HC-KAR
NC: 2026:KHC:59546
CRL.P No. 1416 of 2022
CNR: KAHC010071962022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1416 OF 2022

BETWEEN:

1. SRI. E. THIPPESWAMY
S/O EKANATHAPPA GOWDA
AGED ABOUT 57 YEARS
RESIDENT OF
SALABOMMANAHALLI VILLAGE
MALLAPPANAHALLI POST
AIMANAGALA HOBLI
HIRIYURU TALUK
CHITRADURGA DISTRICT-577545.

...PETITIONER

(BY SRI. NAGARAJ D., ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. R. PUSHPAKALA
W/O THIPPESWAMY
AGED ABOUT 49 YEARS
A RESIDENT OF KALAVIBAGI VILLAGE
AIMANAGALA HOBLI
HIRIYUR TALUK
CHITRADURGA-577545.

...RESPONDENT

(BY SRI. VYSHAK P.N., ADVOCATE FOR
SRI. BHARGAVA D. BHAT, ADVOCATE)

CNR: KAHC010071962022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED ADDL. CIVIL JUDGE AND J.M.F.C. HIRIYUR, IN CRL.MISC.P.NO.165/2006 DATED 02.06.2014 AND MODIFIED ORDER PASSED BY THE HONBLE SPL.2ND ADDL.DISTRICT AND SESSIONS JUDGE, CHITRADURGA IN CRL.RP.NO.42/2014, DATED 29.09.2016.

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 learned counsel for the petitioner and learned counsel for the respondent.

2. This petition is filed under Section 482 of Cr.P.C. and the Trial Court in Criminal Miscellaneous No.82/2017 granted maintenance of Rs.1,000 in favour of petitioner No.1 therein. Being aggrieved by the same, a revision petition is filed by the wife in Crl.R.P.No.42/2014 and the revisional Court having considered the material on record, enhanced the same from Rs.1,000 to Rs.5,000 per month and while enhancing the maintenance, observed that to fulfill the basic necessities of life of any man, at least it requires Rs.5,000 to Rs.6000 per month

which is observed in paragraph No.19 of the order of the revisional Court.

3. The counsel appearing for the petitioner would vehemently contend that there is a dispute with regard to relationship between the parties and both the Courts failed to take note of document of Ex.R12 Proposal Form of LIC, wherein her husband name is mentioned as S. Nagaraju and the same is not believed. Hence, it requires interference of this Court.

4. Per contra, learned counsel appearing for the respondent relying upon judgment of the Apex Court in **KAMALA AND OTHERS vs. M.R. MOHAN KUMAR** reported in **(2019) 11 SCC 491** brought to notice of this Court paragraph No.15, wherein the Apex Court made an observation that unlike matrimonial proceedings where strict proof of marriage is essential, in the proceedings under Section 125 Cr.P.C., such strict standard of proof is not necessary as it is summary in nature meant to prevent vagrancy. The Apex Court also relied upon judgment of **DWARIKA PRASAD SATPATHY vs. BIDYUT PRAVA DIXIT** reported in **(1999) 7 SCC 675** and counsel would vehemently contend that both the Trial Court as

well as the revisional Court taken note of this principle, in order to come to a conclusion that in a case of proceedings under Section 125 Cr.P.C., if sufficient material is placed before the Court, the same is enough. The counsel brought to notice of this Court, particularly document of Exs.P1 and P3 i.e., Election ID card of petitioner-wife as well as birth certificate of the child and the name of the father is mentioned as that of this petitioner and school records are also taken note of and the same is evident and prima facie discloses marriage between the petitioner and the respondent. When such being the case, the Trial Court has not committed any error and so also the revisional Court.

5. Having heard learned counsel appearing for the petitioner and also learned counsel appearing for the respondent and when the proceedings is initiated under Section 125 Cr.P.C. with regard to maintenance to the wife and even the Apex Court held that long cohabitation between woman and man led to presumption of marriage entitling maintenance for women and children born to them. Apart from that the documents which are produced before the Court, particularly

Exs.P1, P3 as well as Ex.P12-School Certificate discloses the admission record of the child born to them and father name is mentioned as that of this petitioner. When such being the case, both the Trial Court and revisional Court have not committed any error in relying upon those documents and the very contention of the petitioner that he was not the husband cannot be accepted, though he has examined R.W.2 before the Court and his admissions takes away the case when the material available before the Court clearly discloses that he is the father of the child born to them and husband in terms of the Election ID card. Apart from that School Certificate clearly discloses relationship between the petitioner and also the respondent-wife.

6. When such being the case, the scope of Section 125 Cr.P.C. is very limited and counsel appearing for the respondent rightly brought to notice of this Court discussion made in paragraph No.15 of the judgment of the Apex Court referred supra. Hence, the very contention of petitioner that he is not the husband of the respondent cannot be accepted and scope of Section 482 of Cr.P.C. is also very limited and both the

Courts come to the conclusion that he is the husband and he is bound to pay the maintenance and revisional Court also while enhancing the amount from Rs.1,000 to Rs.5,000 per month taken note of cost of living. When such being the case, the very contention of the counsel that he is not bound to pay the maintenance cannot be accepted and I do not find any merit in the petition to quash the proceedings.

7. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed.***

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 40