IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL REVISION PETITION NO. 977 OF 2023

BETWEEN:

1. SMT. H.G. GAYATRI,
   W/O RENUKARADHYA H N,
   AGED ABOUT 70 YEARS,

2. SRI H N RENUKARADHYA
   S/O NANJUNDARADHYA,
   AGED ABOUT 78 YEARS,

   BOTH ARE R/AT NO.1715/12(1),
   NEW NO.29, 3RD MAIN,
   RAMAMOHANAPURAM,
   BENGALURU - 560 021

...PETITIONERS

(BY SRI. HEGDE RAMAKRISHNA S.,ADVOCATE)

Digitally signed by SHARADAVANI B
Location: High Court of Karnataka

AND:

1. SMT. CHETHANA K N.,
   W/O CHANDAN RAJ.B.R
   D/O NAGABHUSHAN R R
   AGED ABOUT 27 YEARS,

2. SRI CHANDAN RAJ B.R.
S/O RENUKARADHYA H N,
AGED ABOUT 38 YEARS,

BOTH ARE R/AT FLAT NO 308,
3RD FLOOR, D S MAX SPLENDID,
6TH BLOCK, VISVESHWARAYA LAYOUT,
BENGALURU - 560 091

…RESPONDENTS

(BY SRI. ARUN G.,ADVOCATE)

THIS CRL.R.P. IS FILED U/S.397 R/W 401 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONBLE COURT MAY BE PLEASED TO SET ASIDE THE JUDGMENT PASSED BY THE VIII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN CRL.A.NO.18/2022 DATED 30.11.2022 (ANNEXURE A) AND ALSO ORDER ON I.A.NO.II IN CRL.MISC.NO.404/2020 DATED 16.12.2021 PASSED BY THE COURT OF CHIEF JUDICIAL MAGISTRATE BENGALURU RURAL (ANNEXURE B).

THIS PETITION, 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 30.11.2022 passed by the VIII Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru in Criminal Appeal No.18/2022 confirming order dated 16.12.2021 passed by Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru on I.A No.II in Crl. Misc. No.404/2020, this revision petition is filed.

2. Sri Hedge Ramakrishna, learned counsel for petitioners submitted that petition is by respondents no. 2 and 3 in Criminal Miscellaneous no.404/2020 filed by respondent no. 1 under Provisions of Protection of Women from Domestic Violence Act, 2005 ('DV Act'). In said petition respondent no.1 had filed I.A no.II under Section 18(e) of DV Act for direction to respondents no.1 to 3 not to alienate 4 floored property bearing no.1715/12(1) New no.29, 3rd Main, Ramamohanapuram, Bengaluru-560029 and immovable properties i.e., 500 grams of gold and 1 kg silver.

3. It was submitted that on appearance, petitioners as well as respondent no.1, had opposed application. It was submitted that under impugned order, Trial Court had allowed application and granted protection. It was submitted that even appeal filed there against was unsuccessful, leading to this revision. It was submitted respondent no.1 in this petition was married to respondent no.2 on 27.01.2010. From wedlock they have two sons. It was submitted that respondents no.1 and 2 were residing in Flat no.308, 3rd floor, DS MAX Splendid, 6th Block, Visveshwaraya Layout, Bangalore-560 091, belonging to respondent no.2-husband.

4. It was submitted petitioners were parents of respondent no.2. It was submitted that property bearing no.1715/12(1), for which protection was sought was bequeathed to petitioner no.1 by her father. As such it was her stridhan property. Subsequently, she had gifted it to her son i.e., respondent no.2. It was submitted on 29.03.2017, respondent no.2 gifted it back to her. It was

submitted that said property was not shared household and as it was stridhana of petitioner no.1 herein, same would not be amenable to provisions of DV Act and therefore respondent no. 1 was not entitled for protection as sought.

5. However, Trial Court allowed application on sole ground that respondent no.2- husband was deriving income from said property prior to gifting it back to his mother-petitioner no.1 which was 2 months prior to filing of petition and therefore property required protection. It was submitted, there was no assertion that said property was shared household and moreover it belonging to petitioner no.1. As per ratio laid by Supreme Court in case of ***S.R.Batra and Anr. -vs- Taruna Batra reported in (2007) 3 SCC 169***, property of mother-in-law would not be shared household and therefore impugned order was contrary to law. On said ground sought for allowing revision.

6. On other hand Sri. Arun.G learned counsel for respondent no.1, opposed petition.

7. Heard learned counsel, perused impugned judgment as well as copy of application and objections made available by learned counsel for petitioner.

8. This revision is by parents-in-law of respondent no.1 who had filed petition along with an application under DV Act for protection insofar as property in question claiming it to be shared household. Main ground of opposing said application was that property was gifted to petitioner no.1 herein from her father and was her stridhana property and daughter-in-law would not be entitled for protection.

9. While there is no dispute about ratio laid on by Hon'ble Supreme Court in S.R.Batra's case (supra) facts involved in present case would indicate that after bequeathal of property in favour of petitioner no.1 and she becoming owner, she had gifted said property to

respondent no.2-her son and husband of respondent no.1. It is observed by Trial Court that property consisted of 4 floors and said respondent no.2 was maintaining it and deriving income. And mere 2 months prior to filing of present petition, respondent no.2 gifted it back. Apparently, such re-transfer appears to be with intention to frustrate orders and avoid claims of respondent no.1 after souring of relation between respondent nos.1 and 2 herein.

10. It is seen interim order is for protection of property during pendency of proceedings. Main matter is still pending. Even in case petitioners contend that re-transfer was not to avoid any orders, same would require to be established during trial. That apart whether respondents No.1 and 2 were residing in it and whether respondent no. 2-husband was not deriving income from said property would also require trial.

Under above facts and circumstances, I do not see any good ground to interfere with impugned order.

Revision petition is therefore ***dismissed***.

Sd/-
(RAVI V HOSMANI)
JUDGE

VS
List No.: 1 Sl No.: 33