

KABC070106302016



Presented on : 27-08-2016  
Registered on : 27-08-2016  
Decided on : 27-01-2025  
Duration : 8 years, 5 months, 0 days

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST  
CLASS (TRAFFIC COURT - V), BENGALURU**

**Present : VISHWANATH SAVADI  
B.A., LL.B.,(Hon's)  
J.M.F.C (TRAFFIC COURT - V) ,  
BENGALURU**

**Crl.Misc.No.160/2016**

**DATED THIS THE 27<sup>th</sup> DAY OF JANUARY 2025**

**PETITIONER:** ~~Smt. Meghna Saboo, W/o. Shrikant Saboo,  
Aged about 37 years, R/at. No. A303, Brigade  
Palm Springs, JP Nagar, 7<sup>th</sup> Phase, Bengaluru  
560 078~~

**(By Sri.M.V., Advocate)**

**V/s**

**RESPONDENT:** ~~Sri. Shrikant Saboo, S/o. Mohanlal Saboo, Aged  
about 39 years, R/at. No. A19, Naka Madar,  
Ajmer - 305 001~~

**(By Sri.D & S., Advocate)**

**J U D G M E N T**

The petitioner has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005, against the respondent, seeking various forms of relief as provided under the Act.

**2. The case of the petitioner in brief is as under:**

a. The petitioner submits that her marriage to the respondent was solemnized on June 20, 2002, at Jai Mahal Palace, Jaipur, according to Hindu rites and customs. They have a male and female child from this marriage. The petitioner hails from a respectable, law-abiding family and was a bright, talented student. Due to these qualities, the respondent's family, who were wealthy and affluent, contacted the petitioner through a mutual friend. The respondent portrayed himself as the owner of several factories and lands, earning over Rs. 10,00,000 per month. He also claimed to be free from any bad habits, such as drinking or smoking, and assured the petitioner that he would take good care of her. Believing these assurances, the petitioner agreed to marry the respondent,

hoping for a happy married life. However, the respondent and his family demanded a dowry of Rs. 50,00,000. In response, the petitioner's family provided various gifts, including 1000 grams of gold, a diamond ring, silver items, a golden watch, and costly sarees, among other things. The total amount spent by the petitioner's family on the wedding was Rs. 80,00,000.

b. Initially, the respondent appeared to treat the petitioner well, though he occasionally taunted her for the dowry. However, over time, the respondent's dominant nature, short temper, and suspicious behavior caused significant strain in their marriage. He began to physically and mentally harass the petitioner, frequently insulting and assaulting her for trivial reasons. The respondent, who had a quarrelsome nature and did not get along with many of his relatives, often threw things at the petitioner, kicked and slapped her, and verbally abused her. After the marriage, the petitioner and respondent moved to Udaipur, where tensions escalated. The respondent's mother frequently interfered and would complain about the petitioner, exacerbating the situation. The respondent also belittled the

petitioner's family, and the petitioner was forced to do all the household work despite the family's financial ability to hire help. The respondent preferred a lavish, carefree lifestyle and wanted the petitioner to conform to his desires, treating her as a servant.

c. The petitioner further recounts that during moments of anger, the respondent would use a knife to threaten her or destroy household items. Her hopes for a peaceful family life were shattered, and despite expressing a desire to spend time together, the respondent and his family continued to belittle her, especially due to the perceived inadequacy of her dowry. In 2004, when the petitioner became pregnant, her mother-in-law insisted that she should have a boy, and the petitioner gave birth to a son. After the birth, the petitioner's family was again pressured to provide additional dowry. In 2006, the respondent fabricated a story about business losses and persuaded the petitioner's family to send Rs. 8.5 lakhs.

d. In 2008, during the petitioner's second pregnancy, she was again subjected to physical violence by the respondent, which resulted in internal bleeding. After the birth of a daughter in September 2008, the respondent and his family were displeased, demanding more dowry. The petitioner's father gave an additional Rs. 7 lakhs, but this only led to more resentment. The respondent's behavior grew more erratic, and he made the petitioner's life unbearable.

e. In 2012, after the petitioner had moved to Bangalore with her children, the respondent began sending emails asking for a divorce and demanding that the petitioner vacate the house. The petitioner had to find shelter with her father's friend, and the respondent sold their household belongings without informing her. The petitioner has endured years of domestic violence, economic abuse, and emotional trauma. She has been left without financial support, unable to maintain herself or her children. The respondent has neglected his family's needs and failed to contribute to their upkeep,

including not paying for their children's education or household expenses. The petitioner is now struggling to defend against a divorce petition filed by the respondent. The respondent, who owns several properties and businesses, lives an extravagant life while the petitioner is left in distress. The petitioner requests that the court consider these circumstances and grant her relief.

3. Upon being served with the notice, the respondent appeared through his counsel and submitted his statement of objections.

