



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 12<sup>TH</sup> DAY OF NOVEMBER, 2024**

**BEFORE**

**THE HON'BLE MRS JUSTICE M G UMA**  
**CRIMINAL PETITION NO. 4507 OF 2020**

**BETWEEN:**

1. PRASHANT SHUKLA

[REDACTED]

[REDACTED]

2. SATISH KUMAR SHUKLA

[REDACTED]

3. OMLATA SHUKLA

[REDACTED]

...PETITIONERS

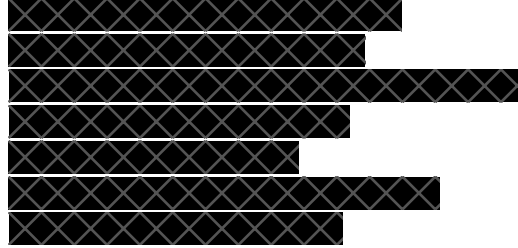
(BY SRI. NITISH BANKA, ADVOCATE(VC))





**AND:**

1. PRERNA KUMAR



...RESPONDENT

(BY SMT. RADHIKA JAGADISH, ADVOCATE)

THIS CRL.P IS FILED UNDER SECTION 482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS ARISING OUT OF CRL.MISC.NO.175/2018 FILED BEFORE THE VI METROPOLITAN MAGISTRATE TRAFFIC COURT AT BENGALURU UNDER SECTIONS 12, 18, 19, 20 AND 22 OF THE PROTECTION OF WOMEN FROM THE DOMESTIC VIOLENCE ACT, 2005.

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

CORAM: HON'BLE MRS JUSTICE M G UMA

**ORAL ORDER**

The petitioners being respondent Nos.1 to 3 in Crl.Misc.No.175 of 2018 on the file of the learned VI Metropolitan Magistrate Traffic Court, Bengaluru, are seeking to quash the proceedings initiated against them under Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act (for short 'DV Act').

2. Brief facts of the case are that, the respondent is the wife of petitioner No.1. Petitioner Nos.2 and 3 are the



parents of petitioner No.1. Petitioner No.1 and the respondent married on 15.05.2015 at Radisson Blu, Ghaziabad. After marriage, both of them started residing in Gurgaon and later they shifted their residence to Singapore. Again they came back to India. It is the contention of the respondent that both the husband and wife have shifted to Brisbane in Australia, where petitioner No.1 got the job. However, the respondent could not find a suitable job. The husband and wife jointly took a decision and the respondent took job at Sydney. Under such circumstances, petitioner No.1 and respondent started residing separately. Taking advantage of the fact that the respondent is residing separately, petitioner No.1 got cancelled the visa of the respondent and he also applied for divorce and got an order in his favour. The respondent could not contest the matter, as she was residing about 1000 km away to eke out her livelihood.

3. It is further stated that even when the respondent requested petitioner No.1 to accept her, he treated her with cruelty, abused her in filthy language and has not made any arrangements for her return to India. During October, 2018 respondent somehow came back to India and filed Crl.Misc.No.175 of 2018 seeking protection order under



Sections 12, 18, 19, 20 and 22 of DV Act. The petitioners are before this Court seeking to quash the criminal proceedings initiated against them.

4. Heard Sri Nitish Banka, learned counsel for the petitioners and Smt Radhika Jagadish, learned counsel for the respondent. Perused the materials on record.

5. Learned counsel for the petitioners contended that petitioners are respondent Nos.1 to 3 in Crl.Misc.No.175 of 2018. Absolutely no allegations are made against petitioner Nos.2 and 3 who are the parents of petitioner No.1. Under such circumstances, they are not liable to be prosecuted under the provisions of DV Act.

6. Learned counsel further submitted that even though the petition in Crl.Misc.No.175 of 2018 runs into several pages, there are absolutely no allegations to invoke Section 12 of DV Act. Admittedly, petitioner No.1 was working at Australia, while respondent was doing her job in Sydney. They were residing separately. After returning to India, respondent has chosen to file Crl.Misc.No.175 of 2018. The allegation against petitioner No.1 has no basis. Under such circumstances, she is



not entitled for any relief. Hence, he prays for allowing the petition and to quash the criminal proceedings initiated against the petitioners.

7. *Per contra*, learned counsel for the respondent opposing the petition submitted that the relationship between petitioner No.1 and respondent is admitted. After marriage, both of them started residing in Gurgaon and later they shifted their residence to Singapore and again they came back to India. Later, both husband and wife have shifted to Brisbane in Australia, where petitioner No.1 got the job. However, the respondent could not find a suitable job. Petitioner No.1 insisted her to accept job at Sydney and they jointly took decision. As a result of which, respondent got employed at Sydney, which is about 1000 km away from Brisbane. Under such compelling circumstances, respondent started residing separately. Taking advantage of this situation that the respondent is leaving separately, petitioner No.1 applied for divorce in Brisbane and managed to get a decree in his favour as respondent was unable to contest the proceedings. In the meantime, petitioner No.1 got cancelled visa of the respondent, as a result of which, she could not stay in Sydney and with



great difficulty, she came back to India. The conduct of petitioner No.1 is clear case of domestic violence and as such she filed Crl.Misc.No.175 of 2018. *Prima facie* case is made out against petitioner No.1. Hence, he is not entitled for any relief.

8. Learned counsel also submitted that petitioner Nos.2 and 3 are the parents of petitioner No.1 and they were knowing about all these developments and they kept mum. Therefore, the petition filed by them as well has to be dismissed. Therefore, she prays for dismissal of the petition.

9. In view of the rival contentions urged by learned counsel for both the parties, the point that would arise for my consideration is:

*"Whether the petitioners have made out any grounds to allow the petition and to quash the criminal proceedings initiated against them?"*

My answer to the above point is in 'Partly in affirmative' for the following:

### **REASONS**

10. Petitioner Nos.2 and 3 are arrayed as respondent Nos.2 and 3 in Crl.Misc.No.175 of 2018. On going through the



allegations made in the criminal miscellaneous petition, there is absolutely no serious allegations made against them, except saying that they are the parents of petitioner No.1. However, the allegations made against petitioner No.1 is serious in nature, which has to be proved by the respondent before the Trial Court. None of the contentions raised by the respondent regarding marriage, stay of petitioner No.1 and respondent at various places including at Australia are not in dispute. However, the allegations made by the respondent against petitioner No.1 regarding various acts of cruelty or domestic violence is to be considered by the Trial Court after full-fledged trial. Therefore, I am of the opinion that petitioner No.1 is not entitled for any relief. However, petition filed by petitioner Nos.2 and 3 is liable to be allowed. Accordingly, I answer the above point partly in the affirmative and proceed to pass the following :

**ORDER**

- (i) The Criminal Petition is ***allowed in part.***
- (ii) The petition filed by petitioner No.1 is dismissed.



(iii) The petition filed by petitioner Nos.2 and 3 are allowed.

(iv) The criminal proceedings initiated in Crl.Misc.No.175 of 2018 on the file of the learned VI Metropolitan Magistrate Traffic Court, Bengaluru, under Sections 12, 18, 19, 20 and 22 of Protection of Women from Domestic Violence Act against petitioner Nos.2 and 3, is hereby quashed.

**Sd/-  
(M G UMA)  
JUDGE**

BGN  
List No.: 2 SI No.: 23