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**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND
J.M.F.C., AT TARIKERE**

Present: Smt.Urmila.V. B.A.L., LL.B.,
Addl. Civil Judge & JMFC, Tarikere.

Dated: 11th Day of March 2025

CRL. MISC. CASE NO.449/2016

PETITIONER/S :

Smt.Rukmini W/o Manjunathachari, D/o Vishwabramhachar, aged 26 years, R/o #109 Vaishnavi Nagar, Kengeri Check Post, Baba Sahebara Palya, 8th Cross, Near Panchamukhi Temple, Bengaluru-60, now R/o Gadihalli Village, Tarikere Taluk, Chikkamagaluru District.

(Reptd. By : Sri D.C.P., Advocate.)

Vs.

RESPONDENT/S :

- 1) Manjunathachari S/o Muraharachar, aged 42 years,
- 2) Rathnamma W/o Muraharachar, aged 60 years, (dead and abated)
- 3) Sushipama D/o Muraharachar, aged 35 years,

All are R/o #109 Vaishnavi Nagar, Kengeri Check Post, Baba Sahebara Palya, 8th Cross, Near Panchamukhi Temple, Bengaluru-60.

(R.1 :By Sri K.S.H., Advocate.

Proceedings against R.3 quashed as per Order of Hon'ble High Court of Karnataka dated 14.06.2023)

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COMMON ORDER ON APPLICATIONS FILED U/S 91 OF
Cr.P.C., BY THE RESPONDENT DATED 05.04.2024
and 02.07.2024

The learned counsel for the respondent has filed present applications and prays to summon the petitioner's records from the Project Officer, SKDRPBC Trust (Reg) Ajjampura and also from Director.D.P., SKDRPBC Trust (Reg), Dharmasthala and also pleased to issue summons/notice to the concerned officer to depose the truth of the matter and also prays to summon the petitioner's SB account records from the Manager, Bank of Baroda, Tarikere Branch and to issue the summons/notice to the concerned officer to depose the truth of the matter.

2. It is stated in the application dated 05.04.2024 that the petitioner has filed the above case under D.V.Act 2005 and as per her contention, the respondent has harassed her physically and mentally. Now the stage of the case is for cross of PW.1 and at this stage the respondent counsel got information about her job and hence prays that while petitioner took job in Sri Kshetra Dharmasthala i.e., in S.K.D.R.D.P.B.C. Trust at Dharmasthala, she projected herself as unmarried and from past 4 to 5 years to till today has been working under the same false pretense identity, impersonation), such being the position of the petitioner. It

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is further submitted that in that context it is very much necessary to get these records from the above mentioned trust at Dharmasthala, the intervention of this court is very much necessary, that is justice may delay but justice not denied. As the respondent having very good case and also have merits, no prejudice will be caused to the other party if the application as prayed for is allowed, on the other hand he will suffer great hardship, loss and convenience if the same is rejected. Hence, it is prayed to summon the petitioner's records from the Project Officer, SKDRPBC Trust (Reg) Ajjampura and also from Director.D.P., SKDRPBC Trust (Reg), Dharmasthala and also pleased to issue summons/notice to the concerned officer to depose the truth of the matter, as respondent is a respected police officer and she has already tarnished and damaged the service record. Further submits that, to stop this damage to continue and it is very necessary to call for records to meet the ends of justice and equity.

3. In the application dated 02.07.2024 it is further submitted that whatever the honorarium amount or the commission or the monthly salary she gets from the above trust i.e., Sri Kshetra Dharmasthala i.e., in S.K.D.R.D.P.B.C Trust at Dharmasthala, the monthly salary amount is transferred to the Bank of Baroda, Tarikere Branch S.B. A/c

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No.63650100006117, MCR Code 577012113, IFSC Code BARBOVJTARI, A/c holders name Ms. Rukmini. It is further submitted that her stand in the above petition is that she has no job, suffering from the monitory problem depending on the parents and brother. In that context it is very much necessary to get those bank records from the above mentioned Bank of Baroda, Tarikere Branch and also Manager of the respective Bank to adduce the evidence along with the statement of account from date of opening of the account, the intervention of this Court is very much necessary to call for records and also issue summons to the Manager, otherwise ask the petitioner to produce the savings bank account which she opened in Bank of Baroda, Tarikere. It is further submitted that as respondent having very good case and also have merits, no prejudice will be caused to the other party if the application as prayed for is allowed, on the other hand he will suffer great hardship, loss and convenience if the same is rejected. Hence, it is prayed to summon the petitioner's SB account records from the Manager, Bank of Baroda, Tarikere Branch and to issue the summons/notice to the concerned officer to depose the truth of the matter.

