



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 5465 OF 2026 (GM-FC)

BETWEEN:

MR. SRIDUTTA S
AGED 33 YEARS,
S/O LATE SAMPATH K M,
R/O NO. 47, VIBHAWARI,
1ST MAIN ROAD,
2ND CROSS, VYALIKAVAL,
BANGALORE - 560 003.

...PETITIONER

(BY SMT. LAKSHMY IYENGAR, SR. COUNSEL APPEARING FOR
SRI. INDRESH KUMAR S, ADVOCATE)

AND:

SMT. POOJITHA A.O,
AGED 26 YEARS,
D/O H. ONKARAPPA,
R/O NEAR THOTADAMANE JAGGANNA,
SANJEEVINI SCHOOL BACK SIDE,
TEACHERS COLONY,
CHIKAMAGALURU CITY - 577 101.

...RESPONDENT

(BY SRI. A. MADHUSUDHANA RAO, ADVOCATE)

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA R/W SEC. 528 OF BNSS PRAYING TO A. ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 08.01.2026 ANNEXURE-B PASSED BY THE PRL. JUDGE, FAMILY COURT, CHIKKAMAGALURU IN CRL.MISC. 159/2024.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Smt. Lakshmi Iyengar learned Senior counsel who represents the appellant as well as Sri. Madhusudhana Rao. A learned counsel for the respondent.

2. Seeking the Court to issue a writ of certiorari and to quash the order passed by the Court of Principal Judge, Family Court, Chikkamangaluru dated 08.01.2026 on the application filed by the petitioner herein under Section 91 of Cr.P.C., in Criminal Miscellaneous Case No.159/2024 this writ petition is filed.



3. In the proceedings pending between the parties which were initiated by the respondent herein seeking maintenance, the petitioner/husband filed a petition to direct respondent/wife to produce Form 26 AS and AIS(Annual Information Statement) for last 3 years and PF Passbook/UAN details or to summon those documents from the jurisdictional income tax Authorities. A direction to summon the bank statements pertaining to the respondent from HDFC Bank, Bellandur Branch, Bangalore was also sought for. Said application came to be dismissed through the impugned order and aggrieved by the same, this writ petition is filed.

4. Learned Senior counsel who represents the petitioner/husband submits that the version of the respondent is that she is unable to maintain herself and she is unemployed. But respondent maintains various bank accounts and she suppressed those bank accounts. Those bank accounts are linked to her PAN. Thus to establish the actual earning capacity of the respondent,



petitioner filed an application seeking production of the relevant documents from the income tax Authorities as well as from HDFC Bank, Bellandur Branch, Bengaluru. But the Family Court without giving proper reasons dismissed said petition and therefore this writ petition is filed. Learned Senior counsel also states that the Family Court made an observation that the petitioner should have produced sufficient material to show that the respondent is an income tax assessee, she had bank accounts and she contributed towards provident fund. In case petitioner had such details he would have produced the relevant documents. As petitioner is not having any authentic proof to produce and as respondent suppressed the relevant material he moved the application and therefore the Family Court ought not to have dismissed said application.

5. *Per contra*, learned counsel who represents the respondent states that respondent filed a petition claiming maintenance. Petitioner is dragging on the matter on one pretext or the other. As petitioner failed to produce any



proof to show that respondent is an income tax assessee, that she contributed towards provident fund and that she maintained bank accounts, the Family Court rightly dismissed the application and thus this writ petition is not maintainable.

6. The solemn duty of the Court is to separate grain from chaff and render just decision. The version of the petitioner is that respondent suppressed material facts regarding her economic status and claimed huge amount towards maintenance. Liability vests upon the petitioner/husband to establish his version about the financial status of respondent/wife. When petitioner/husband contends that respondent/wife is an income tax assessee, that she maintains an account at HDFC Bank and that she contributed for the provident fund and where the respondent/wife denied those facts, it is for the Court to facilitate the petitioner to produce sufficient proof to establish his version. Therefore, Family Court ought not to have dismissed the application filed by the



petitioner. Hence this Court considers desirable to allow the writ petition.

Resultantly following

ORDER

- i. The writ petition is allowed.
- ii. The order rendered by the Court of Principal Judge, Family Court, Chikkamangaluru on the application filed by the petitioner under Section 91 of Cr.P.C. dated 08.01.2026 is set aside. Consequently, said application is allowed.
- iii. The Court of Principal Judge, Family Court, Chikkamangaluru is directed to issue summons to all concerned to produce the documents mentioned in the application which was filed under Section 91 Cr.P.C.
- iv. In the light of the submission of learned counsel for respondent/wife that the application filed by respondent/wife for grant of interim



maintenance is pending, the Court of Principal Judge, Family Court, Chikkamangaluru is directed to deal with the said application, filed if any, for grant of interim maintenance without waiting for the documents which are required to be produced by the concerned Authorities in pursuance of this order.

- v. In the light of the disposal of the writ petition itself, the proceedings on I.A No.2/2026 and I.A No.3/2026 are closed.

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

VS
List No.: 1 Sl No.: 23