HC-KAR

NC: 2026:KHC:14873
CRL.P No. 1606 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 1606 OF 2025

BETWEEN:

DR. SHASHIDHAR SUBBANNA

S/O LATE S. SUBBANNA

AGED ABOUT 54 YEARS

RESIDING AT 174/5A,

10TH CROSS, 3RD BLOCK,

THYAGARAJANAGAR,

BENGALURU-560070

...PETITIONER

(BY SRI. DR SHASHIDHAR SUBBANNA (PARTY-IN-PERSON))

Digitally signed by SANJEEVINI J KARISHETTY
Location: High Court of Karnataka

AND:

VEENA MARAVANTHE

W/O SHASHIDHAR SUBBANNA

AGED ABOUT 54 YEARS

RESIDING AT No.86,

1ST BLOCK, 4TH MAIN,

BANASHANKARI 3RD STAGE,

BENGALURU-560085

…RESPONDENT

(BY SMT. VEENA MARAVANTHE (PARTY-IN-PERSON))

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE PARTY-IN-PERSON PRAYING TO SET ASIDE THE ORDER OF THE HONBLE SESSIONS COURT OF HONBLE LIX ADDL.CITY CIVIL AND SESSIONS JUDGE IN IA-4 DATED 08.01.2025 IN CRL.A. NO.1291/2014 PENDING BEFORE IT, AND ETC.,

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court calling in question an order dated 08.01.2025 passed in Crl.A.No.1291/2014 by which the concerned Court has allowed the application under Section 91 of the Cr.P.C., and directed production of certain documents of the work of the petitioner, *qua* his salary slips.

2. Heard Dr. Shashidhar Subbanna, petitioner party-in-person, and Smt. Veena Maravanthe, respondent party-in-person, and have perused the material on record.

3. The petitioner is the husband, and the respondent is the wife. The two get married in the year 2008, and the relationship between the two appears to have floundered. The floundering of the relationship has generated a plethora of litigations between the two, either by the petitioner against the respondent or the respondent against the petitioner. The claim for maintenance is said to have been disobeyed, which is now obeyed, and all arrears are paid by the husband, only after the

wife had approached this Court. Pursuant to the orders passed by this Court, the respondent-wife files an application under Section 91 of the Cr.PC. in I.A.No.4. The claim is for the production of a salary certificate and income proof certificates of the petitioner of his work both in the United States and on the shores of this nation. The purpose of the application is as follows:

"ORDERS ON I.A.NO.4

The Appellant has filed the application Under Section 91 of Cr.P.C., to summon the respondent No.1 to produce the following documents:-

1. Salary full details of the respondent No.1 from working hospitals for the period 2008 to March-2014.

2. Leave details of the respondent No.1 from December-2009 to March-2014 in the hospital where he worked before.

3. Details working hospital of respondent No.1 in the year 2015 in USA.

2. In support of her application, the appellant has filed her sworn affidavit, where in she has stated that respondent No.1 is her husband, their marriage were performed on 23.04.2008 out of their wedlock they have a daughter. On the time of marriage the respondent No.1 was working in Medical College at Georgia and earning income of $ 2,45,000/- per annum. After getting USA Green Card he moved to southern Ohio Medical Center for better salary, he not only worked in SOMC Hospitals but in its affiliated hospital such as Mercy Health Hospital, Fairfield and Ohio Hospital etc., till January-2016 and his income was approximately$ 6,00,000/- per annum. These facts have been suppressed by the respondent No.1 before

the Trial Court with an intention to avoid for granting maintenance.

It is further contended that the respondent No.1 has produced some of the documents before the Trial Court at Ex.R.56 to Ex.R.59, such as Salary Certificate and other income proof documents, but the Trial Court has raised doubt about the credibility of the documents. Further the Family Court in M.C.No.3543/2009 has directed the respondent No.1 to produce the Salary Certificate and other documents, but he did not produce the same. The said petition was dismissed for non-prosecution. The respondent No.1 being the Doctor worked as USA was ranging income of $ 4,00,000/- to $ 6,00,000/- per annum. After filing D.V. Petition and Criminal Case under section 498 (A) of IPC against the respondent Nos.1 and 2, he resigned from the job only with an intention to avoid to pay the maintenance amount. Therefore, the aforesaid documents are very much necessary to decide the present petition and thus she prayed to allow the application.

3. On the other hand the respondent has filed objection to the application contending that the application filed by the appellant is not maintainable. The documents which were intend to called by the appellant submitted to the Trial Court which includes details sought in the application. No other documents available to produce in the Court, therefore there application is filed only with an intention to prolong the matter thus, he pray to reject the application."

4. The concerned court forms the following issue and passes an order. The issue so framed by the concerned Court reads as follows:

"5. Upon hearing on the arguments and on perusal of materials placed on record, following points arise for my consideration:-

1. Whether the appellant has made out sufficient grounds to direct the respondent No.1 to produce the documents as sought in the application and which are relevant to decide the lis between the parties?"

The impugned order passed by the concerned Court reads as follows:

> "14. **Point No.2**: In the result, I proceed to pass the following:
>
> **ORDER**
>
> I.A.No.4 application filed by the Appellant U/Sec/91 of Cr.P.C. is hereby allowed.
>
> The respondent No.1 is hereby directed to produce the Salary particulars for having worked in various hospitals from 2008 to March 2014.
>
> Further the respondent No.1 is directed to furnish the leave details of his work in the hospitals from Decedmber-2019 to March-2014.
>
> The respondent No.1 further directed to furnish the working hospitals in which he was worked in the year 2015 at USA."

5. The petitioner-husband is now before the Court calling in question the allowing of the said application on the score that all these documents were already produced and are in the records of the concerned Court. The respondent-wife would dispute the same. It is not a case where the petitioner is not heard and the order is passed. The salary certificates that

are to be produced by the petitioner would become necessary for determination of the responsibility of the husband in maintaining the wife or for closure of the proceedings for annulment of marriage. The petitioner cannot say that the documents are already produced or redirected to be produced. If the documents are already produced before the concerned court, it is for the concerned Court to consider that issue, whether the documents are already in place, and then consider the same. If the documents are not already produced before the court, there is no warrant of interference with the order that is passed now by the concerned Court.

6. Finding no merit in the petition, the petition stands ***rejected***.

Consequently, I.A.Nos.3 and 4 of 2025 also stand disposed

Sd/-
(M.NAGAPRASANNA)
JUDGE

SSB