



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

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

CRIMINAL REVISION PETITION NO.1259 OF 2018

BETWEEN:

1. SMT. SUJATHA HARINDHRANATH,
W/O DR. HARINDHRANATH,
AGED ABOUT 54 YEARS,
R/AT NO.312, 13TH CROSS,
WEST CHORD ROAD,
BENGALURU-560 086.

...PETITIONER

(BY SRI. K. MURTHY, ADVOCATE)

AND:

1. SRI. DR. HARINDHRANATH,
S/O LATE K.H. RANGANATH,
AGED ABOUT 57 YEARS,
R/AT NO.1852/3,
SIDDHARTHA NILAYA,
1ST CROSS, PRAKASHNAGAR,
3RD STAGE, RAJAJINAGAR,
BENGALURU-560 010.

OFFICE:-
DR. HARINDHRANATH,
PROFESSOR,
DEPARTMENT OF SURGERY,
VICOTRIA HOSPITAL,
BENGALURU-560 001.

...RESPONDENT

(BY SRI. H.R. ANANTHA KRISHNA MURTHY, ADVOCATE)

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 05.09.2018 IN CRL.A.NO.1326/2017 PASSED BY THE XLV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-46) CONFIRMING THE ORDER DATED 25.07.2017 PASSED BY THE METROPOLITAN MAGISTRATE, TRAFFIC COURT-II, BENGALURU, IN CRL.MISC.NO.24/2010.

THIS PETITION COMING ON FOR FINAL HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Heard the learned counsel for the revision petitioner and the learned counsel for the respondent.

2. This revision petition is filed against the concurrent finding of the Trial Court as well as the Appellate Court in Crl.Misc.No.24/2010 as well as Crl.A.No.1326/2017, wherein, the Trial Court dismissed the petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and the Appellate Court confirmed the same.

3. The factual matrix of the case of the petitioner is that the petitioner filed Crl.Misc.No.24/2010 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, praying the Court to pass protection order, residence order,



monetary relief of Rs.1,25,00,000/-, monthly maintenance of Rs.20,000/-, household expenses of Rs.5,000/- per month, house maintenance expenses of Rs.10,000/- per month and compensation of Rs.50,00,000/-. It is contented that the petitioner and the respondent are relatives and both of them are from the same place. It is contented that the respondent was MBBS student at Mysore Medical College in the year 1986-1989. The sister of the petitioner Smt. Prabha Dasharath and her family was residing at Mysore City and her husband was Special D.C. at Mysore. The petitioner also used to stay at her sister's house often and often at Mysore. The petitioner and the respondent are the permanent residents of Harihara, Davanagere District. The respondent used to visit the petitioner's sister's house at Mysore, at that time, he had developed much acquaintance with the petitioner and gradually they became friends and it turned to love between them. Thereafter, the petitioner and the respondent used to spend time together at park and other places. Further, it is stated that during that time they have underwent sexual intercourse. The respondent forcibly used to have sexual intercourse with her, though the petitioner opposed for the same and further on



many occasions when the petitioner was not keeping well, the respondent used to give treatment, at that time she became unconscious, he had sexual intercourse with her. Thereafter, the petitioner and the respondent agreed to get marry.

4. It is further stated that the respondent after completion of MBBS Course, admitted to Post Graduation Course of Surgery during the year 1994 to 1997 at Davanagere Medical College, which was very near to Harihara town. Even at that time also, the respondent used to meet her and stay with her at Harihara. Further, on 30.10.1995, the marriage of the petitioner and the respondent took place at Srilakshmi Temple, Harihara in presence of elders, friends and family members of the petitioner. After that both of them started to live together as husband and wife at Davangere and also they have taken house on rent at Davanagere, Taralabalu Layout, Savli house. The petitioner was running beauty parlor at Harihara and leading life. At that time, she became pregnant and the respondent being the doctor used to abort by giving some medicine. The marriage photos were taken at the time of marriage and also other joint photos are with the respondent,



but while shifting the house from Harihara to Bangalore, the respondent took away them and the same are with him. After completion of the PG course in the year 1997, the respondent came to Bangalore by telling the petitioner that he would shift his family in short period after securing a job at Bangalore. But he did not wish to take the petitioner to his parents' house as the marriage was against the wishes of his parents. In the year 2000, the respondent got a Government job at Victoria Hospital as Doctor-cum-lecturer. During that time, the respondent used to come to Harihara and used to stay with the petitioner. However, on the pressure of the petitioner, the respondent brought the petitioner from Harihara to Bangalore during 2001 and taken the house on rent in Jayanagar, Bangalore to satisfy the petitioner. At that time also, the respondent was regular in coming to the house, but the petitioner has tolerated on the ground that he may change his attitude.

