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**IN THE COURT OF JUDICIAL MAGISTRATE TRAFFIC FIRST CLASS
COURT-I AT MAYOHALL, BENGALURU**

Present : Smt.Neelam Nitin Rao
Judicial Magistrate First Class
Traffic Court-I,Bengaluru.

DATED THIS THE 6th DAY OF MAY 2025

Crl.Misc.No. 140/2025

Petitioner : Smt. Genee Fernandes

V/S

Respondent : Sri. Rahul Kumar. V

**COMMON ORDER ON IA FILED UNDER SECTION 18(a),
18(c), 18(d) AND 18(f) OF THE PROTECTION OF WOMEN
FROM DOMESTIC VIOLENCE ACT, 2005 AND IA filed U/s.
19(a), 19(b), 19(b), 19(c) and 19(f) OF THE PROTECTION
OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005**

Petitioner filed IA U/s. 18(a), 18(c), 18(d) and 18(f) of The Protection of women from Domestic Violence Act, 2005, seeking the following reliefs:

1. Restraint order against respondent from committing any further acts of domestic violence on petitioner.
2. Prohibiting the respondent from entering the place of residence and employment of the Applicant.

3. Restraining the respondent from communicating with the applicant in any form whatsoever, including personal, oral, written, electronic, or telephonic contact; and

4. Restraining the respondent from causing any form of violence, harassment, or harm physical, verbal, emotional, or otherwise to the applicant's mother, sister, brother and pets, being persons who provide her assistance and emotional support.

2. Contents of affidavits:

Since the inception of marriage with respondent in the year 2021, she was subjected to continuous, escalating and multifaceted abuse verbal, physical, emotional, and economic at the hands of respondent. The first serious incident of abuse occurred at the respondent's parental home during an argument at night. While they were in their bedroom on the second floor, the respondent threatened petitioner, by stating he could grab her by her hair and throw her off the balcony, adding that no one would help her since her father was no more. It shocked and terrified her.

3. While residing at a rented premises in Kasturinagar, she was informed by a close friend that respondent had an active profile on a dating application "Bumble" under the alias "Steve," posing as a 32-year-old Christian male. Due to his then-ongoing recovery from cervical disc syndrome, she refrained from confronting him immediately. When it was confronted the respondent became violent and shouted at her. He physically pushed petitioner on the ground. He

remained intoxicated and aggressive throughout the night. Petitioner sustained a toe injury. On the night of April 9, 2023, after returning from a social event, the respondent who continued drinking at home became enraged when she checked the time, while preparing dinner. In a fit of rage, he verbally abused her, threw a plate of food across the counter and dragged petitioner across the floor and pushed her out of the house. In spite of her repeated pleas and concerns about neighbors' complaints, the respondent ignored petitioner.

4. He continued his abuses. On April 15, 2024, the respondent returned home inebriated around 3:00 a.m. He physically assaulted petitioner. She locked the door and informed his father, who responded with indifference. She alerted the Hennur Police Station, police visited the premises. However, the respondent was not restrained. Subsequently the police's departure, the respondent returned alone and forcibly banged on the door. Upon opening the door out of fear, the respondent struck petitioner on her face with his helmet, resulting in a nasal injury and profuse bleeding. Thereafter, she contacted the police constable, who realized the matter and left despite seeing petitioner in injured state. She obtained treatment in Trilife Hospital, wherein, MLC was registered. Thereafter, she continued relationship and jointly shifted with the respondent to a new rental accommodation in Lingarajpuram. She paid the brokerage charges and associated shifting expenses. On 30.04.2024, she consulted Dr. Suchitra at RK Hospital, who advised against disclosing domestic violence as the cause of injury in the light of potential issues with health insurance claim processing.

5. On October 2024, while residing in the current premises, the respondent, having consumed alcohol, awoke in an agitated state and began verbally abusing the petitioner for refusing his demand for sexual intimacy. He struck her with pillows and issued multiple threats. He demanded her to vacate the house immediately, threatened to harm their pet cats, damaged the sacred altar and destroy household belongings.

6. On March 21, 2025, during an argument at home, the respondent in an unprovoked outburst of rage, slapped petitioner on her left cheek. She had continuous pain on her left ear for which she sought a medical attention at KMB Hospital. Amongst these and others, incidents narrated in the affidavit, petitioner sought exparte urgent protection order against respondent. She submits that there is a pet to her safety. Hence, prayed to grant protection order.

7. Petitioner has also filed another IA U/s. 19(a), 19(b), 19(a), 19(b), 19(c), and 19(f) of the Protection of Women from Domestic Violence Act, 2005 directing the respondent to vacate and remove himself from the shared household.

