

IN THE COURT OF HON'BLE IIIRD ADDL JUDICIAL MAGISTRATE OF
1ST CLASS :: <<CASE CITY>>

Case No.: D.V.C./0400XX/2017
(CNR No. APPR0A0028241018)

Between:-

Ms. CUNNING KNIFE,

D/o CUNNING KNIFE's DADDY, Aged 37 years,

Occ: Dubbing & Supporting Artist (in Telugu T.V. Serials, Online Ads/ Commercials & Movies), R/o. Narayana Nagar, Hyderabad

... Complainant

And

Mr. HUSBAND, Aged 36 years

S/o HUSBAND's FATHER,

Occ: IT/Software professional R/o. <<HOMECITY>> ...

Mr. HUSBAND's FATHER, Aged 65 years

S/o P. Venkatappa Swamy, Retd Teacher

Occ: Retd Deputy Tahsildar, R/o. <<HOMECITY>>

Mrs. HUSBAND's MOTHER, Aged 57 years

W/o HUSBAND's FATHER,

Occ: Hindi Pandit, R/o. <<HOMECITY>>

... Respondents No.1, 2

and 3

COUNTER FILED BY THE RESPONDENTS No.1, 2 and 3
UNDER RULES OF ORDER VIII, C.P.C.

It is submitted that I, HUSBAND, the Respondent No.1 has gone through the averments made in the complaint as well as the sworn affidavit, filed in support of the complaint. The averments, which are not specifically admitted, are denied. The Complainant is put to strict proof of the same. Almost all of the averments are incorrect, mala fide, blatantly false and vexatious in nature, impleaded with absolute oblique extortionist motives. That I have read and understood the contents of writ petition and my reply to it is set as below:

Preliminary Objections:

- 1) Per the DIR Form-1, the Complainant has not received any injury whatsoever and accordingly there was no medical examination report of her on record.
- 2) Despite multiple independent sources of income, false affidavit was submitted by Complainant to harass the Respondent Nos.1, 2 and 3 to fraudulently claim reliefs from Hon'ble Court. A person who approaches the Hon'ble Court with unclean hands and concealment of facts cannot be granted any relief.
- 3) Complainant and her parents conveniently and purposefully suppressed/hid the material fact in the complaint and their affidavits, about the Complaint case she has filed with Women PS, <<CASE CITY>> FIR No: AA/2017 under IPC section 498A and 3 & 4 of DP Act for which a charge sheet was filed with this Hon'ble Court in which the investigating officer had submitted a delete petition to remove the names of the Respondents No.2 and 3, under 498A and 3 & 4 of DP Act. No Domestic relationship of Respondents No.2 and 3 with Complainant is the outcome and therefore no question of shared household with them arises.
- 4) Vague, bald and general allegations of Dowry on Respondent No.1 are deleted by the I.O. in above case, as outcome of the investigations due to no specific date/time were

mentioned for any of the events of violence alleged either in Pune or Hyderabad which were matrimonial homes.

- 5) No Jurisdiction, as parties never ever lived together in <<CASE CITY>> nor do they have any business that was based in <<CASE CITY>> which was claimed to be the place of incident of domestic violence or cause of action. The Complainant is a resident of Narayana Nagar, Hyderabad from February 2010 onwards. The Petition is barred by limitation as well.

Para-wise Reply:

