has to be a well-founded error and it may not be appropriate for the Court to scrutinize the orders, which upon the face of it bears a token of careful consideration and appear to be in accordance with law. The revisional jurisdiction can be invoked where the decisions under challenge are grossly erroneous, there is no compliance with the provisions of law, the finding recorded is based on no evidence, material evidence is ignored or judicial discretion is exercised arbitrarily or perversely.

21. The Apex Court also in the judgment in ***KRISHNAN AND ANOTHER vs. KRISHNAVENI AND ANOTHER*** reported in ***(1997) 4 SCC 241*** discussed with regard to scope of Sections 397(3), 401, 482 and 483, inherent power of the High

Court is still available under Section 482. But, such inherent power must be exercised sparingly so as to avoid needless multiplicity of procedure, unnecessary delay in trial and protection of proceedings and the object and scope of Sections 397(3), 401, 482 and 483 of Cr.P.C. is also discussed. The Apex Court also in paragraph No.9 observed that the object of Section 397(3) is to put a bar on simultaneous revisional applications to the High Court and the Court of Sessions so as to prevent unnecessary delay and multiplicity of proceedings. The Apex Court also discussed scope of Sections 397 and 401 and observed that in a case of grave miscarriage of justice or abuse of the process of the Courts or the required statutory procedure has not been complied with or there is failure of justice or order passed or sentence imposed by the Magistrate requires correction, it is but the duty of the High Court to have it corrected at the inception lest grave miscarriage of justice would ensue.

22. In keeping the scope and ambit and also the judgments relied upon by learned counsel for the revision petitioner, particularly the judgment of the Apex Court in ***Indra Sarma's*** case, the Apex Court discussed in detail with regard

to live-in relationship and protection of women from domestic violence.

23. Before considering the same, this Court would like to take note of the pleadings of the parties. In the pleadings, it is specifically stated by the petitioner that her marriage was solemnized on 26.01.2005 in a Church. No doubt, Certificate is not produced before the Trial Court. But, got marked the entire documents of criminal cases, including Exs.P6 and P7 and to that effect, facebook printout and Certificate under Section 65B of the Indian Evidence Act are also produced and Whatsapp chats between both of them is also produced.

24. In the case on hand, it has to be noted that P.W.1 was not fully cross-examined and only cross-examined in part. In respect of the documents which have been exhibited, no cross-examination at all. Apart from that, when the respondent No.1 got marked Exs.R1 to R3 and led evidence, he also did not tender for cross-examination. Hence, it is clear that Court can draw an adverse inference and though, learned counsel for the respondent No.1 admits that he did cross-examine P.W.1 and also not subjected for cross-examination, but, his main contention is that there is no relationship between them and

there was no marriage and no documents are placed, but the documents which have been exhibited is not disputed during the course of cross-examination. The Court also has to take note of pleadings of the parties in paragraph Nos.14 to 17 of the judgment of the Trial Court, wherein, the respondent No.1 has specifically admitted that there was love affair between them and with the consent of both the families, engagement has also taken place and the same is admitted in paragraph Nos.17 to 21 and even after engagement also, he says that he only helped in getting the house at Bengaluru and paid security advance. The case of the petitioner is that both of them lived together at Bengaluru and the same is not disputed in the cross-examination of P.W.1 and she was not fully cross-examined and was cross-examined partly. Apart from that, only general suggestions are made denying the relationship between them. When the relationship is admitted and also taken note of the contention that signature of respondent No.1 was taken in the blank paper in the Church and those contentions cannot be accepted and he is not an illiterate and the same is taken note of by both the Courts. Even, the Trial Court also taken note of definition of Sections 2(f), 2(s) and 2(q) of PWDV Act.

25. The learned counsel for the revision petitioner mainly contend that an erroneous observation is made by the Trial Court in paragraph No.20 that when respondent No.1 admits relationship, conversation etc., under such circumstance, the petitioner and respondent No.1 are having domestic relationship within the meaning of Section 2(f) and Section 2(q) of PWDV Act. The said contention cannot be accepted having taken note of pleadings of the petitioner in paragraph Nos.17 to 21 and he admits the relationship, love affair and engagement and though denies that there was no marriage, but the fact is that marriage took place in the Church and copy of the facebook print out and Certificate under Section 65B of Indian Evidence Act are also produced and the same is not disputed during the course of cross-examination. Hence, I do not find any error on the part of the Trial Court in considering domestic relationship and so also in paragraph No.23, the Trial Court also taken note that in the objection statement in paragraph Nos.17 to 24, the respondent No.1 specifically pleaded with regard to they were in relationship and also taken note of the fact that he is very much prudent person to understand the acts and consequences of the same. But, he admits the fact that photographs were taken in the Church

when the marriage had taken place. Even though those photographs are not produced before the Court, the respondent No.1 himself has admitted the same in paragraph Nos.17 to 24 of the objection statement and the Trial Court also taken note of definition of Section 3 of the PWDV Act, while answering point No.2. When such material is considered by the Trial Court and the First Appellate Court also while considering the appeal, I do not find any error on the part of the Trial Court and the First Appellate Court in considering the same.

26. The Trial Court also taken note of domestic violence and awarded compensation of Rs.10,00,000/-, since respondent No.1 has admitted his avocation. When such being the case and nothing is disputed with regard to status of the respondent No.1 in the cross-examination of P.W.1 and when he was not subjected to cross-examination, there cannot be any contention that the Trial Court has committed an error. The judgments which have been relied upon by learned counsel for the revision petitioner will not come to be aid of the revision petitioner having taken note of the material on record, particularly, the pleading in paragraph Nos.17 to 24 of the objection statement of respondent No.1. The respondent No.1 also categorically admitted that now he is married and living

with another women and in the said marriage also begotten a child. Under the circumstances, the Trial Court has not committed any error in awarding compensation of Rs.10,00,000/- and the same is confirmed by the First Appellate Court, since the respondent No.1 has not subjected himself for cross-examination with regard to his capacity to pay the compensation as well as he did not cross-examine the witness P.W.1 disputing the same and also the defence which was taken that there was no marriage and there was no relationship between them is not substantiated. Under the circumstances, it is not a case for interference, since the order of the Trial Court and the First Appellate Court not suffers from its legality and correctness. Hence, I answer point No.(i) as 'negative'.

Point No.(ii)

27. In view of the discussion made above, I pass the following:

ORDER

The revision petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

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