



CNR: KAHC010406312018

NC: 2026:KHC:40913-DB
MFA No. 3836 of 2018
C/W MFA No. 4020 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

MISCELLANEOUS FIRST APPEAL NO. 3836 OF 2018 (FC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 4020 OF 2018 (FC)

IN MFA No. 3836/2018

BETWEEN:

KRISHNA KUMAR B J @ RAJU,
S/O JAYARAMA REDDY B.P.,
R/AT NO.393/A, 7TH CROSS,
MARUTHINAGAR, MADIVALA,
BANGALORE - 560 068.

...APPELLANT

(BY SRI. AJIT P.B., ADVOCATE)

AND:

M.J. KAVITHA @ DIVYA,
W/O B.J. KRISHNA KUMAR,
D/O JAYARAMA REDDY,
R/AT NO.173/9, 1ST MAIN ROAD,
1ST CROSS ROAD,
KASHI VISHWANATHA LAYOUT,
K.R.PURAM, BANGALORE-560 036.

...RESPONDENT

(BY SMT. SUSHEELA., SR. ADVOCATE FOR

SMT. MANJULA N. TEJASWI, ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 28(1) OF THE HINDU MARRIAGE ACT, 1955 R/W SEC.19(1) OF THE FAMILY COURT, 1984 AGAINST THE JUDGMENT AND DECREE DATED:13.03.2018 PASSED ON MC NO.3772/2013 ON THE FILE OF THE 2ND ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, ALLOWING THE PETITION FILED U/S.9 OF HINDU MARRIAGE ACT.

IN MFA NO. 4020/2018

BETWEEN:

KRISHNA KUMAR B J @ RAJU,
AGED ABOUT 37 YEARS,
S/O JAYARAMA REDDY B.P.
RESIDIGNA T NO.393/A,
7TH CROSS, MARUTHINGAR,
MADIVALA,
BANGALORE - 560 068.

...APPELLANT

(BY SRI. AJIT P B., ADVOCATE)

AND:

M J KAVITHA @ DIVYA,
W/O B.J. KRISHNA KUMAR,
D/O JAYARAMA REDDY,
R/AT NO.173/9, 1ST MAIN ROAD,
1ST CROSS ROAD,
KASHI VISHWANATHA LAYOUT,
K.R. PURAM,
BANGALORE - 560 036.

...RESPONDENT

(BY SMT. SUSHEELA., SR. ADVOCATE FOR
SMT. MANJULA N. TEJASWI, ADVOCATE)



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THIS MFA IS FILED UNDER SECTION 19(1) OF THE FAMILY COURT ACT, 1984, AGAINST THE JUDGMENT AND DECREE DATED:13.03.2018 PASSED ON MC NO.3265/2013 ON THE FILE OF THE 2ND ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, DISMISSING THE PETITION FILED U/S.13(1) (ia) OF HINDU MARRIAGE ACT AND ETC.,

THESE APPEALS ARE COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeals being MFA No.3836/2018 and MFA No.4020/2018 are by the appellant/ husband, assailing the Judgment and Decree dated 13.03.2018, passed by the II Addl. Principal Judge, Family Court, Bengaluru¹, in M.C.No.3265/2013 c/w. M.C.No.3772/2013.

2. The appellant-husband filed a petition in M.C.No.3265/2013 under Section 13(1) (ia) of the Hindu

¹ 'the Family Court', for short



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Marriage Act, 1955², praying to dissolve the marriage which was solemnized on 06.03.2006.

3. The respondent-wife filed a petition in M.C.No.3772/2013 under Section 9 of the Hindu Marriage Act, seeking an order of Restitution of Conjugal Rights and other reliefs.

4. The Family Court under the impugned Judgment and Decree, dismissed the petition filed by the appellant-husband seeking divorce on the ground of cruelty and allowed the petition filed by the respondent-wife seeking Restitution of Conjugal Rights with a direction to the appellant-husband to take the wife and children back to the matrimonial home and to perform his marital obligations.

5. To support his case for mental cruelty, the appellant-husband has relied upon the FIR which came to be filed by the respondent-wife under Section 498A of IPC.

² hereinafter referred to as, 'the Hindu Marriage Act'



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The Appellant-husband asserts that the lodging of the FIR under Section 498A was tremendous mental cruelty to him and his parents were also made accused.

6. Learned counsel for the appellant/ husband submits that there was a theft occurred at the matrimonial home on 14.06.2013, wherein several gold ornaments and cash were stolen. The petitioner lodged a complaint with the Police on 15.06.2013 and subsequently filed a further complaint on 16.06.2013 furnishing the details of the stolen jewellery and other articles. Based on the complaints, Cr.No.484/2013 was registered. After investigation, the Police submitted a 'C' Report in the said matter.

7. It is further submitted that, the respondent has alleged that there was no theft of gold ornaments or cash had occurred at the petitioner's house and that the entire incident was a premeditated and orchestrated plan devised by the petitioner and his parents to knock off her gold



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ornaments. Learned counsel contends that, the respondent instead of supporting the petitioner, indulged in making allegations against her husband that he is responsible for disappearance of the jewelleries belonging to her. In other words, she alleged that the petitioner and his parents woven a story of theft with an intention to knock off her gold ornaments.

8. Learned counsel for the respondent - wife argued in support of the Judgment and Decree of the Family Court, and sought to dismiss the appeals.

9. The question or the issue which falls for consideration is that, whether lodging of an FIR under Section 498A of the Indian Penal Code was a breaking point that cruelty to an extent that would entitle the husband to take a decree of divorce under Section 13(1) (ia) of Hindu Marriage Act.

10. The allegation that the respondent - wife harassed the petitioner and his family member by accusing



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them of theft, despite the husband having lodged a police complaint and blaming them for it, was not substantiated before the Court with corroborative evidence. The petitioner except his self-serving statement has not examined any independent witnesses to support his claim regarding the theft supra. In that view of the matter, the contentions remained as contentions and cannot be taken into consideration in the absence of any proof in that regard.

11. A perusal of complaint in respect of 498A clearly shows that the respondent wife was assaulted with clubs at 2:00 pm on 26.07.2013 and the crime was registered at 9:20 pm, on the very same day i.e., within seven hours, clearly shows that it is due to the assault caused, the crime came to be registered. There is no delay in lodging the complaint, as such, the contention that a false complaint is filed cannot be countenanced.



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12. It is trite law that a divorce on the ground of cruelty cannot be granted on mere asking in the absence of corroborative and cogent evidence supporting the contentions led by the party complaining of isolated act as stated afore of lodging complaint which was resulted due to assault of petitioner husband on the respondent wife, cannot be worked out as cruelty, so that the appellant-husband can take the divorce.

13. We are of the considered view that the ground of cruelty as could not be proved by the appellant-husband and the Trial Court has rightly dismissed the divorce petition, we find no reason to interfere with the well-reasoned judgment and order passed on the basis of the pleadings and evidence and the submission of the Trial Court. Accordingly, MFA No.3836/2018 stands ***dismissed***.

14. It is apt to mention here that, both the children are daughters, now attained the age of majority and of marriage age. In that view of the matter, in the better



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interest of the daughters, we are of the opinion that the order on petition under Section 9 of the Hindu Marriage Act, required to be sustained.

15. In that view of the matter also and in view of dismissal of this appeal, the MFA No.4020/2018 does not survive for consideration and stands ***dismissed***.

16. In view of dismissal of the appeals, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

HR/TKN
List No.: 1 Sl No.: 15