- 1) In reply to Para(b) under Brief facts of case from complaint,
- a. It is denied that the Complainant has disclosed about her prior marriage and its divorce thereafter, to Respondent No.1 before the marriage between Complainant and Respondent No.1 that was solemnized on 06.05.2009. The Complainant is put to strict proof of the same.
 - b. This, as admitted by Complainant, being a love marriage (and a second marriage for Complainant), was conducted at the least possible expense, for which monies were given in cash to Complainant by Respondent No.1, solemnized on 06.12.2009 at “Saamoohika Kalyana Vedika” at Tirumala, Tirupati. It is denied and unbelievable that money was demanded in a love marriage conducted in mass. The Complainant is put to strict proof of the same.
 - c. It is denied that the Respondent No.1 persuaded the Complainant to marry him. The Complainant is put to strict proof of the same.
 - d. Further to this, it is submitted that the parents of Complainant started showing discrimination against Respondents No.2 and 3 in front of Respondent No.1, right from the day of marriage at Tirumala, blatantly displaying caste discrimination. In the best interests of Respondent No.1’s future and for his happy married life, he painfully and reluctantly accepted this discrimination, with a heavy heart and sincere hope that this would eventually subside and go away.
 - e. It is denied that the presentation of gold ornaments towards Dowry, worth Rupees five lakhs, as blatant lie. No averment made in affidavit to the effect who was the person that received the alleged money, nor date/time of this entrustment by Complainant. The Complainant is put to strict proof of the same.
- 2) In reply to Para (c) under Brief facts of case from complaint,
- a. It is denied that there was ever any demand for cash by the Respondent No.1 from the parents of Complainant; even household articles in Hyderabad were purchased by the monies of Respondent No.1, earned from his employment. The Complainant is put to strict proof of the same.
 - b. That the allegation is denied, it being vague allegation and more an after-thought or an improved allegation. The Complainant is put to strict proof of the same.
 - c. It is admitted that since Complainant was offered job as Software Engineer in Subbamma Technologies Ltd, Pune, in March-April of 2008, solely based on the ‘Good Reference’ put up by the Respondent No.1 but not based on her educational qualification of MSc in Biotechnology from Periyar University in Salem, Tamilnadu and Complainant travelled to Pune on her own.
 - d. It is denied that the possibility of their *‘Jewelry being taken-away, keeping in safe-custody, pledging of same for money’*, was plain imaginary and baseless & misleading narrative to cheat Hon’ble Court. The Complainant is put to strict proof of the same.

3) In reply to Para (d) under Brief facts of case from complaint,

- a. It is denied that the Respondents No.2 and 3 were against Respondent No.1 or did they try avoiding him; and even the averment of the Complainant, in her complaint, that the Respondent No.1, used to visit Respondents No.2 and 3 every week end is an untruth. The Complainant is put to strict proof of the same.
- b. It is averred to be noticed that the Complainant was surprised and dismayed, in her own admission, by the fact that the Respondent No.1 has wonderful relationship with Respondents No.2 and 3. The Complainant and her family caused mental cruelty on Respondent No.1 as he was talking to his parents with family affection, by trying to separate him from his parents.
- c. It is denied that there was ever a request from Complainant to speak with the parents of Respondent No.1. Hence refusal of same would not even arise. The Complainant is put to strict proof of the same.

4) In reply to Para(e) under Brief facts of case from complaint,

- a. It is admitted that the Respondent No.1 moved to Hyderabad for better career opportunities in February 2010.
- b. It is denied that it was the Respondent No.1 who rented a flat near Unique Public School in Narayana Nagar, Hyderabad. The Complainant is put to strict proof of the same.
- c. It is admitted that, the Respondent No.1 told the brother of Complainant to not to visit his home. This was because the brother of Complainant was operating his Home Interiors business, unofficially, from Complainant's rented flat (supra) for which Respondent No.1 was making monthly rental payment in cash/account transfer via Complainant. People, unknown to Respondent No.1, visit his home daily, causing much discomfort and uneasy for the Respondent No.1 in the home. Respondent No.1 was made to understand and realize in multiple instances, that this was the larger purpose in Complainant and her brother's mind, in renting a 3BHK flat in the area of Narayana Nagar, just for accommodation of two people, Complainant and Respondent No.1. This was not acceptable for Respondent No.1 and when the Respondent No.1 objected to this misuse of residential property for business purposes, the brother of the Complainant on the instigation of the father of the Complainant, has threatened the Respondent No.1 by showing a pistol/revolver with dire consequences to Respondent No.1 and Respondents No.2 and 3.
- d. It is denied that there was ever any visit by the Respondents No.2 and 3 to the rental house of Complainant in Narayana Nagar, Hyderabad as alleged by the Complainant. As averred by the Complainant herself in her complaint, the parents of the Respondent No.1 were permanent residents at 11-999, Swamiji Nagar, in the district of <<HOMECITY>>, A.P. at least from 1998 onwards. They have, at any point of time either in present or in the past, had no domestic relationship with the Complainant, as they never had any shared household or lived together in a shared household. The Complainant continues to stay in the house in Hyderabad to this date. The Complainant is contradicting herself, by saying there was domestic violence, when there was no proof for any communication not contact between Complainant and Respondents No.2 and 3. Accordingly, Complainant is put to strict proof of the same.
- e. It is denied that there was any instigation of any kind by the Respondents No.2 and 3 towards Complainant. The Complainant is put to strict proof of the same.