4. **The statement of objections of respondent is as follows:**

a. The respondent admits the marriage between the petitioner and the respondent and acknowledges that they have a male and female child together. However, they deny all allegations of domestic violence, asserting that the petitioner has been torturing, rebuking, and humiliating the respondent since the marriage by raising illegal and unlawful demands. All

the averments in the complaint are factually incorrect and have been made with malicious intent to harass the respondent. The petitioner filed this complaint as a counter-blast after receiving the notice of the divorce case titled *Shrikant Saboo Vs Meghna Saboo* (M.C. No. 2533/2016), pending in the Court of the 5th Addl Family Court at Bangalore. It is pertinent to mention that the petitioner has been staying away from the respondent since March 9, 2014, and has never made any complaint to this Hon'ble Court or any other authority. It is only after the respondent filed the aforementioned divorce case that the petitioner has filed this case and launched a prosecution under Section 498A against the respondent and his family members.

b. Furthermore, the respondent submits that the petitioner is contradicting her own statements. The petitioner has stated in the petition that she moved out of the house with the children and her personal belongings on her own, staying with an intimate friend of her father. The petitioner insisted on joining the respondent on most of his overseas trips, including to Thailand, Singapore, China, the USA, and Europe, which

combined business and pleasure for both parties to the marriage. The respondent also submits that he suffered a significant business loss in 2012, and as a result, both the petitioner and the respondent relocated to Bangalore, where the respondent had better prospects for employment. The story of the petitioner being left in Udaipur is a fabrication, which can be disproven by the fact that their minor son, Yashwardhan, appeared for entrance tests at several reputable schools, including National Public School, Valley School, Ryan International, and Carmel. The petitioner intentionally chose to stay back in Udaipur, unwilling to leave the large bungalow she occupied, and avoided joining the respondent in Bangalore, even though the respondent frequently traveled to Udaipur during that period.

c. The respondent asserts that the petitioner continuously put undue strain on him by making various exorbitant demands, which caused financial stress. The ailments mentioned by the petitioner were the result of the tensions she created by projecting a fictitious financial status

and social standing. Furthermore, due to the petitioner's unusual and high demands, the respondent developed hypertension, diabetes, and conditions like high triglycerides and thyroid issues. The petitioner took all their belongings, electronics, cash, jewelry, and other assets, along with those of the children, in a car and truck in the respondent's absence. This could not have happened spontaneously; it was a pre-planned conspiracy involving the petitioner's family. The respondent made numerous efforts to bring the petitioner and the children back, but his attempts were ignored. The respondent states that there was never any incident of domestic violence from his side. Instead, it was the respondent who was subjected to cruelty by the petitioner. It was the petitioner who deserted the respondent in a pre-planned conspiracy.

d. The petitioner is running a successful business specializing in traditional jewelry, generating sufficient income to support herself and the children. The petitioner's income tax returns show that she earns a handsome income of Rs. 75,000 per month. Moreover, the respondent began working with

Promac Engineering in April 2012 and has been working with a local UAE company since October 2014. The petitioner has been aware of these facts from the beginning. The respondent's current salary is AED 6,000, which roughly translates to INR 1,00,000 per month. In light of these facts, the respondent prays that the petition be rejected.

5. To substantiate the case of the petitioner, the petitioner has deposed as PW.1 and produced the documents at Ex.P.1 to Ex.P.13 and closed her side. Despite being given ample opportunity, the petitioner has failed to appear before the court for further cross-examination. Furthermore, despite having sufficient time, the respondent has also chosen not to lead any evidence in his defense. This failure on both parties' part to actively participate in the proceedings reflects a lack of diligence in advancing their respective cases. The petitioner's absence from further cross-examination could be seen as an indication of unwillingness to present her side fully, while the respondent's decision not to lead evidence may hinder his

ability to substantiate his claims. Both parties, therefore, have missed important opportunities to support their positions, which may negatively affect the court's assessment of the case.

6. I have heard both side arguments.

7. The points that arise for my consideration are;

1. Whether the petitioner proves that she has been subjected to domestic violence by the respondent ?
2. Whether the petitioner entitled to the reliefs as sought ?
3. What order ?

8. The findings of this Court on the above points are as under:

Point No.1 : In the **Negative**;

Point No.2 : In the **Negative**;

Point No.3 : As per final order for the following:

#### REASONS

9. Point Nos.1 and 2: - Since these points are inter related to each other hence they have been taken together for

discussion for the sake of convenience and to avoid repetition of the facts and evidence.

10. It is specific case of the petitioner that, petitioner being legally wedded wife of respondent has been subjected to cruelty and domestic violence by the respondent. She contended that, her marriage was solemnized on 20.06.2002 at Jai Mahal Palace Jaipur, as per Hindu Rites and Customs. From their marriage, they have a male and female child. During the stay of petitioner in the house of respondent, the respondent has given ill-treatment to the petitioner and drove out the petitioner without providing any maintenance.

11. The petitioner in order to establish her case she herself got examined as PW-1 by filing affidavit evidence in lieu of her examination in chief and in support of her oral evidence she has got marked Ex.P.1 to Ex.P.13. Pw.1 deposed about the ill-treatment given by the respondent during her stay in the house of respondent. The petitioner has produced the Ex.P.1 is the Photos, Ex.P.2 is the C.D, Ex.P.3 is the E-Mail Conversations, Ex.P.4 to 9 are the Sales Invoice/Tax

Invoice/Receipts, Ex.P.10 is the HP Gas Acknowledgment, Ex.P.11 is the Certificate, Ex.P.12 is the Face Book Printout and Ex.P.13 is the E-Mail Print-out. On perusal of the document, relationship between the petitioner, her children and respondent is not in dispute.

