

(2013) 01 KAR CK 0157
In the Karnataka High Court
Case No : Criminal Petition No. 16182 of 2012

Mahima Charan and Others

APPELLANT

Vs

Kanyakumari

RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Protection of Women From Domestic Violence Act, 2005 — Section 12

Citation : (2013) 2 KCCR 1266

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : J. Augustin, for the Appellant; Sanjay A. Patil, Addl. SPP for R2 and R1, for the Respondent

Judgement

Mohan Shantanagoudar

1. This petition is filed praying for quashing the order dated 7.7.2012 passed by the 5th Additional JMFC, Gulbarga in CrI.Misc. No. 125/2012. The matter arises under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short hereinafter referred to as the "Act"). According to the complainant, her marriage with the first respondent has taken place on 30.7.2009 in Mantralaya and the said marriage was love marriage. Petitioners 2 to 9 are the relatives of the first petitioner.

According to the complainant, the first petitioner has not provided money for maintaining complainant and her child; he has not provided food, clothes, medicine, etc. for complainant and her child and forced the complainant and her child out of the house; he has not paid the rents for rented accommodation of the complainant and that he has disposed of Stridhan property of the complainant.

However, vague allegations are made against other petitioners. On going through the application filed by the complainant before the Magistrate u/s 12 of the Act, it is clear that sufficient material is forthcoming to proceed against the first

petitioner-husband of the complainant. It is specifically alleged that the first petitioner always wanted the money of the complainant. The first petitioner has allegedly subjected the complainant to cruelty both physically and mentally and deserted her without valid reasons for more than two years. The first petitioner is not sparing the complainant even in the house of his parents. However, no such allegations are found against petitioners 2 to 9. In view of the scanty material against petitioners 2 to 9, the petitioners' counsel is justified in arguing that the petition may be allowed at least in so far as it relates to petitioners 2 to 9 are concerned. Though he has argued for quashing the proceedings as against the first petitioner also, the same cannot be accepted, in view of the specific allegations found against him.

In view of the above, petition stands allowed-in-part and consequently, the proceedings in Crl.Misc. No. 125/2012, pending on the file of 5th Additional JMFC., Gulbarga as against petitioners 2 to 9 stand quashed. However, the proceedings as against the first petitioner shall be proceeded with.