5) In reply to Para(f) under Brief facts of case from complaint:

- a. It is submitted that the Respondent No.1 had been paying monies Rupees 25,000-30,000, through account transfer, to Complainant on monthly basis for household expenses. HDFC Bank Account Statement is enclosed as evidence.
 - b. It is admitted that due to the nature of job responsibilities, Respondent No.1 had worked during night shifts and provided on-call support to his clients at work.
 - c. It is submitted that the London work trip was sponsored by the company and as such it was obvious that this was a fictitious and vexatious allegation that parents of Complainant 'adjusted the said amount' and misleading/cheating the Hon'ble Court. The Complainant is put to strict proof of the same.
 - d. It is submitted that the Respondent No.1 never had any health problems, after returning to India from London. The Complainant is put to strict proof of the same.
 - e. It is submitted that the *Respondents No.2 and 3 never ever have spoken with on telephone nor met the Complainant in their person till date*. To allege otherwise, was clearly a sham by the Complainant & her family and also amounts to misleading the Hon'ble Court away from facts. As such, causing humiliation on this account, was shameful fabrication and imaginary to the core.
 - f. It is submitted that the Complainant never co-operated with Respondent No.1 in any aspects of a happy marriage. The Complainant always had mood swings and was of suspicious mind. *She has threatening and suicidal tendencies*. She doesn't like Respondent No.1 talking with his parents & friends, is highly possessive and quarrelsome in nature. She has irregular periods, may be due to PCOS, and demonstrated narcissistic personality. She used to suspect that Respondent No.1 had an illegal affair with his house maid, his female colleagues at work and for that matter, any other woman the Respondent No.1 ever spoke with.
 - g. It is submitted that there were illegal demands for money from Complainant's brother, to allow/convince her to have conjugal relationship with me, which were *reluctantly met under force* by Complainant and her family.
- 6) In reply to Para (g) under Brief facts of case from complaint:
- a. It is denied that the Respondents No.1, 2 and 3 were misers and also denied that the Respondent No.1 had married the Complainant for money. The Complainant is put to strict proof of the same.
 - b. It is denied that the parents of Complainant '*paid amounts for maintenance... including house rent*'. The Complainant is put to strict proof of the same.
- 7) In reply to Para(h) under Brief facts of case from complaint:
- a. It is submitted that the Complainant and her parents including her brother, forced the Respondent No.1 to stand surety in their endeavor to buy properties in the town of <<CASE CITY>>, as none in their family has any credit history, worthy of obtaining a Home loan in any reputable bank. The Respondent No.1 having no interest whatsoever to procure any property in <<CASE CITY>> town, which was neither his native place nor place of work ever, agreed to stand surety and obtain Home loan in his name, since his identity and financial documents such as salary pay slips were required and were used to obtain the said Home loan with SBI, <<CASE CITY>>. It was submitted that the parents and brother of Complainant agreed to pay the installments as they were the people who would reside in the flats.
 - b. It is submitted that the Respondent No.1 was forced to pay monies towards installments of the said Home loan via account transfer into the Complainant's ICICI Bank account at various times.

8) In reply to Para i) under Brief facts of case from complaint:

- a. It is admitted that the Respondent No.1 moved to Bengaluru to join Jujupi Ltd., in June of 2013 and not in guise of searching for job, as alleged by Complainant and her family. Offer letter from Jujupi is attached. This was corroborated by the statements submitted by the witnesses in Complaint case (supra) and to get sympathy of the Hon'ble Court. The Complainant is put to strict proof of the same.
- b. It is submitted that the Complainant and her parents purposefully suppressed/hid the material fact in their affidavits and the complaint, that which would have an effect on the merits of the instant case which was that she is a full time dubbing and support artist from many years in the Telugu Film and T.V. industry as deposed by all prosecution witnesses, excluding herself and her parents, in their witness statements in Complaint case (supra). This is with oblique motive of the Complainant to gain financial freedom for herself and for her parents with the hard-earned money of Respondent No.1 and also aligns to abusing of process of Hon'ble Court by deceiving it.
- c. It is submitted that Respondent No.1 strongly believes that this was a honey trap marriage with a conspiracy/business to extort money from innocents like himself, with a mafia-like strategy and by humiliating and tarnishing the respect and the social image of the family of Respondents No.1, 2 and 3, which was masterminded by the Complainant and her parents and her brother.
- d. It is submitted that the Complainant is thoroughly brainwashed and misguided by her parents and her brother, and made her a puppet, who wanted to use her as a tool of extortion, using her influential mentality and dominating personality.
- e. It is submitted that since Complainant never showed any intention or confirmation to come to Bengaluru to live a happy and peaceful married life with Respondent No.1, the Respondent No.1 was unable to proceed to procure a rental home for himself and the Complainant in Bengaluru, which involves huge cost to procure.
- f. It is denied that the Respondent No.1 has not kept the Complainant informed about all the companies he was working while in Bengaluru along with his stay. The Complainant is put to strict proof of the same.
- g. It is denied that the Respondent No.1 ever '*demanding the Complainant and her parents to give twenty lakhs for purchase of home and started to threaten the Complainant and her parents that he will discard the Complainant.*' The Complainant is put to strict proof of the same.

9) In reply to Para(j) under Brief facts of case from complaint:

- a. It is denied that the Respondent No.1 brought any pressure on the Complainant to buy/sell the flats purchased in <<CASE CITY>> as he had always made absolutely clear to Complainant and her family that he had no intension either to claim the flats as his own ever or he had any intension to live in <<CASE CITY>> town, since being in Information Technology/software industry, he will have to live and work in cities where his work location will be. The Complainant is put to strict proof of the same.
- b. It is submitted that the Complainant, on self-admission in the affidavit, said the idea/proposal of purchasing the said flat(s) in <<CASE CITY>>, was from the parents of Complainant, in the name of Complainant, not from Respondent No.1.
- c. It is submitted that the Respondent No.1 under force co-operated with Complainant and her parents, to dispose of the above said flat(s).
- d. It is denied that the Respondent No.1 '*took away the entire amount of sale consideration after clearing the bank loan amount of twenty lakhs.*' and the

various amounts alleged to have taken at various occasions under various false pre-texts. The Complainant is put to strict proof of the same.

10) In reply to Para (k) under Brief facts of case from complaint:

- a. It is denied that the Respondent No.1 blackmailed the Complainant ever. The Complainant is put to strict proof of the same.
- b. It is denied that the Respondents No.1, 2 and 3 '*laid trap on the Complainant with a view to enrich ourselves unlawfully*'. The Complainant is put to strict proof of the same.
- c. It is denied that the Complainant and her parents ever contacted in any mode of communication, with the Respondents No.2 and 3. Hence the allegation that Respondents No.2 and 3 '*bluntly refusing to give address particulars of the Respondent No.1*' was an untruth designed to mislead/cheat the Hon'ble Court. The Complainant is put to strict proof of the same.
- d. It is denied that the Respondents No.2 and 3 ever demanded money from the Complainant or her family as there was never any communication of any sort. The Complainant is put to strict proof of the same.
- e. It is submitted that there was consummation in between Complainant and Respondent No.1 even before marriage.
- f. It is submitted that the fact of the Complainant's first marriage and divorce thereafter had come to knowledge of Respondent No.1 post their marriage on 06.12.2009. Nevertheless, the Respondent No.1 had always respected the marriage, despite this cheating done by Complainant and continued to care for her wellbeing in all respects possible for him.