12. It is important to note that the petitioner/PW.1 has been cross-examined on five separate occasions. However, following these cross-examinations, the petitioner/PW.1 has failed to appear before the Court for further cross-examination. On 01.04.2021, the petitioner filed an application requesting an opportunity to appear before the Court to tender her further cross-examination. In response, this Court granted the petitioner's request and scheduled the next hearing for 08.04.2021. On 08.04.2021, the hearing was adjourned at the request of the respondent's counsel, and the case was rescheduled to 12.05.2021. Despite these opportunities, the petitioner/PW.1 failed to appear before the Court on ten subsequent occasions. In light of the petitioner's persistent absence, the Court, on 01.07.2022, issued an order stating that

the further cross-examination of PW.1 would be treated as "not tendered." As a result, the case was posted for the respondent's evidence. The continued failure of the petitioner to appear before the Court and participate in the proceedings has caused significant delays and hindered the progress of the case. This absence is a clear disregard for the Court's directions and has resulted in a setback for the petitioner's case.

13. It is pertinent note here that the PW.1 underwent only a partial cross-examination by the respondent. This partial cross-examination means that only some aspects of her testimony were questioned and tested. Key elements of her statements and evidence were not subjected to thorough scrutiny. After the initial partial cross-examination, PW.1 did not appear before the Court to complete the process. Her absence prevented the respondent from conducting a full cross-examination, which is crucial for clarifying and challenging all aspects of her testimony. The inability to question PW.1 comprehensively limits the respondent's capacity to test the accuracy and reliability of her statements.

14. Cross-examination is an essential process for assessing the credibility of a witness. It allows the opposing party to challenge the witness's testimony, reveal inconsistencies, and expose any potential biases or inaccuracies. The petitioner's failure to appear for further cross-examination can be perceived as an attempt to avoid scrutiny. This absence can suggest a lack of confidence in her testimony or an inability to substantiate her claims fully. Incomplete cross-examination can lead to an incomplete evaluation of the evidence presented by the petitioner. The inability to address all questions and clarifications may leave gaps in the testimony, affecting the overall strength of the petitioner's case.

15. The legal principle of fairness requires that both parties have the opportunity to fully examine and cross-examine witnesses. The petitioner's non-appearance disrupts this principle, potentially skewing the fairness of the trial. The credibility of the petitioner's claims may be questioned due to the incomplete cross-examination. The court may interpret the

failure to fully participate in cross-examination as indicative of weak or unreliable testimony, which could impact the judgment in the case.

16. In summary, the petitioner's failure to appear for further cross-examination significantly impacts the credibility of her claims. The lack of complete scrutiny and the opportunity for the respondent to challenge all aspects of her testimony undermines the reliability of her evidence. This incomplete examination may affect the court's assessment of the petitioner's case, potentially influencing the overall outcome.

17. The evidence on record does not sufficiently establish that the petitioner experienced verbal, emotional, or economic abuse as defined under Section 3 of the PWDV Act. The petitioner has not provided adequate proof to substantiate her claims of domestic violence. There is insufficient evidence showing that the respondent has neglected to provide maintenance or financial support to the petitioner. Given the

lack of convincing evidence, the Court finds that the petitioner has failed to prove that she was subjected to domestic violence or cruelty by the respondent. **With these observations, this Court answers the points No.1 and 2 are in the NEGATIVE.**

18. **Point No.3:-** In view of discussion held above, this Court proceed to pass the following:

**ORDER**

The petition filed by the petitioner under Section 12 of Protection of Woman from Domestic Violence Act., is hereby dismissed.

In view of the dismissal of the petition, all pending interim applications are hereby disposed off.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me, and then pronounced in the Open court on this 27<sup>th</sup> day of January 2025)

VISHWANATH SAVADI  
JUDICIAL MAGISTRATE FIRST  
CLASS (TRAFFIC COURT - V),  
BENGALURU.

**A N N E X U R E**

**LIST OF WITNESSES EXAMINED FOR PETITIONER:**

P.W.1                      Smt.Meghna Saboo

**LIST OF DOCUMENTS MARKED FOR PETITIONER**

Ex.P.1	Photos.
Ex.P.2	C.D.
Ex.P.3	E-Mail Conversations.
Ex.P.4 to 9	Sales Invoice/Tax Invoice/Receipts.
Ex.P.10	HP Gas Acknowledgment.
Ex.P.11	Certificate.
Ex.P.12	Face Book Printout.
Ex.P.13	E-Mail Print-out.

**LIST OF WITNESSES EXAMINED FOR RESPONDENT****NIL****LIST OF DOCUMENTS MARKED FOR RESPONDENT:****NIL**

**VISHWANATH SAVADI**  
JUDICIAL MAGISTRATE FIRST  
CLASS (TRAFFIC COURT - V),  
**BENGALURU.**