

(2012) 06 KAR CK 0140
In the Karnataka High Court
Case No : Criminal Petition No. 2469 of 2012

Smt. Lakshmimani and Smt. Shalini

APPELLANT

Vs

Smt. Neethu N.

RESPONDENT

Date of Decision : 04-06-2012

Acts Referred:

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

Citation : (2012) 06 KAR CK 0140

Hon'ble Judges : Subhash Badi, J

Bench : Single Bench

Advocate : A. Lourdu Mariyappa, for the Appellant; Ramachandra, for the Respondent

Final Decision : Dismissed

Judgement

Subhash Badi

1. Petitioners have sought for quashing of the proceedings in Crl. Misc. No. 67/2012. Crl. Misc. No. 67/2012 is filled by the wife of the 1st accused u/s 12 of the Protection of Women from Domestic Violence Act, 2005.

2. Petitioners are the family members of the 1st accused. Contention of the learned counsel for the petitioners is that the family members of the 1st accused should not have been impleaded as respondents in the proceedings as no petition is maintainable for a relief against the women members. He has also relied on the judgment of this Court reported in Sri. Amruth Kumar and Smt. Anandamma Vs. Smt. Chithra Shetty and State of Karnataka, in the case of "SRI. AMRUTH KUMAR & ANR. v. SMT. CHITHRA SHETTY & ANR." However, this aspect of the matter has been considered by the Apex Court in a judgment reported in 2011 AIR SCW 1327 in the case of "SOU. SANDHYA MANOJ WANKHADE v. MANOJ BHIMRAO WANKHADE & ORS.", wherein the Apex Court has observed as under:

...If the Legislature intended to exclude females from the ambit of the complaint, which can be filed by an aggrieved wife, females would have been specifically

excluded, instead of it being provided in the proviso that a complaint could also be filed against a relative of the husband or the male partner. No restrictive meaning has been given to the expression "relative", nor has the said expression been specifically defined in the Act, to make it specific to males only.

In view of the same, now, it is not open to the petitioners to contend that the family members could not have been included in the complaint. Hence, no grounds.

Accordingly, petition is dismissed. However, petitioners may raise all such contentions before the learned Magistrate.