



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 18052 OF 2025 (GM-FC)

BETWEEN:

SRI. CHIKKARANGASWAMY
S/O PUTTAMARAIAH,
AGED ABOUT 44 YEARS,
R/AT NO. 35, 3RD B CROSS,
2ND MAIN ROAD,
SRINIVASANAGAR,
SUNKADAKATTE, BENGALURU-560091.

...PETITIONER

(BY SRI. VINOD PRASAD, ADVOCATE)

AND:

SMT. NAGAMANI
W/O SRI. CHIKKARANGASWAMY,
AGED ABOUT 34 YEARS,
R/AT NO. 57, BASAVESHWARA NILAYA,
HVR LAYOUT, 5TH MAIN ROAD,
KAVIRIPURA, KAMAKSHIPALYA,
BENGALURU-560079

...RESPONDENT

(BY SRI. LOKESH S. G.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 04.03.2025 PASSED ON IA NO.9 FILED IN

Digitally signed
by AASEEFA
PARVATHI
Location: HIGH
COURT OF
KARNATAKA



CRL. MISC NO. 835/2018 PASSED BY THE VI ADDL. PRL. JUDGE FAMILY COURT VIDE ANNEXURE -P TO THE WP.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Vinod Prasad, learned counsel for the petitioner as well as Sri.Lokesh.S.G, learned counsel for the respondent.

2. Seeking the Court to quash the order that is rendered by the Court of VI Additional Principal Judge, Family Court, Bengaluru on IA No.IX in Crl.Misc.No. 835/2018 dated 04.03.2025, this writ petition is filed.

3. The impugned order reads as under:

"PW.1 is present. The respondent is absent.

The petitioner side have filed the memo seeking to strike off the defense. Only based on the memo without IA such type of requisition cannot be considered.



The respondent side have filed IA No.9 u/Sec.125(4) of Cr.P.C seeking dismissal of the petition.

The petition filed u/Sec.125 of Cr.P.C cannot be dismiss without full pledged trial and the defense such u/Sec.125(4) of Cr.P.C can be looked into only on disposal of the petition on merit. Accordingly, IA No.9 is hereby dismissed.

For further cross of PW.1 call on 01.04.2025."

4. Learned counsel for the petitioner submits that petitioner is the husband of respondent. Due to disputes that arose between them they started residing separately. Both of them jointly filed a petition seeking the Court to dissolve the marriage by mutual consent. However, said case was subsequently withdrawn. Respondent/wife remained in possession of a house which belongs to both of them. However, without intimating the petitioner she sold that house and received huge sale consideration. That apart respondent is residing separately by deserting the petitioner. Therefore, she is not entitled for any maintenance. Hence, petitioner filed IA No.IX under Section 125(4) Cr.P.C seeking to dismiss the petition filed



by the respondent/wife claiming maintenance. But Family Court dismissed the said petition and aggrieved by the same this writ petition is filed. Learned counsel thereby seeks to quash the impugned order.

5. Vehemently opposing the submission thus made, learned counsel for respondent states that the defence taken by the petitioner is unsustainable. Respondent filed Crl.Misc.No.835/2018 seeking a direction to the petitioner herein to pay her a sum of Rs.20,000/- towards maintenance. She filed IA No.II seeking interim maintenance and the said IA was allowed and a direction was issued to petitioner/husband to pay Rs.5,000/- towards interim maintenance. Petitioner filed a writ petition i.e., WP No.18015/2024 seeking to quash the order rendered on IA No.II. That writ petition was dismissed. While the Family Court was recording evidence and the trial proceedings were in progress, petitioner filed IA No.IX seeking to dismiss the case i.e., Crl. Misc.No.835/2018. Such a petition is unsustainable and



therefore, Family Court rightly dismissed that interlocutory application and thus this writ petition is not maintainable.

6. In case any person having sufficient means neglects or refuses to maintain his wife who is unable to maintain herself or his legitimate or illegitimate minor child, whether married or not, unable to maintain itself or his legitimate or illegitimate child, not being a married daughter, who has attained the age of majority, where such child is, by reason of any physical or mental abnormality or injury, is unable to maintain itself, or his father or mother, who are unable to maintain himself or herself, on proof of such neglect or refusal, an order can be passed by the competent Court to make a monthly allowance for the maintenance of the said person. Section 125(4) Cr.P.C makes it clear that no wife shall be entitled to receive any allowance towards maintenance or interim maintenance and the expenses of proceedings from her husband under Section 125 Cr.P.C if she is living in adultery or if without any sufficient reason she refuses to



live with her husband or if they are living separately by mutual consent. Therefore, liability vests upon the wife to show that she is unable to maintain herself and having sufficient means her husband neglected or refused to maintain her. Equally liability vests upon the husband to establish that the wife lives in adultery or that without sufficient cause she refused to live with him or that they are residing separately by mutual consent. These facts are required to be established by producing sufficient evidence. Thus by filing a petition under Section 125(4) Cr.P.C, husband cannot straight away seek for dismissal of the petition filed by the wife claiming maintenance. Record discloses that IA No.IX came to be filed when the case was posted for further cross-examination of PW1. Petitioner/husband is entitled to take all his defence and raise grounds by which wife is not entitled to claim any maintenance from him. However, it is for him to produce sufficient evidence in support of his allegations. Without there being any proof, the interlocutory application filed



raising certain defences cannot form basis to dismiss the case filed by the wife claiming maintenance. Therefore, this Court is of the view that there are no grounds to interfere with the decision taken by the Family Court and the dismissal of IA No.IX.

7. Thus the following:

ORDER

The writ petition is *dismissed*.

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

NS
CT:TSM
List No.: 1 Sl No.: 21