5. It is further contended that gradually, respondent stopped to come to the house and not provides food and expenses. Later, she came to know that the respondent had contacted second marriage with another woman by name



Roopamalini, who is also a doctor. Therefore, he totally failed to look after the petitioner. When an attempt was made by the petitioner to meet him, he tried to avoid her and beaten her in front of subordinates. Thereafter, the petitioner lodged the police complaint and the respondent also lodged the counter complaint and several complaints were lodged by each other in between 2003 to 2010. But after contest, all the criminal cases registered with each other were ended in acquittal.

6. It is also contended that the father of the respondent was a political leader and ex-Cabinet Minister of Government of Karnataka. The respondent totally deserted the petitioner with the influence of his father and family members. In this regard, the petitioner has filed several complaints to Commissioner of Police, but no use because on the influence of his father, the police failed to take action against the respondent. Hence, filed the petition seeking the relief as sought in the petition.

7. Per contra, the respondent filed the objection statement denying the relationship between the petitioner and the respondent and also categorically denied the marriage of



both of them and denied the entire averments made in the petition. It is contended that at the time of his Post Graduation, he was residing in a hostel at Davanagere. He further denied that his father being a political leader influenced the complaints lodged by the petitioner. He further contends that there is no cause of action and there was no marriage with the petitioner. The respondent has married the Roopamalini in Bengaluru Palace ground and more than 5,000 guests have come to his wedding and he has two children. He also contended that the same was not questioned and also contended that only with an intention to get the monetary benefit, the present was petition.

8. Having considered the material available on record, particularly the evidence of PW1 and also the witnesses PW2 to PW5 and also Ex.P1 to P43 and also the evidence of RW1 and documents at Ex.R1 to R19, the Trial Court comes to the conclusion that in order to prove the marriage of the petitioner with the respondent, except the oral evidence of the witnesses who have been examined, not placed any material before the Court. Even considering the material on record after the remand also comes to a conclusion by the Trial Court that to



show that there was a marriage between the parties and both of them were lived together as husband and wife, no material evidence was placed. Even documents at Ex.P1 to P3 were marked, those materials are only a complainant between the petitioner and the respondent after 2001 onwards. In order to establish their marriage, there is no material evidence. Hence, dismissed the complainant. Being aggrieved by the order of the Trial Court, an appeal was filed.

9. The Appellate Court also in detail discussed the case of the complainant and considered both oral and documentary evidence placed on record and comes to the conclusion that even though it is the case of the complainant that she is a legally wedded wife of respondent, after remand of the matter to the learned Magistrate as per the order of the High Court of Karnataka in the revision petition, the appellant tried to dilute her contention and thereby, she has come up with the case that there is relationship between her and the respondent in the nature of marriage and she was residing with the respondent as husband and wife in the shared household. But the said contention of appellant also not proved by her in the case on



hand. Having re-appreciated the evidence on record, the Appellate Court dismissed the appeal.

10. Being aggrieved by the concurrent finding of both the Courts, the present revision petition is before this Court.

11. The very contention of the counsel appearing for the petitioner that both the courts have committed an error in dismissing the case of the petitioner. The Trial Court and Appellate Court fails to take note of Section 2(f) of the DV Act to prove her case and the domestic relationship between the parties and Section 2(s), the shared house against the respondent and further inspite of proving and establishing the violence on the petitioner as defined under Section 3 of the DV Act. Hence, it requires interference of this Court. The counsel also vehemently contend that both the Courts have erroneously come to the conclusion that documents produced by the petitioner in Ex.P23 to P43 are not supporting the case of petitioner in proving the relationship of the parties. The courts below have failed to notice that whether the said documents are genuine one or not and the same are not disputed by the respondent. The counsel also would vehemently contend that



when the materials available on record are not considered properly by both the Courts, this Court can exercise the revisional jurisdiction. The fact that the respondent was a student of MBBS and having acquaintance with petitioner and developed the relationship of love and thereafter they married each other and lived together. The said fact has not been considered by both the Courts. Hence, this Court has to exercise the revisional jurisdiction.

