



NC: 2026:KHC:41797
CRL.P No. 5678 of 2019

CNR: KAHC010230642019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5678 OF 2019

BETWEEN:

S. JAYANTHA
S/O P.G.SRINIVASA
AGED ABOUT 42 YEARS,
R/AT NO.187,
3RD MAIN ROAD,
SUBRAMANYAPURA POST,
BENGALURU - 560 078.

...PETITIONER

(BY SRI PRAVEEN KUMAR K., ADVOCATE)

AND:

SMT. G. R. PUSHPALATHA
W/O S.JAYANTH
AGED ABOUT 41 YEARS,
R/AT BEHIND GOVT. PHC
BALAJI NILAYA
GORAVALE VILLAGE & POST
DUDDA HOBLI,
MANDYA TALUK & DISTRICT - 571 401.

...RESPONDENT

(BY SRI KUMARA K.G., ADVOCATE-ABSENT)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO QUASH
THE IMPUGNED ORDER DATED 31.01.2019 IN CRL.MISC.NO.39/2018
PASSED BY THE J.M.F.C., MANDYA BY ALLOWING THIS PETITION
AND SET ASIDE THE JUDGMENT DATED 02.07.2019 IN

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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CRL.A.NO.50/2019 PASSED BY THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANDYA.

THIS PETITION IS COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging judgment dated 02.07.2019 passed by IV Addl. District & Sessions Judge, Mandya, in Crl.A.no.50/2019 at Annexure-B confirming order dated 31.01.2019 passed by JMFC, Mandya, in Crl.Misc.no.39/2018 at Annexure-A, this petition is filed.

2. Sri Praveen Kumar K., learned counsel for petitioner submitted that petitioner was respondent no.1 in a petition filed by respondent herein under Section 12(1) of Protection of Women from Domestic Violence Act, 2005 (**DV Act**) for relief under Sections 18 and 19 of DV Act.

3. Learned counsel for petitioner submitted that though petitioner had engaged counsel and entered appearance, he was unable to file objections and was not provided opportunity to cross-examine respondent. And



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based on consideration of material produced by respondent alone, impugned order came to be passed. Though an appeal was filed on specific ground of failure to provide opportunity, without proper consideration, appeal came to be dismissed. It was submitted that petitioner has been working as a food delivery agent and was unable to cross-examine respondent and therefore, submitted that an opportunity to cross-examine respondent may be granted and matter be remitted back to trial Court.

4. There is no representation on behalf of respondent.

5. Heard learned counsel and perused impugned order.

6. This petition is by respondent no.1 in a petition filed by respondent herein for protection under Sections 18 and 19 of DV Act.

7. As rightly submitted, on service of notice, petitioner herein had engaged counsel and entered appearance. However, trial Court has specifically recorded that petitioner did not file objections and despite providing sufficient opportunity to cross-examine respondent, failed to avail opportunity. Thus, by



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considering material placed on record, trial Court passed order granting protection to respondent herein. Though specific ground about failure to provide opportunity was urged in appeal, even Appellate Court, after referring to order sheet of trial Court has recorded specific finding that adequate opportunity was provided but not availed by petitioner and dismissed appeal. Thus, both Courts have concurrently held that despite sufficient opportunity, petitioner did not cross-examine respondent herein nor had filed objections to petition. Besides, orders are passed by referring to material placed on record by respondent and granting protection under provisions of DV Act and cannot be faulted, especially when there is no dispute about marital relationship and about matrimonial home.

8. No ground to interfere. Petition is ***dismissed***.

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

AV
List No.: 1 Sl No.: 11