

**IN THE COURT OF THE III ADDITIONAL JUDICIAL MAGISTRATE OF
FIRST CLASS: ONGOLE**

Present: Sri J. Sravan Kumar

III Addl. Judl. Magistrate of First Class, Ongole

Thursday, the Fourth (4th) Day of August, 2016

D.V.C.No.17/2014

Between:

Peddi Anusha, W/o. Vamsi Krishna, aged 27 years,
Hindu, Presently residing at D.No.7-228, 7th line,
Sujatha Nagar, Ongole, Prakasam District

... Complainant/Petitioner

And

1. Peddi Vamsi Krishna, S/o. Punna Rao,
aged 32 years,
2. Peddi Krishna Chaitanya, S/o. Punna Rao,
aged 27 years,
3. Peddi Sujatha, W/o. Punna Rao,
aged 50 years,

All are Hindus and R/o. Tanikonda (V) & (M),
Guntur District

... Respondents

The petition coming on 23-06-2016 before me for final hearing in the presence of Sri Ch. Bala Chennaiah, Advocate for the Petitioner and of the Respondents 1 to 3 having remained exparte; upon hearing the arguments and having stood over for consideration till this day, this Court delivered the following:

// ORDER //

1. The present complaint filed by the petitioner U/s.12 of Domestic Violence Act, 2005, against the respondents 1 to 3 to pass reliefs u/s.18, 19 and 20 in her favour.

She sought the prayer not to commit domestic violence against her and return of Rs.8,00,000/- dowry and 30 sovereigns of gold ornaments which was presented at the time of marriage. She further sought Rs.15,000/- of maintenance towards accommodation and an amount of Rs.15,000/- to meet her basic amenities.

2. The brief allegations of the petitioner are as follows:

Complainant is legally wedded wife of R1 by name Peddi Vamsi Krishna. In fact, both the Complainant and R1 are well educated and the petitioner fell in love with 1st Respondent when she was pursuing her B.Tech. Degree. In the year of 2009, both fell into the love, by the time, 1st Respondent represented that he is working as a Manager in A.P. Tourism Department and getting an amount of Rs.30,000/- by way of monthly salary. The parents of the petitioner also well educated and Government servants. Since their love was not accepted by the parents of petitioner, she decided to go along with 1st Respondent and live happy life. Accordingly, the petitioner married Respondent No.1 against the will of her parents.

3. The Complainant further alleged in her complaint that, after marriage, both set up family and lived happily for some time. During subsistence of marriage, the petitioner came to know that 1st Respondent is not serious about his career and he did not possess qualification as he represented prior to her marriage. She further alleged that R1 always leads his life for luxuries and not serious towards her. Since she is also possessed qualification, decided to extend her help to the 1st Respondent and joined in the same hotel, wherein the 1st Respondent works. 1st Respondent was not serious in pursuing his career and always demands for the money to meet his improper demands and he pledged gold ornaments which she had carried at the time of leaving her house. When the days are passing, the petitioner conceived. In spite of that, 1st Respondent attitude was not changed and he used to harass petitioner for petty issues by stating her earnings are not sufficient to lead his life. 1st Respondent used to develop altercation with the complainant for each and every issue and did not shown any love and affection towards her. In that juncture, she gave birth to a male child on 22-06-2010. In spite of giving birth to her child, the

attitude of the 1st Respondent was not changed and for every issue, he used to demand for dowry from her parents.

4. She further alleged that, the 1st Respondent always insisted her to have a talk with her parents, so that they can lead comfortable life without having any financial troubles. At this juncture, she reached to her parents home with great difficulty and convinced them. Since she is loving daughter of her parents, they accepted her to join with them. Slowly, her parents started talking with the 1st Respondent also. When her son was aged about 6th month, they performed "Annaprasana" function of petitioner's son. The 3rd Respondent also attended for the said ceremony and slowly started relationship towards her. From 2011 January onwards, the 1st Respondent attitude was drastically changed and with active support of Respondents 2 and 3, he started harassing the petitioner to get more dowry and gold ornaments from her parents. At her request, her father deposited money in the account of the 1st Respondent on many occasions. In spite of that, his wish was not fulfilled in demanding dowry. From inception of her marriage, the 1st Respondent was not serious about life and he used to harass her for want of additional dowry and on one occasion, he openly confessed that he married the petitioner for want of more dowry since she came from well settled family.

