



CNR: KAHC010193612020

NC: 2026:KHC:52054
CRL.P No. 2986 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.2986 OF 2020

BETWEEN:

1. MUDDANNA,
S/O GULKI CHINNAIAH,
AGED ABOUT 42 YEARS,
R/AT DODDARAYANAPETE VILLAGE,
CHAMARAJANAGARA TALUK,
CHAMARAJANAGARA-571 313.

...PETITIONER

(BY SRI. PRASANNA KUMAR B., ADVOCATE)

AND:

1. SMT. BHAGYANAVOMI,
AGED ABOUT 38 YEARS.
2. MARY CHRISTINA,
AGED ABOUT 18 YEARS,
D/O SMT. BHAGYANAVOMI.

BOTH ARE R/AT MADAPURA VILLAGE,
CHAMARAJANAGARA TALUK,
CHAMARAJANAGARA -571313.

...RESPONDENTS

(BY SMT. NALINA K., ADVOCATE FOR R1 AND R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO SET ASIDE THE ORDERS PASSED BY
THE LEARNED ADDITIONAL DISTRICT AND SESSION JUDGE,

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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CHAMARAJANAGARA (SITTING AT KOLLEGALA) IN
CRL.RP.NO.5023/2019 DATED 26.02.2020 AND ALSO ORDER
PASSED BY THE LEARNED JMFC, CHAMARAJANAGARA IN
CRL.MISC.NO.172/2010 DATED 05.06.2018.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard the learned counsel for the petitioner and the
learned counsel for respondent Nos.1 and 2.

2. This petition is filed praying this Court to set
aside the order of the Trial Court passed in Criminal
Miscellaneous No.172/2010, wherein granted maintenance of
Rs.3,000/- each to the petitioners therein and the
confirmation of the same in Crl.R.P.No.5023/2019.

3. The learned counsel for the petitioner would
vehemently contend that the very marriage is not proved.
The learned counsel would contend that the Magistrate has
committed an error in not considering that no marriage was
performed between the petitioner and respondent No.1 and
hence, he is not entitled to pay the maintenance under



Section 125 of Cr.P.C. The learned counsel also would contend that when the blood was taken from the petitioner, the authorities have not followed the proper procedure and therefore, the report given on the basis of such DNA report could not have been accepted by the Court while granting the maintenance. The learned counsel also vehemently contend that when respondent No.1 is working as a tailor and earning, ought not to have granted the maintenance.

4. Per contra, the learned counsel for respondent Nos.1 and 2 would submit that the Trial Court made an observation that merely because respondent No.1 is working as a trailer, maintenance cannot be denied to her and the same is considered in paragraph No.23 of the judgment of the Trial Court. The Trial Court also taken note of the fact that the petitioner herein is working as a driver in KSRTC. The Trial Court also taken note of the DNA report in respect of the child and the same is also proved. Though the petitioner disputed the relationship between the parties, the Trial Court taken note of the documents of Exs.P.1 and 2,



wherein it is admitted that the petitioner is the father of the child and while admitting the child to the school, his name is also mentioned as the father. All these materials were taken note of by the Trial Court. The Revisional Court also having re-assessed the material on record, rightly comes to the conclusion that no ground is made out.

5. Having heard the learned counsel for the petitioner and the learned counsel for respondent Nos.1 and 2, though the learned counsel for the petitioner contend that proper procedure is not followed with regard to the DNA test is concerned, the same cannot be urged in a petition under Section 482 of Cr.P.C. Both the Trial Court as well as the Revisional Court have taken note of the DNA test, which is positive in respect of respondent No.2 that the petitioner is the biological father of the child and so also it is declared in the school records while admitting the child to the school that respondent No.1 is the mother and the petitioner is the father of the child. All these materials were taken note of by the Trial Court and also the Revisional Court.



6. The other contention of the petitioner is that respondent No.1 is working as a tailor and she is having income and hence, maintenance should not have been granted to her. Merely because she is working as a tailor, the same cannot be a ground to deny maintenance to her and the maintenance awarded is only an amount of Rs.3,000/- each. The petitioner is working as a driver in the KSRTC and when such income of the petitioner as a driver of the KSRTC is also taken note of, the question of exercising the power under Section 482 of Cr.P.C. to quash the order passed by the Trial Court and also the Revisional Court does not arise and hence, no ground is made out to quash the order.

7. The learned counsel for the respondents would submit that no maintenance amount as ordered by the Trial Court and confirmed by the Revisional Court is paid till date. The learned counsel for the petitioner also not disputed that he had paid the maintenance and hence, the petitioner is directed to deposit the maintenance amount within one month from today.



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8. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD
List No.: 1 Sl No.: 24