HC-KAR

NC: 2026:KHC:59582
CRL.P No. 5849 of 2024

CNR: KAHC010327322024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 5849 OF 2024

BETWEEN:

SRI. K.V SRINATHA
S/O K.V VENKATAKRISHNAIAH
AGED ABOUT 36 YEARS
R/O KOMMASANDRA VILLAGE,
VIJAYAPURA POST,
DEVANAHALLI TALUK,
BENGALURU RURAL DIST - 562 135

...PETITIONER

(BY SRI. BASAVARAJA PATEL G.K, ADVOCATE)

AND:

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

SMT DARBHA LAXMI BHAVANI
W/O K.V SRIKANTH
AGED ABOUT 29 YEARS
R/O NO.38, SRINIVASA NILAYA,
BEHIND HITHA BEAUTY PARLOR,
2ND MAIN, 7TH A CROSS
GANESH NAGAR, KODIGEHALLI,
BENGALURU - 560 097

...RESPONDENT

(BY SRI. A. KESHAVA BHAT, ADVOCATE)

THIS CRL.P IS FILED U/S.482 OF CR.PC. PRAYING TO SET ASIDE THE INTERIM ORDER DATED 20.02.2024 ON I.A.NO.5 IN CRL.MISC.NO.86/2023 PASSED BY THE MMTC-VI BENGALURU AND ALSO INTERIM ORDER DATED 01.04.2024 IN

APPEAL NO.558/2024 PASSED BY THE LV ADDL.CITY CIVIL AND SESSIONS JUDGE BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In this petition, the petitioner challenged the order dated 01.04.2024 passed in Crl.A.No.558/2024 by the City Civil and Sessions Judge, Bengaluru (for short, 'the First Appellate Court') whereby the First Appellate Court modified the interim order dated 20.02.2024 passed in Crl.Misc.No.86/2023 by the Metropolitan Magistrate Traffic Court - VI, Bengaluru (for short, 'the Trial Court') and thereby directed the petitioner herein to pay a maintenance amount of Rs.12,000/- to the respondent instead of Rs.15,000/- and Rs.8,000/- to the child of the petitioner and respondent instead Rs.15,000/- as granted by the Trial Court.

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

3. Learned counsel for the petitioner primarily contended that the respondent is gainfully employed and

drawing a salary of Rs.1,00,000/-, as such, the First Appellate Court is erred in directing the petitioner to pay the above maintenance. Hence, he prays to allow the petition.

4. *Per contra*, the learned counsel for the respondent opposed the prayer of the petitioner and he submits that this petition is not at all maintainable since the petition is filed against the *ex-parte* interim order passed by the First Appellate Court in a Crl.A.No.558/2024, wherein the petitioner has challenged the interim order passed by the Trial Court in Crl.Misc.No.86/2023. Accordingly, he prays to dismiss the petition.

5. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and also perused the materials on record.

6. As directed by this Court, both parties have filed their respective statements of assets and liabilities. In the circumstances, I am of the considered opinion that the contention advanced by the learned counsel for the respondent merits acceptance. The challenge in the present petition is

confined to an *ex*-parte interim order passed by the First Appellate Court. Any interference with or modification of the said order by this Court would have a bearing on the appeal pending before the First Appellate Court as well as the proceedings pending before the Trial Court. Therefore, I am of the considered view that the present petition is cannot be entertained. Accordingly, the petition stands ***dismissed***.

7. However, the First Appellate Court is directed to dispose the appeal at the earliest within an outer limit of three months from the date of receipt of certified copy of this order. Both the parties shall co-operate before the First Appellate Court and they shall produce the assets and liabilities before the First Appellate Court. However, till disposal of the appeal the petitioner is directed to pay the maintenance up to date.

SD/-
(RAJESH RAI K)
JUDGE

CR/List No.: 1 Sl No.: 23