11) In reply to Para(l) under Brief facts of case from complaint:

- a. It is submitted that it was a blatant lie under oath and suppression of a material fact by Complainant that '*the Complainant is not having any source of income*'. The witness statements of the prosecution witness themselves in the Complaint case (supra) prove that there is an continuing employment of the Complainant as a Dubbing and support artist in Telugu movies and Telugu T.V. serials. It was also submitted that the Complainant is also gainfully employed in T.V. Advertisement Commercials as well as Web-based videos (such as short films on Youtube.com). The Respondent No.1 was always kept unaware about the income earned by the Complainant from her employments as indicated above.
- b. It is submitted that the family of Complainant is an orthodox family who does not believe in karma.
- c. It is submitted that the family of Respondent No.1 is a well-respected Hindu family.
- d. It is denied that the Respondent No.1 '*is getting nearly an amount of Rs.150000/- PM*'. The Complainant is put to strict proof of the same.
- e. It is denied that the parents of the Respondent No.1 had '*developed properties on their names with the money and gold taken from the parents of the Complainant*'. The Complainant is put to strict proof of the same.

12) In reply to Para(m) under Brief facts of case from complaint:

- a. It is submitted that after having exhausted all options that he was aware of, the Respondent No.1 has come to realize that the Complainant has:
 - i. No interest to live in the marriage life with Respondent No.1 in Bengaluru.

- ii. Clear intentions/numerous efforts to separate the Respondent No.1 from his aged and ailing parents, by forcing him to buy two flats in <<CASE CITY>> which was neither his native place nor any of his places of work till date, but to shelter her own parents and extended family.
 - iii. Deserted him by refusing to come and live with him in Bengaluru, in favor of her financially booming career as dubbing artist in Hyderabad, with preference to financial gains over conjugal aspects of life and utter disregard to marital relationship/bliss.
- b. It is submitted that it was the Complainant, who had inflicted domestic violence on the Respondents No.1, 2 and 3, in connivance with her family who were equally involved in the crime by:
- i. Threatening Respondent No.1 with dire/lethal consequences for himself and Respondents No.2 and 3.
 - ii. Filing false dowry prohibition complaint case which is duly deleted by I.O. in the charge-sheet of Complaint case (supra)
 - iii. Causing aged Respondents No.2 and 3 to go pillar to post to obtain bail for themselves and the Respondent No.1
 - iv. Depriving them of dignity, honor and right of peaceful living, during their retired lives they suffered mental agony and loss of happiness and causing irrevocable/irreparable damage to their reputation in society.
- 13) That the entire complaint is an abuse of process of the court and has been filed to unleash “*Legal Terrorism*” on the parents of Respondent No.1 and to extract money from the Respondents No.1, 2 and 3.
- 14) It is submitted that the entire complaint and the supporting affidavit thereof is a bunch of incoherent, colorful and fancy theatrics rather than an iota of true account of a genuine domestic violence victim. The other allegations of the complaint which were not specifically admitted herein are hence denied. The Complainant is put to strict proof of the same.
- 15) That the Respondents No. 1, 2 and 3 reserve their right to file additional documentary evidences in their defense against all above asserted points, into Hon’ble Court with proper leave, during subsequent stages of Enquiry/legal process, after securing the same.

LIST OF DOCUMENTS ENCLOSED

- a. HDFC Bank statement for the duration 2013 – 2016
- b. Offer letter from Jujupi, Bengaluru

Prayer

Hence, it is, therefore, most respectfully prayed to this Hon’ble Court that in view of the afore stated facts and circumstances, the Petition/Complaint of the Complainant may very kindly be dismissed with exemplary costs in the interest of justice, equity, fair trial.

Any other order/relief/direction may also kindly be passed in favor of the Respondent No.1 and against the Complainant/Complainant as this Hon’ble Court may deem fit, just and proper according to the facts and circumstances of the present case.

Counsel for the Respondents No.1, 2 and 3
<<CASE CITY>>,
Date: 08.02.2018

Respondents No.1, 2 and 3

Affidavit

We, HUSBAND, S/o HUSBAND's FATHER, HUSBAND's FATHER and Pamarathi Saila Kumari aged about 36 years, 65 years and 57 years respectively, the Respondents No.1, 2 and 3, do hereby declare that the facts stated in paras 1 to 15 are true and correct to the best of our knowledge, information, material evidences and belief duly supporting by the list of documents attached and we believe the same to be true and correct.

<<CASE CITY>>,
and 3
Date: 08.02.2018

Respondents No.1, 2