5. She further alleged that, the 1st Respondent taken away her certificates, gold ornaments and cash which was brought by her at the time of marriage and himself used it and finally the 1st Respondent demanded an amount of Rs.10,00,000/- and stated that, unless the amount was arranged, he is not interested in leading marital life with the petitioner. In this juncture, she was forced to file divorce petition against the Respondent No.1 before Hon'ble Family Court, Ongole and the said divorce petition was

numbered as F.C.O.P. No.125/2013. The 1st Respondent attended for the Court and demanded the petitioner to pay Rs.20,00,000/- for giving divorce. Therefore, she filed the present petition under the above prayers that, she lost everything due to marriage of 1st Respondent and he harassed her physically and mentally for want of valuable security as well as earnings from her parents. During subsistence of marriage, the Respondents 1 to 3 committed domestic violence against her. Therefore, they are liable for punishment under the Act.

6. The Respondents 1 to 3 received the notices and their appearance was made through their counsel. They strongly denied the allegations mentioned in the complaint and filed their detailed counter.

They stated that, they never harassed the petitioner for want of dowry. In fact, the 1st Respondent married the complainant to lead marital life with her with the hope that he will have a colorful life. Despite of many hurdles, he married the Petitioner. But, from the day of inception of marriage, she did not shown any love and affection towards him and used to harass for silly issues and always threatened him with dire consequences and she will lodge case against the Respondents 1 to 3. The Respondent admitted relationship with the petitioner. Finally the respondents, sought for dismissal of the petition.

7. During the proceedings, the Respondents were made ex-parte due to their non-appearance and thereafter this court passed an ex-parte order against the Respondents 1 to 3. Thereafter, Respondents came and filed Crl.M.P.No.3154/2015 for setting aside the ex-parte order. This court has given plenty of opportunities for hearing of the said Crl.M.P. In spite of that, they did not choose to appear before this court and argued the case. After giving plenty of opportunities to the Respondents, this Court

dismissed the said Crl.M.P. as none of the Respondents were appeared or represented through counsel. Therefore, the Court dismissed the said Crl.M.P. and proceeded for ex parte evidence.

8. During the proceedings, the complainant was examined as PW-1 and got marked Ex.P1.

9. Heard the petitioner.

10. Now the point for determination is :

Whether the petitioner is entitled for the reliefs as prayed for?

As seen the counter contents, the Respondents never denies the relationship with the petitioner. The complainant made several allegations against the Respondents that, he pledged the gold ornaments and himself used the cash which was brought by her at the time of marriage and with her request, the parents of PW-1 deposited amount in the account of the 1st Respondent on many occasions. She further alleged in her complaint that, the 1st Respondent always harassed her for want of additional dowry and harassment which she stated before this Court is comes under the definition of Domestic Violence Act comes under Sec.18 of Domestic Violence Act.

11. Countering to the allegations of PW-1, the Respondents neither present nor represented through counsel. Simply they filed counter and disappeared from the Court proceedings. If at all, the Respondents intents to deny allegations of PW-1, they should come to the court and put forth their defence. Simply denying allegations of PW-1 does not mean the Respondents relieved their burden. Since the Respondents are not denying the relationship with the petitioner, it is for the Respondents to prove that they did not commit the domestic violence against PW-1. The case leveled

against the Respondents are serious in nature. The main purport of the Act is to provide protection to the victim lady and she should be given free of protection from the clutches of the Respondents. In the present case, the Respondents are denying allegations leveled against them, it is their basic duty to come to the Court and put forth their defence. But they did not do so. Therefore, the allegations leveled by PW-1 should be given weightage. Though PW-1 posed many allegations this court is declined to go the entire evidence stated by PW-1. However, no woman come to the Court and lodged against her husband, if he really shown love and affection towards her. PW-1 possessed high qualification of B.Tech and she married the 1st Respondent against the wish of her parents. Therefore, this Court feels that, though the petitioner sought many prayers, this Court feels it is reasonable to allow the complaint partly by passing the reliefs prayed by her.

12. In the result, the petition is partly allowed and the 1st Respondent is directed to pay an amount of Rs.10,000/- per month towards maintenance to the petitioner from the date of petition. Further the Respondent No.1 is directed to pay Rs.5,00,000/- towards compensation to the petitioner. All the Respondents are directed not to commit any domestic violence against the petitioner. Accordingly, protection order was granted. The Respondent No.1 is directed to pay arrears of maintenance and compensation amount within three months from the date of this Order. Further the 1st Respondent is ordered to pay the maintenance by 5th of every succeeding month.

The rest of the claim against the Respondents is dismissed.

Dictated to the Personal Assistant, transcribed by her, corrected and pronounced by me in Open Court, this the 4th day of August, 2016.

Sd/- J. Sravan Kumar,
**III ADDL. JUDL. MAGISTRATE OF I CLASS,
ONGOLE**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioner :

PW-1: Peddi Anusha

For Respondents :

Exparte

DOCUMENTS MARKED

For Petitioner :

Ex.P1/ - : One photograph along with C.D.

For Respondents : Nil.

Ild/- J.S.K.
III A.J.M.F.C.,
ONGOLE