



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.5130 OF 2019

BETWEEN:

ABBAS ALI
S/O LATE ABDUL HABEEB
AGED ABOUT 56 YEARS
OCC: VEGETABLE VENDOR
R/O TAMIL COLONY
CHIKKAMGALURU CITY - 577 101

...PETITIONER

(BY SRI. UMESH P.B, ADVOCATE FOR
SRI. R.B. DESHPANDE, ADVOCATE)

AND:

1. REHANA BHANU
W/O ABBAS ALI @ JAVEED PASHA
D/O MAQBUL AHAMED SAHIB,
AGED ABOUT 41 YEARS,
OCC: HOUSE WIFE
R/O KHAJI MOHALLA, ALUR TOWN
HASSAN DISTRICT - 573 213.
2. AFTAB
S/O ABBAS ALI @ JAVEED PASHA
AGED ABOUT 14 YEARS,
3. SUMAN
S/O ABBAS ALI @ JAVEED PASHA

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



AGED ABOUT 6 YEARS

SINCE RESPONDENT NO.2 AND 3 ARE
MINORS, THEY ARE REPRESENTED
BY THEIR NATURAL MOTHER AND
GUARDIAN /RESPONDENT NO.1
AND ALL ARE RESIDENT OF
KHAJI MOHALLA, ALUR TOWN AND POST
HASSAN DISTRICT - 573 213.

...RESPONDENTS

(BY SMT. ARCHANA MURTHY, ADVocate FOR R1;
R2 AND R3 - SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
SET ASIDE THE ORDER DATED 22.04.2019 PASSED BY THE 5th
ADDITIONAL DISTRICT AND SESSIONS JUDGE HASSAN IN
CRL.RP.NO.188/2018 IN MODIFYING THE ORDER DATED
13.06.2018 PASSED BY THE CIVIL JUDGE AND JMFC, ALUR IN
CRL.MISC.NO.77/2016 AND DISMISS THE
PETITION/APPLICATION IN CRL.MISC.NO.77/2016 PENDING
ON THE FILE OF CIVIL JUDGE AND JMFC, ALUR.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 22.04.2019 passed by V Addl.
District and Sessions Court at Hassan, in Crl.R.P no.188/2018



and order dated 13.06.2018 passed by Civil Judge & JMFC, Alur in C.Misc. no.77/2016, this petition is filed.

2. Sri Umesh P.B., learned counsel appearing for Sri R.B. Deshpande, Advocate for petitioner submitted that petitioner was respondent in C.Misc. no.77/2016 filed by respondents herein seeking for maintenance under Section 125 (II) of Code of Criminal Procedure, 1973 ('**CrPC**').

3. In petition, it was stated that marriage of petitioner and respondent no.1 was solemnized on 02.04.2000 as per customs and traditions prevailing in their community at Hassan. From said wedlock, respondents no.2 and 3 were born. However, on account of disturbance in marriage allegedly due to petitioner suspecting fidelity of respondent no.1 and failing to provide for needs of respondents, petition under Section 125 of CrPC was filed. Same was allowed by learned Magistrate on 13.06.2018 directing petitioner herein to pay monthly interim maintenance of Rs.3,000/- each i.e. total of Rs.9,000/-. Aggrieved thereby, petitioner herein filed CrI.R.P. no.188/2018. Though learned counsel for petitioner submitted that there was no justification for grant of maintenance without proper



consideration, learned District Judge passed impugned order reducing interim maintenance from Rs.3,000/- to Rs.2,000/- each i.e. total of Rs.6,000/-.

4. It was contented that impugned order was passed without taking note of substantial contention of petitioner that respondents no.2 and 3 were not born to him. That he was doing petty business and was required to maintain other members of family, especially petitioner sister's husband, who was suffering from paralysis. It was also submitted that, desertion by respondents on their own and as such, they were not entitled for maintenance.

5. On other hand, Smt.Archana Murthy, learned counsel for respondent no.1 opposed petition. It was submitted, grant of interim maintenance of Rs.3,000/- per month was meagre, reduction of same by District Judge to Rs.2,000/- per month would make it even more difficult and insufficient for bare survival. Apart from above, it was submitted that petitioner was doing Business and was owning 9 houses let out on lease and was having sufficient income, sufficient income but neglected to maintain respondents and



therefore impugned order were fully justified. Therefore, sought for dismissal of petition.

6. Heard learned counsel, perused impugned orders and material on record.

7. At outset, it is seen, this petition is challenging order of interim maintenance. It is seen that while passing impugned order, trial judge has taken note of facts and circumstances as well as contentions urged and passed order directing petitioner to pay interim maintenance at Rs.3,000/- per month to each respondents. Said order was passed after providing opportunity to petitioner. As pointed out, interim maintenance ordered is for survival till final adjudication. Against said order, Revisional Court exercised jurisdiction and reduced quantum of interim maintenance from Rs.3,000/- per month to Rs.2,000/- to each of respondents.

8. Under above circumstance, without even examining contentions of petitioner on merits when there is no dispute about marriage between petitioner and respondent no.1 quantum of interim maintenance awarded cannot be stated to be excessive or contrary to material record under any



circumstances. Said amount would be sufficient to ensure survival of parties till final adjudication. Since maintenance awarded is interim in nature and before recording of evidence, contention of petitioner denying respondents no.2 and 3 being born to petitioner would appear spacious at this stage and apparently, to avoid payment of maintenance. Such contentions would require to be considered only after recording of evidence. Yet another contention that respondent no.2 has crossed age of 18 years during pendency of above petition and therefore, maintenance to respondent no.2 may be restricted upto date of his attaining age of 18 years, is countered by respondent by stating that respondent no.2 is still a student and non earning member and as such dependent on petitioner. Even said contention need not be adverted by this Court at this stage.

9. In view of above, petition is ***dismissed*** as devoid of merits with direction to both parties to cooperate for early conclusion of proceedings before trial Court by following procedure laid down by Hon'ble Supreme Court in case of **Rajnesh v. Neha and Anr.**, reported in **(2021) 2 SCC 324**.



**NC: 2026:KHC:28314
CRL.P No. 5130 of 2019**

It is also made clear that dismissal of above petition would not affect merits of contentions of respective parties at time of final adjudication.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

HNM,GRD
List No.: 1 Sl No.: 16