8. Petitioner sworn to an affidavit, which is the replica of the affidavit sworn in favour of protection order. In addition she stated that she is seeking eviction and removal of respondent which presently occupied by herself, respondent is at rented accommodation, situated at No. 9/1, MSR Legacy, Apartment 201, 3rd Floor, 3rd Cross, LN Reddy Gardens, Karenpalya, Bengaluru. The premises was jointly secured by

the parties in or around April 2024 following an earlier notice to vacate the previous residence. The petitioner solely paid per month Rs.25,000/- rent since inception of the tenancy. Apart from that the maintenance cost etc., also borne by her. The respondent has not made any substantial or regular contribution towards these expenses. The petitioner has no other place of residence. Respondent has permanent place of residence for him, his parent's self owned property, where he has cohabiting with petitioner. Hence, for all the reasons mentioned in the affidavits and amongst other, she prayed to grant urgent relief.

9. Heard learned counsel for petitioner. Meticulously perused documents placed on record.

10. The followings points arise for my consideration:

Point No.1: Whether the petitioner is entitled to ex parte protection order ?

Point No.2: Whether the petitioner is entitled to ex parte residence order ?

Point No.3: What order ?

11. My answer to the above points are as under:

Point No. 1: In the affirmative

Point No. 2: In the affirmative

**Point No. 3: As per foregoing
following reasons**

REASONS

12. **Points No.1 & 2:** The Petitioner has filed instant petition U/s. 12 of PWDV Act seeking various reliefs against

the respondent. in the instant IA petitioner sought protection order. Learned counsel for petitioner argued that the petitioner before this court seeking protection order and residence order is urgent. The respondent is causing all sorts of domestic violence on petitioner, which resulted in physical injury and suffering. He has caused all sorts of domestic violence on petitioner which is continuing. The petitioner and respondent are residing in rented premises for which the security deposit and rent entirely paid by petitioner. The respondent is threatening the petitioner. Hence, in order to save the life and limb of the petitioner, he sought urgent ex parte order.

13. To establish her case, petitioner has produced marriage invitation copy, copy of certificate of marriage, photographs copies, photographs of the injury, medical documents, x-rays etc., she has also produced rent agreement dated 24.04.2024, which reflects the name of petitioner. On perusal of these documents, it is noticed that these documents prima facie reflect that there is domestic relationship between petitioner and respondent. Indeed, the aspect of domestic violence needs full-fledged trial on merit. However, on perusal of documents placed on record and the contents of affidavit submitted and submissions, this court is of considered view that in order to avoid further complications it is necessary to grant ex parte interim orders. No prejudice would be caused to respondent as an opportunity being heard shall be granted to him.

14. In support of her claim, petitioner relied on the authority of Hon'ble High Court of Karnataka, between Kavitha. M Vs. Raghu and Ors, reported in (2023) SC online, KAR 11, wherein, the Hon'ble High Court of Karnataka, has elaborated on the aspect of domestic violence and exparte orders. The petitioner has also relied on the authority of Hon'ble High Court of Jammu and Kashmir and Hon'ble High Court of Kerala, reported in (2024) SC online J&K 712 and (2018) online KER 23375. In these authorities also the aspect of domestic violence, residence order and power to grant exparte orders are elaborated.

15. I have given my thoughtful consideration to the submissions and carefully gone through with the authorities relied by the petitioner. Section 23 of the PWDV Act, empowers the Magistrate to pass exparte orders, on prima facie establishment of domestic violence. As observed supra, at this junction, the petitioner prima facie established that it is a case to grant exparte order in the interest of justice and equity. Considering all these aspects, I answer **point no.1 & 2 in the affirmative.**

16. **Point No.3:** For myriad reasons discussed supra, I proceed to pass the following:

ORDER

IA filed U/s. 18(a), 18(c), 18(d) and 18(f) of The Protection of women from Domestic Violence Act, 2005, filed by petitioner is hereby allowed.

Respondent is hereby restrained from committing any acts of domestic violence on petitioner.

Respondent is hereby restrained from entering the place of residence and employment of the petitioner.

Respondent is hereby restrained from communicating with the petitioner in any form whatsoever, including personal, oral, written, electronic, or telephonic contact.

Respondent is hereby restrained from causing any form of violence, harassment or harm physical, verbal, emotional, or otherwise to the petitioner's mother, sister, brother and pets, being persons who provide her assistance and emotional support.

IA filed U/s. 19(a), 19(b), 19(b), 19(c) and 19(f) of the Protection of Women from Domestic Violence Act, 2005, filed by petitioner is hereby allowed.

Respondent is hereby directed to vacate and remove himself from the shared household situated at 9/1, MSR Legacy, Apartment 201, 3rd Floor, 3rd Cross, LN Reddy Gardens, Karenpalya, Bengaluru - 560 084.

Respondent shall not disturb the possession of the petitioner in the shared household.

Respondent is at liberty to seek vacation or modification or revocation of this order after his appearance as per law.

Issue intimation to the CDPO/PO and SHO of jurisdictional PS for implementation of this order.

(Dictated to the stenographer, transcribed and typed by her on computer, corrected and then pronounced by me in the open court on this the 6th day of May 2025.)

JMFC
Traffic Court - 1
Bangalore

