

IN THE COURT OF THE JUDICIAL MAGISTRATE OF I CLASS,  
SPECIAL MOBILE COURT, ONGOLE.

Present :: **Sri Kumar Vivek,**  
Judl. Magistrate of I Class,  
Special Mobile Court, Ongole.

*Thursday, this the 18<sup>th</sup> day of February, 2016*

**D.V.C.No. 3 of 2014**

Between:

Kasukurthi Sowjanya W/o Venkata Rao, 21 years,  
D/o B.Ravi, R/o Buchirajumaple village,  
Tangutur mandal.

....Petitioner

and

1. Kasukurthi Venkata Rao, S/o Lakshmi Narasimham, 28 years,  
2. Kasukurthi Lakshmi Nrasimham, 60 years,  
3. Kasukurthi Eswaramma, W/o Lakshmi Narasimham, 50 years,  
4. Kasukurthi Srikanth, S/o Lakshmi Narasimham, 25 years,  
5. Choppara Rama Devi W/o Govinda Rao,  
All are R/o Venkateswara colony, Singarayakonda mandal.

....Respondents

This case coming on 08-02-2016 for final hearing before me in the presence of Sri N.Vasundara, Advocate for Petitioner, and of Sri K.Siva Prasad Advocate for Respondent no.1 to 5, having stood over for consideration till this day, this Court delivered the following:

**// O R D E R //**

1. This is the petition filed under section 12 of the Protection of the Women from the Domestic Violence Act, 2005, by the petitioner(wife) against the respondents(husband and her other in-laws) alleging that the petitioner has been subjected to domestic violence at the hands of the respondents, thereby claiming reliefs under sections 18, 19, 20 and 22 of the Protection of the Women from the Domestic Violence Act, 2005.

2. The factual matrix of the case of the petitioner as set out in the petition in brief is that she is the legally wedded wife of the respondent no.1, and her marriage was performed on 15-05-2010 at Thirupathi; that after the marriage the respondent no.1 has suspected her fidelity, and later the respondent no.1 became addicted bad vices like drinking alcohol and chewing tobacco and *guttka*; that the respondent no.1 under the influence of alcohol pressed cloths into her mouth and indiscriminately beat her; that the respondent no.1 did not allow the petitioner to call her parents for informing about her harassment by the respondents; that the respondents have made false promise prior to her marriage

that the job of the respondent no.2 in the Indian Railways will be given to the respondent no.1 and the same has been given to respondent no.4 after her marriage; that the respondent no.3 and 5 have harassed her for additional dowry; that the respondent no.1 on the instigation of the respondent no.3 and 5 was beating her on the ground that she is having extra marital affair; that the respondent no.1 refused to take the job of the respondent no.2 and given siad job to the respondent no.4 and later shifted his family to Hyderabad where the petitioner has joined his company; that the respondent no.1 continued to beat her at Hyderabad under the influence of alcohol; that the respondent no.1 tried to kill with her by pressing her neck with his leg; and that the respondent no.2 to 5 have been torturing her through telephone from Hyderabad, therefore, this petition has been filed.

3. The respondent no.1 has filed counter and the same has been adopted by the respondent no.2 to 5 by filing adoption memos. The respondents besides denying the material averments of the petition admits that the marriage of the respondent no.1 was performed on 15-05-2010 as per Hindu rites and customs and that the petitioner no.2 is born out of their wedlock, and submits that the petitioner has been threatening the respondent no.1 to put up a separate family from the house of the respondent no.2 and 3(parents of the respondent no.1, 4) and since the petitioner was frequently quarreling with the respondent no.1 and his parents(respondent no.2 and 3) hence the respondent no.1 has put separate family; that after the marriage the petitioner was frequently leaving to the house of her parents, and when the respondent no.1 questioned her then the petitioner has threatened to foist false harassment case against the respondents; that the petitioner and her parents have threatened the respondent no.2 to apply for voluntary retirement from service and recruit the respondent no.1 in his place, and when the respondent no.2 did not hear their words, the petitioner intentionally left the house of the respondent no.1 in his absence without informing him; that the respondent no.1 unable to regularly attend coolie works and that the respondent no.1 is totally depending on the pension of the respondent no.2; that the petitioner is doing tailoring work and also cloth

business in the house of her parents, and earning Rs.20,000/- per month, therefore, prayed this Court to dismiss the petition.

4. On the side of the petitioner, the petitioner herself examined as PW1, and also got examined her mother as PW2. On the said of the respondents the respondent no.1 has examined as RW1 and also got examined one of the mediators as RW2. No documents has been exhibited on either side.

