



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.3029 OF 2023 (GM-FC)

BETWEEN:

MR.PRAMOD KARKERA,
S/O DINESH KARKERA,
AGED ABOUT 30 YEARS,
PRESENTLY R/AT C/O MADHU,
1ST MAIN ROAD, OPP SRINIVASA BAGS,
NEAR MARENAHALLI GOVT. SCHOOL,
VIJAYANAGARA BENGALURU -560040,
PERMANENTLY R/AT SRI GURUPRASAD,
SIT NO. 306, 5TH BLOCK,
KRISHNAPURA, KATIPALLA POST,
MANGALURU-575030.

...PETITIONER

(BY SRI. ANANDARAMA K., ADVOCATE)

AND:

MRS.ANEESHA DEVI
AGED ABOUT 29 YEARS,
D/O NAVEEN CHANDRA,
R/AT DEVI KRUPA,
DOOR NO.6-39/6,
THAMMU SHETTY COMPOUND,
AGARMELU, CHOKKABETTU,
SURATHKAL,
MANGALURU-575014.

...RESPONDENT

(BY SRI. K. RAVISHANKAR, ADVOCATE)

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN M.C.NO.162/2021 PENDING ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, D.K., MANGALURU AND SETTING ASIDE ORDER DATED 24/01/2023 (ANNEXURE-T) PASSED BY THE PRINCIPAL JUDGE, FAMILY COURT, D.K., MANGALURU UNDER SECTION 340 CR.P.C. IN M.C.NO.162/2021 IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Anandarama.K, learned counsel for the petitioner as well as Sri.K.Ravishankar, learned counsel for the respondent.

2. Being aggrieved by the order passed by the Court of Principal Judge, Family Court, D.K, Mangaluru, in MC No.162/2021 dated 24.01.2023 and seeking the Court to set aside that order, this writ petition is filed.

3. The flow of events as submitted by both the learned counsel are as under:



(1) Petitioner herein filed a petition under section 13(1)(ia) of Hindu Marriage Act, 1955 against the respondent seeking a decree of divorce.

(2) Respondent filed an interlocutory application under Section 24 of the Hindu Marriage Act seeking interim maintenance.

(3) Both parties filed their respective affidavits disclosing their assets and liabilities.

(4) The interlocutory application was allowed awarding interim maintenance of Rs.10,000/- per month to the respondent and Rs.8,000/- towards litigation expenses.

(5) When the trial was going on, petitioner herein filed two interlocutory applications vide IA Nos.VII and VIII seeking leave of the Court to produce certain documents and to recall him for the purpose of getting those documents marked.



(6) Among the documents produced, there is bank account extract in respect of the account maintained by the petitioner at Karnataka Bank from 2017 to 2022 and bank account extract of the account maintained by the petitioner at ICICI Bank from 2014 to 2021.

(7) Respondent filed objections to those interlocutory applications stating that petitioner did not disclose about the existence of accounts at Karnataka Bank and ICICI Bank in his affidavit filed disclosing his assets and liabilities.

(8) Those two interlocutory applications were allowed.

(9) However, exhibiting an opinion that the petitioner suppressed material information which he is legally bound to disclose, the Court of Principal Judge Family Court, D.K, Mangaluru acting under Section 340 Cr.P.C directed the Chief Ministerial Officer of the Court to present a complaint against the petitioner for the offence



punishable under Section 199 IPC before the Jurisdictional Magistrate.

(10) Aggrieved by the order thus passed, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that petitioner disclosed the existence of three bank accounts in his statement of assets and liabilities. Insofar as bank account in ICICI Bank and Karnataka Bank are concerned, they were not in operation as on the date of filing of statement of assets and liabilities. The closing balance in the bank account of Karnataka Bank is Rs.632.72 as on 01.06.2018 and Rs.103.52 as on 01.09.2022. From 2018 to 2022, the balance in the bank account of Karnataka Bank never crossed Rs.650/-. Likewise the closing balance in the bank account at ICICI Bank as on 07.08.2020 is Nil and there were no transactions thereafter. As the petitioner was not operating those bank accounts, he was under genuine belief and impression that there is no



requirement to disclose the accounts which are not in operation. Main case i.e., MC No.162/2021 and the counter claim filed by the respondent herein were disposed of on merits. Family Court awarded permanent alimony of Rs.15,00,000/- to the respondent. Nowhere in the final order there is a mention that the bank accounts maintained by the petitioner at Karnataka Bank and ICICI Bank were relevant in deciding the matter on merits or that they formed basis to decide the aspect of permanent alimony. Even it is not the version of respondent that to escape from paying maintenance either interim or final, those two bank accounts were suppressed or that petitioner maintained huge balance in those accounts. Thus, as non-disclosure of those accounts by the petitioner is not intentional and deliberate, he should not be penalised. Learned counsel states that thus the impugned order is liable to be set aside.

5. Learned counsel for the respondent submits that main case itself is disposed of and a direction was



issued to the petitioner to pay respondent a sum of Rs.15,00,000/- towards permanent alimony and that the bank statements of the accounts maintained by the petitioner at Karnataka Bank and ICICI Bank were not taken into consideration, though they were filed by the petitioner himself for deciding the aspect of permanent alimony.

6. Law laid down by the Hon'ble Apex Court and the guidelines issued are required to be followed without any deviation by all the Courts in the Country as well as the public at large.

7. In the decision rendered by the Hon'ble Apex Court which is reported in (2021) 2 SCC 324 between *Rajnish Vs. Neha and Another* the Hon'ble Apex Court at paragraph 72.8 observed as under:

"72.8.(h) The pleadings made in the applications for maintenance and replies filed should be responsible pleadings; if false statements and misrepresentations are made, the court may



*consider initiation of proceeding under Section 340
Cr.P.C., and for contempt of Court."*

8. Thus, as per the aforementioned decision, if false statements and misrepresentations are made, the Court may consider initiation of proceeding under Section 340 Cr.P.C. and for contempt of Court. However, in the case on hand, there is no material to show that the petitioner misled the Court or gave false statement and misrepresented so as to gain unlawfully or to escape liability.

9. The balance in the accounts for the relevant period as submitted by learned counsel for the petitioner is not disputed by the respondent. Thus, when non-disclosure of the accounts maintained at Karnataka Bank and ICICI Bank where the balance for the relevant period did not exceed a sum of Rs.700/- and where the Court finally awarded huge sum of Rs.15,00,000/- towards permanent alimony and further where though petitioner produced the bank statements through an interlocutory



application, those statements did not found basis for final disposal of the case and in awarding permanent alimony, this Court is of the view that, invoking Section 340 Cr.P.C. by the Family Court and directing the concerned to file a complaint against the petitioner for the offence under Section 199 of IPC is unwarranted. Therefore, this Court considers desirable to allow the writ petition. Thus, the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The order passed by the Court of Principal Judge, Family Court, D.K., Mangaluru, in M.C.No.162/2021 dated 24.01.2023 is set aside.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**