HC-KAR

NC: 2026:KHC:60650
WP No. 10197 of 2025

CNR: KAHC010213932025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 10197 OF 2025 (GM-FC)

BETWEEN:

SRI.DINESH
S/O LATE. M.BALAKRISHNA,
AGED ABOUT 40 YEARS,
R/AT NO. 321/D, 1ST STAGE,
5TH CROSS, GAYATHRIPURAM,
MYSURU- 570 001

…PETITIONER

(BY SRI. GOVIND BHARATH M.V., ADVOCATE)

AND:

SMT. KAVYA
W/O SRI. DINESH,
D/O SRI. NAGARAJU,
AGED ABOUT 28 YEARS,
R/AT NO. 289, HIGH TENSION ROAD,
BELAVADI, BELAVADI POST
MYSURU TALUK,
MYSURU – 570 016

…RESPONDENT

(BY SRI. ABUBACKER SHAFI, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE COMMON ORDERS DATED: 01.03.2025 ON I.AS NO.6 AND 7 PASSED BY THE II ADDITIONAL PRINCIPAL FAMILY JUDGE, MYSURU IN G AND WC NO. 58/2023 PRODUCED AT ANNEXURE-A.

CNR: KAHC010213932025

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed aggrieved by the orders passed on IA.Nos.6 & 7 in G&WC.No.58/2003 dated 01.03.2025 by the II Addl. Principal Judge, Family Court, Mysuru, the petitioner/father is before this court.

2. Both the parties are referred to as father and mother for the sake of convenience.

3. It is the specific case of the father that he had filed G&WC seeking custody of the child. In the said G & WC he has filed IA.No.6 under Section 45 of the Indian Evidence Act and I.A.No.7 filed under Section 151 of CPC for referring the electronic documents to FSL, for proper identification and for scientific analysis about the involvement of the mother in the videos and to re-open the father's evidence. It is the case of the father that the mother is involved in illegal activities and there is no safety and protection to the ward in the hands of the mother. He has produced the pen drives, CDs, and photographs to prove the involvement of the mother in

indecent acts. The said digital videos are being downloaded from the websites. In the evidence, the mother had denied her appearance in those videos. Hence, in order to establish the same, father has filed the application and the family court dismissed both the IAs., by order impugned.

4. While dismissing the application, the family court had observed that when the person who is going through the videos identify the person without hesitation and come to the conclusion that both the persons are not one and the same, then it is needless to refer the electronic evidence to the scientific experts. If there are any similarity or there is doubtful in identification of persons, then the question would arise to refer the electronic evidence for scientific analysis. Therefore, without any justifiable reasons, it is unwarranted to refer the electronic device to the scientific expert opinion only on the basis of the interest of the parties would not arise at all. The contention taken by the father is nothing but the demoralizing the character of the mother and also assassinating her character and defaming her in the society by taking undue advantage of videos which are uploaded in website. So, the

said act of the father cannot be encouraged by referring the said videos to the expert analysis when the photographs and videos are not at all matching with the faces of respondent and it appears both are different persons. Thereby even though the mother had no objection to refer the videos to the scientific expert, but it is not necessary to refer for scientific analysis. The act done by the father in producing the said evidence is itself an act of defaming the wife; therefore, the said act cannot be encouraged, and, in the opinion of the court, there are no reasonable and justifiable grounds to consider the father's contention and refer the electronic evidence to scientific analysis. Accordingly, the application was dismissed.

5. When the matter came up before the court, the learned counsel appearing for the petitioner submits that as the matter is sensitive and the matter may be taken up in the chambers and hence the matter is posted today in the chamber.

6. Learned counsel appearing for the petitioner/father submits that the mother is involved in illegal acts which are detrimental for the welfare of the child. The videographs where

the mother appears were placed before the court, and the court had come to the conclusion that the person appearing in the videos and the mother are not one and the same. It is the submission of the learned counsel that they had sent the videos to a private forensic lab for analysis. The private forensic lab gave a report stating that the person appearing in the illegal videos and the respondent/mother are one and the same, but it was not placed before the court. It is submitted that when the mother had no objection for sending the videos for scientific analysis, the court ought to have allowed the application.

7. Learned counsel appearing for the respondent/mother submits that the family court has rightly dismissed the application. However, he does not deny the fact that the mother had stated that she had no objection for sending the digital videos for forensic examination. It is submitted that such applications are filed only with an intention to defame and harass the mother. The family court rightly considered and dismissed the application, and there are no grounds to interfere with the order impugned.

8. Having heard the learned counsel on either side, perused the entire material on record. The father is making grave allegations against the mother and has placed certain videographs before the court. According to him, as per the report he obtained from a private laboratory, the respondent/mother and the person in the videos are one and the same. This is a very important issue, where, on one hand, the welfare of the child is at stake and, on the other hand, the reputation of the woman is also at stake. If the mother has no objection for sending the said videos for expert opinion, she can come out of those allegations made by the father. If the allegations made by the father are without any basis, the court as well as the mother can take appropriate action. When there is a scientific procedure to find out the truth, the court should not take the task of comparing the faces and coming to the conclusion that it is not one and the same.

9. In the considered opinion of the court, in the interest of father, mother and child, sending these videos for expert opinion would be appropriate and the suit has to re-opened for

petitioner's evidence. In that view of the matter, this court is passing the following:

ORDER

i. The order dated 01.03.2025 passed in G&WC.No.58/2003 by the II Addl. Principal Judge, Family Court, Mysuru is ***set aside***. Accordingly, IA.Nos.6 and 7 are ***allowed*** and the petitioner's evidence is re-opened, and the electronic document is referred to the FSL.

ii. Accordingly, the writ petition is ***Allowed.***

iii. The Registry is directed to return the reports placed in sealed covers before this court.

iv. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 38
*MR