4. In the objections, the petitioner has stated that she has filed the present petition claiming maintenance and since eight years, the respondent filing one or other applications to

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drag the proceedings of this petition. The petitioner is very poor and her parents are aged persons and she is working on daily wages at Dharmasthala Trust for their livelihood. The respondent has no need to question about the said documents, as he left the petitioner since 8-9 years and he has not made any arrangements for her livelihood. As such, it is very much necessary to lead her life by doing work. The respondent being the husband of petitioner, is having responsibility to look after the petitioner. In order to escape from his responsibility, the respondent has filed this present applications and there is no need to get the petitioner's bank details. Hence, it is prayed to reject the applications filed by the respondent.

5. Heard arguments of both sides and perused the materials on record.

6. The points that arise for consideration are :

- 1) **Whether the respondent has made out sufficient ground allow the applications filed by him?**
- 2) **What order?**

7. My findings on the above points are as follows:-

Point No.1 : In the Negative,

Point No.2 : As per the final Order,

for the following:

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REASONS

8. **POINT NO.1:** On perusal of the materials placed on record, admittedly the petitioner has filed the above petition against the respondent for the reliefs sought under the provisions of Protection of Woman from Domestic Violence Act, 2005. When the matter is set down for cross examination of PW.1, at this stage, the respondent has filed the instant applications seeking to summons the petitioner's records from the office of S.K.D.R.D.P.B.C., Trust at Dharmasthala to provide records pertaining to the petitioner and also petitioner's S.B. account records from Bank of Baroda, Tarikere Branch and to issue summons/notice to the concerned officers to depose before this court.

9. According to the respondent, the respondent counsel got information about the petitioner's job and came to know that the petitioner get job in S.K.D.R.D.P.B.C., Trust, Shri Kshetra Dharmasthala, she projected herself as unmarried and since 4 to 5 years till today she has been working under the same false pretense and the monthly salary she gets from the above trust is transferred to the Bank of Baroda, Tarikere Branch.

10. According to the petitioner, she has filed present criminal miscellaneous petition in the year 2016, from that

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day onwards the respondent has not appeared before the court and further filing as many as applications to drag on the proceedings. The petitioner is very poor and for her survival she is working in the above trust on the basis of daily wages and the records sought for in the applications are not necessary for adjudication of this matter and hence, prays to dismiss the above applications filed by the respondent.

11. It is relevant to note that as per the contention of the respondent, the petitioner projected herself as unmarried and took job in the Trust of Dharmasthala and working since since 4 to 5 years. It is to be noted that the respondent in his applications has not stated as to how he got information about petitioner that the petitioner got job on false implication as she is unmarried. It is relevant to note that the respondent has not stated in his applications that he has made any attempts to obtain the certified copies of the records sought in the application. Hence, this court opined that, the respondent can obtain the certified copies of the documents required for him from the concerned authority and produce the same before this court. The respondent cannot use the court as a tool to collect the evidence. It is to be noted that the present petition is filed in the year 2016 and the respondent has been filing one or other applications to drag on the proceedings of this petition. Therefore, opinion

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of this court is that, the respondent has not made out sufficient ground to allow the applications. Hence, this court answered Point No.1 in the Negative.

12. **POINT NO.2** : For the above reasons and answer given to the Point No.1, this court proceed to pass the following :

ORDER

The applications filed by the respondent
u/s 91 of Cr.P.C., are hereby rejected.

(Dictated to the Stenographer on computer, typed by her, corrected by me and then pronounced in the open Court on this the day of 11th day of March 2025.)

sd/-
(URMILA.V)
**ADDL.CIVIL JUDGE AND
J.M.F.C.,TARIKERE.**