5. Heard the arguments on both sides.

6. Perused the material on record.

7. **Points for determination:**

*1) Whether the petitioner has been subjected to domestic violence by the respondents?*

*2) Whether the petitioner is entitled to the reliefs claimed by her in the petition?*

8. **Point no.1 and 2:-**

It is the version of PW1 before this Court that after the marriage she led happy marital life with the respondent no.1 for a period of one year and later the respondent no.1 used to return house in drunken state and he beat her and abuse her in the filthy language. PW1 did not aver in her petition nor she has spoken before this Court about the exact filthy words that was allegedly uttered by the respondent no.1 against her. There should be some reason for sudden change in the behaviour of a person in becoming a chronic alcoholic from a teetotaler, and violent against his wife after leading happy martial life for one year after the marriage. PW1 also did not specify any reason for the respondent no.1 suddenly transforming in a chronic alcoholic and violent after leading happy marital life with her for a period of one year, either in her petition or also before this Court. PW2 has testified before this Court that the respondent no.1 has beaten PW1 for additional dowry and for giving birth to a female child. Interestingly the said version of PW2 is not supported with the evidence of PW1 as PW1 did not testify before this Court that the respondent no.1 has beaten her for additional dowry and for giving birth to a female child. The recitals of the petition of the petitioner of PW1 and also the evidence of PW2 discloses that the

respondent no.1 has suspected the fidelity of PW1. PW1 did not state before this Court that the respondent no.1 had ever suspected her fidelity after the marriage.

9. It is also the version of PW1 before this Court is that on 21-05-2011 she is blessed with one female baby on that the respondent no.1 had cursed her for giving birth to a female baby, and he demanded additional dowry from her for giving birth a female baby on the instigation of the respondent no.2 to 5. PW1 admits during the course of her cross-examination that she did not plead in her petition that the respondent no1 had cursed her for giving birth to a female baby and he demanded additional dowry from her for giving birth to a female baby on the instigation of the respondent no.2 to 5. Furthermore, PW1 has deposed before this Court that she led happy marital life with the respondent no.1 for about 2 months at Hyderabad, where also the respondent no.1 was returning to the house in the drunken state and on one day he had tried to gag her with clothes. This version of PW1 before this Court is also not corroborated with the recitals of her petition. Therefore, there are also material improvements in the version of PW1 before this Court from her previous statement rendering her developed version unreliable. The evidence of PW2 regarding the respondent no.1 attempting to kill PW1 is hearsay in nature as she was informed about the same through the neighbours of PW1 and the respondent no.1 at Hyderabad. PW2 do not know the names of the neighbours who informed her that the respondent no.1 attempted to kill PW1.

10. The evidence of PW1 before this Court after her parents have brought her to their house from Hyderabad her parents have held mediation in the presence of the elders at the house of the respondents and after the said mediation the respondents came to the house of her parents and promised to take proper care of PW1 and took her along with them to their house where for about one month the respondents have properly treated her and thereafter the respondent no.1 again was returning house in drunken state and beating her, and subsequently the respondents have necked her out of their house. This version of PW1 though is corroborated with the evidence of PW2, however, PW1 categorically states during the course of her cross-examination that after the

mediation held by her parents she did not reside along with the respondent no.1 at any point of time. When PW1 did not reside along with the respondent no.1 after the said mediation that was held at the instance of her parents then there is no question of the respondents taking PW1 to their house and later necking her and her child out of their house.

11. Therefore, the vague and developed evidence of PW1 before this Court and also uncorroborated evidence of PW1 and PW2 *inter se* are not inspiring any confidence to convincingly believe that the petitioner has been subjected to domestic violence by the respondents. Therefore, it is held that the petitioner is not entitled to claim any of the reliefs prayed by her. Points answered accordingly against the petitioner and in favour of the respondents.

12. In the result, petition is dismissed. There is no order as to costs of the petition.

*Dictated to the Personal Assistant, transcribed by him, corrected and pronounced by me in open Court, this the 18<sup>th</sup> day of February, 2016.*

Sd/- Kumar Vivek,  
Judicial Magistrate of I Class,  
Spl. Mobile Court, Ongole.

//APPENDIX OF EVIDENCE//  
-: WITNESSES EXAMINED :-

For Petitioner  
PW1 : K.Sowjanya  
PW2 : B.Bhagyam

For Respondents:  
DW1 : K.Venkata Rao  
DW2 : K. Gopal

// DOCUMENTS MARKED //

For Petitioner: -Nil-

For Respondents: - Nil-

Sd/- Kumar Vivek,  
Judicial Magistrate of I Class,  
Spl. Mobile Court, Ongole.

// True copy //

Judicial Magistrate of I-Class,  
Spl. Mobile Court, Ongole.