



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 4710 OF 2024

BETWEEN:

...PETITIONER

(BY SRI. DILEEP N., ADVOCATE)

Digitally signed
by
MARIGANGAIAH
PREMAKUMARI

Location: HIGH
COURT OF
KARNATAKA

AND:



...RESPONDENTS

THIS CRL.P. IS FILED U/S.482 OF CR.P.C., PRAYING TO SET ASIDE THE IMPUGNED ORDER ANNEXURE - A DATED 18.03.2024 PASSED BY THE M.M.T.C. - II COURT, BENGALURU IN CRL.MISC.NO.62/2024 AND CONSEQUENTLY DIRECT THE TRIAL COURT TAKE COGNIZANCE AND ISSUED NOTICE TO THE RESPONDENT NO.2 TO 4 ALONG WITH RESPONDENT NO.1.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court seeking the following prayer:

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court, be pleased to set aside the impugned order Annexure-A dated:18/03/2024 passed by the Hon'ble METROPOLITAN MAGISTRATE TRAFFIC COURT-II IN CRL.MISC.NO.62/2024 and consequently direct the trial court take cognizance and issue notice to the Respondent 2 to 4 along with Respondent No.1, in the interest of justice and equity."



2. Heard Sri. Dileep N., learned counsel appearing for the petitioner and have perused the material on record.

3. The petitioner is the wife of respondent No.1 and the daughter-in-law of respondent Nos.2 and 3 and the sister-in-law of respondent No.4 alleging while domestic violence as is defined under the Protection of Women from Domestic Violence Act, 2005 ('the Act' for short), the petitioner seeks to register an application before the concerned Court in Crl.Misc.No.62/2024. The concerned Court on going through application nips it in the bud by observing that the case does not even project any domestic violence.

4. A perusal at the complaint/application filed under Section 12 of the Act, there is abundant material to demonstrate *prima facie* that there was domestic violence by the respondents herein. A notice in the least or an enquiry in the least ought to have been conducted by the concerned Court nipping it in the bud by dismissing the complaint undoubtedly causes great prejudice to the wife - the applicant. If there is no case later found out, appropriate orders would be passed by the concerned Court not dismissing the complaint itself as



maintenance, residence and all other interim reliefs, were also sought at the hands of the concerned Court by the petitioner-wife.

5. Since no notice was even issued to the respondents, I deem it appropriate to set aside the order impugned and restore the application before the concerned Court with a direction to the concerned Court to regulate its procedure and proceed further on its merit.

6. For the aforesaid reasons, the following:

ORDER

- (i) The petition is allowed.
- (ii) The impugned order dated 18/03/2024 passed by the Metropolitan Magistrate Traffic Court-II, Bengaluru in CrI.Misc.No.62/2024 stands quashed, *qua* the petitioner.
- (iii) CrI.Misc.62/2024 stands restored to the file of Metropolitan Magistrate Traffic Court-II, Bengaluru.



- (iv) The concerned Court is directed to regulate its procedure and proceed further in the matter.

All contentions left open.

SD/-
JUDGE

SJK
List No.: 1 Sl No.: 9