12. Per contra, the counsel appearing to the respondent would vehemently contend that the very case of the petitioner is doubtful with regard to the marriage is concerned. Though it is contended that marriage was taken place in the temple and examined the witnesses, in order to substantiate the same, nothing is placed on record. The counsel also brought to notice of this Court the article published in Hai Bangalore Paper that was in the year 2000 and at that time also it was mentioned that only it was a love affair between them and not the marriage. The very document relied upon by the petitioner at Ex.P23 clearly discloses that there was no marriage as contented by the petitioner. Apart from that both the Courts



have taken note of the material placed on record. Even though numbers of documents are placed by the petitioner, the same are not evident with regard to the fact that there was a marriage and they lived together from 1995 to 2001. Hence, the question of entertaining this revision does not arise.

13. Having heard the learned counsel appearing for the respective parties and also the grounds which have been urged in the revision, the point that would arise for the consideration of this petition is:

Whether the judgment of the Trial Court and the Appellate Court suffers from its legality and correctness and whether this Court can exercise the revisional jurisdiction?

14. Having considered the grounds which have been urged in the petition and also the pleadings of the parties and statement of objections, it discloses that the specific pleading of the petitioner before the Trial Court that she has been in domestic relationship with the respondent as husband and wife in a shared household. It is also contended that the respondent



subjected her for domestic violence. In order to substantiate the same, material placed before the Trial Court is only the document of Ex.P1 to P43. Ex.P1 is an ID card; Ex.P2 is the Ration card and Ex.P3 is the letter dated 10.04.2008. The postal acknowledgment and receipt and letter of correspondence as well as the complaint and filing of charge sheet and copy of the FIR and orders passed in criminal miscellaneous are the documents which have been relied upon by the complainant/petitioner. Admittedly, when case was registered against the respondent, the same was ended in acquittal. In order to substantiate that both of them are husband and wife, no material is placed before the Court except leading of oral evidence of PW2 to PW5.

15. The Trial Court also taken note of the document of Ex.P23, wherein, only an article was written with regard to the love affair between the petitioner and the respondent. If really the marriage was taken place in the year 1995 itself as contended by the petitioner, there would not have been the article in the year 2000 with regard to the love affair between them. If the marriage was solemnized in the year 1995, that is



on 30.10.1995 at Srilakshmi Temple, Harihara and they lived together as husband and wife at Savli house, Davanagere from 1995 to 2001, no material is placed before the Court to prove the same. Except the oral evidence, no other document is placed on record before the Court. When the cogent materials are not placed before the Court, the Trial Court as well as the Appellate Court, in detail discussed the documents available and record to come to a conclusion that petitioner has failed to prove her case. Under such circumstances, the question of exercising the revisional jurisdiction with regard to the legality and correctness does not arise when the very case of the petitioner is not substantiated proving that there was a marriage between the parties in the year 1995 at temple and they lived together. In order to prove the factum that they lived together from 1995 to 2001 also, no material is placed. But only after differences arise between them in 2001 onwards, complaint, counter complaint and cases were registered. Those materials only disclose the fact that there was a dispute between them with regard to their affairs. In the absence of any material with regard to their marriage as well as they lived the life together, the question of invoking the provisions of



Domestic Violence Act does not arise. The fact was rightly taken note of by the Trial Court as well as the Appellate Court. Hence, I do not find any ground to come to other conclusion by exercising the revisional jurisdiction since there is no any material to substantiate the case of the petitioner. Thus, not made out any ground to reverse the finding of the Trial Court and also the Appellate Court in exercising the revisional jurisdiction. Thus, the judgment of Trial Court and the Appellate Court not suffers from any legality or correctness. Hence, I answer the above point as negative.

16. In view of the discussions made above, I pass the following:

ORDER

The revision petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD/SN
List No.: 1 Sl No.: 47