



CNR: KAHC010433722023

NC: 2026:KHC:51266  
CRL.P No. 11998 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 18<sup>TH</sup> DAY OF SEPTEMBER, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY**  
**CRIMINAL PETITION NO. 11998 OF 2023**

**BETWEEN:**

SMT. DRAKSHAYANI R.C.  
W/O B.Y KUMAR  
AGED ABOUT 35 YEARS  
HOUSE WIFE, HOUSE NO.198  
DAVALAGIRI LAYOUT HOLALKERE  
ROAD, CHITRADURGA - 577 001.

...PETITIONER

(BY SRI SPOORTHY HEGDE N, ADV.)

**AND:**

KUMAR B.Y  
S/O L. YANKANAIK  
AGED ABOUT 45 YEARS  
R/O HOUSE NO.490  
4TH CROSS TODDA LAYOUT  
SIRAGATE, TUMAKURU - 572 101.

...RESPONDENT

(V/O 18.09.2026 I.A 1/26 ALLOWED)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO ALLOW THE INSTANT ABOVE PETITION.2) AWARD THE MAINTENANCE OF RS.25,000/- PER MONTH BY SETTING ASIDE THE IMPUGNED ORDER PASSED BY THE 1ST ADDL. CIVIL JUDGE AND JMFC CHITRADURGA IN CRL.MISC.NO.1157/2016 DATED 30.09.2019 AND CRIMINAL REVISION PETITION NO.172/2019 DATED 22.06.2023 PASSED BY THE 1ST ADDL. CIVIL JUDGE AND JMFC, CHITRADURGA.

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



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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

**ORAL ORDER**

1. This petition under Section 482 of Cr.P.C, is filed with a prayer to aside the order dated 30.09.2019 passed by I Addl. Civil Judge & JMFC, Chitradurga in Crl.Misc.No.1157 of 2016 and the order dated 22.06.2023 passed by the Court of I Addl. District & Sessions Judge, Chitradurga in Criminal Revision Petition No.172 of 2019.

2. Heard the learned counsel for the petitioner.

3. The petitioner herein had filed a petition under Section 125 of Cr.P.C, before the jurisdictional Court of Magistrate in Crl.Misc.No.1157 of 2016 seeking maintenance of Rs.25,000/- per month from the respondent. The said petition was dismissed by the learned Magistrate by order dated 30.09.2019. Challenging the said order, petitioner had approached the jurisdictional Sessions Court in Criminal Revision Petition No.172 of 2019, which was dismissed on 22.06.2023. Assailing the aforesaid two orders, the petitioner is before this Court.



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4. Perusal of the material on record would go to show that the marriage of the petitioner with the respondent was solemnized at Chitradurga on 03.08.2014. It appears that for a short time, the petitioner had lived in her matrimonial house and then she had returned to her parents' house. Before the Trial Court, in support of her claim for granting maintenance of ₹25,000/- per month, the petitioner has examined herself as PW1 and her mother was examined as PW2. On behalf of petitioner, five documents are marked as Exs.P1 to P5. Respondent - husband had examined himself as RW1 and 12 documents were marked as RWs.1 to 12. The learned Magistrate considering the oral and documentary evidence placed on the record has dismissed the petition filed claiming monthly maintenance by wife.

5. The material on record would go to show that, the petitioner -wife had stayed only for a period of nearly one month in her matrimonial house and thereafter, had returned to her parents house. Subsequently, multiple litigations arose between the parties. The records would reveal that petitioner had filed multiple criminal cases against her husband and his



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family members and the proceedings in the said cases have been quashed by this Court. It has also come on record that petitioner is having a house and other property in her name. She is a post graduate and deposition of PW1 and PW2 would reveal that her father has many properties in his name. It appears that after the petitioner had returned to her parents' house, complaints were filed against her father-in-law and husband in the department where they were working and therefore, departmental enquiries were held against them.

6. It has come on record that petitioner has forwarded a message to her husband saying that she did not intend to marry him. She had committed mistake by marrying him instead of marrying the person whom she loves. In her claim petition, the petitioner has specifically stated that her marriage with the petitioner had not consummated.

7. The aforesaid material would *prima facie* show that petitioner's marriage with the respondent was performed against her wishes and she was in love with some other person. Her marriage with the respondent had not consummated and



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she had voluntarily left the company of her husband and taken shelter in her parents' house. The petitioner has failed to perform her duties and obligations as the wife of the respondent and she has not proved satisfactorily the cause for leaving the company of respondent.

8. The learned Magistrate as well as the learned Sessions Judge having appreciated the oral and documentary evidence available on record have rightly dismissed the claim of the petitioner for monthly maintenance. Therefore, the scope for interference by this Court against concurrent findings recorded by two Courts is very narrow.

9. Considering the material available on record and the reasons assigned by the two Courts to reject the claim of the petitioner for payment of monthly maintenance, I am of the opinion that this petition does not merit consideration.

10. Accordingly, criminal petition is dismissed.

**Sd/-**  
**(S VISHWAJITH SHETTY)**  
**JUDGE**