



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25350 OF 2023 (GM-FC)

BETWEEN:

SRI K.L RANGASWAMY
S/O LAKKAPPA,
AGED ABOUT 53 YEARS,
PRESENTLY RESIDING AT NO 9,
2ND CROSS, OPP MORE MART,
M.P.M. LAYOUT, KENGUNTE,
BENGALURU 560056

PERMANENT RESIDENCE OF
KAMASAMUDRA VILLAGE
MAVENAKERE POST,
HALEKOTE HOBLI,
HOLENARASIPURA TALUK
HASSAN DISTRICT 573126

...PETITIONER

(BY SRI.HITESH D., ADVOCATE)



AND:

SMT. SHARADHA. D
W/O K L RANGASWAMY,
AGED ABOUT 45 YEARS,
R/A NO 23/B, 2ND CROSS,
JANATA COLONY,
MARIYAPPANA PALYA,
BENGALURU UNIVERSITY,
BENGALURU 560056

...RESPONDENT

(BY SRI. NINGARAJA M N.,ADVOCATE)



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 23/09/2023 IN CRL. MISC. NO. 701/2021 PASSED BY THE HONBLE IV ADDL. PRL. JUDGE, FAMILY COURT, BENGALURU UPON THE APPLICATION UNDER SECTION 125 OF CODE OF CRIMINAL PROCEDURE I.E. ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Aggrieved by the order passed in I.A.No.II in Crl.Misc.No.701/2021 dated 23.09.2023 by the VI Addl. Prl. Judge, Family Court, Bengaluru, the husband is before this court. The respondent/wife has filed I.A.No.II under section 125 of Cr.P.C for grant of maintenance at Rs.40,000/- and litigation expenses at Rs.10,000/-. It is the case of the respondent/wife that she had two sons who are under the care and custody of the father. She was harassed during her stay in the matrimonial home by assaulting and abusing her for no fault of her. The husband has also abused her sexually and treated her as a slave that she failed to bring money from the parents, she has been beaten by him inhumanly. He has not allowed anybody to visit the house. In addition to this, he started



suspecting her character, he has also taken her to the doctor to show that she was not normal. It is stated that she has suffered both mentally and physically. According to her, the husband is working as A.E.E in BBMP and getting handsome salary of Rs.70,000/- to Rs.80,000/- per month and used to spend his entire money for his lavish life. There are no other dependents on him. As she has not having any means, she require the maintenance. On the other side, the husband has filed the objections denying the allegations levelled by the wife and it is stated that the wife has done M.A. in Sociology and working with Reliance Exide Life Insurance Company and earning an amount of Rs.20,000/- per month. It is further stated that the marriage was a love marriage right from day one, the wife was not being good with him. It is stated that the wife is having relationship with another person and used to chat with him through whatsapp and used to send nude photographs to him. The same were accessed and downloaded by his sons and due to the said behavior, the children were mentally affected. Even several panchayaths



also held between the parties. She had left the matrimonial home on 14.05.2021 along with her jewellery, clothes and also important documents and articles belonging to him. He lodged a complaint on 01.12.2021. The court below considering the evidence on record, considered the fact that the husband is having sufficient source of income, as they are legally wedded wife and husband and the wife is residing separately and the allegations that she is leading a adulterous life is subject matter of trial. Court below observed that it is the duty of the husband to maintain the wife. Hence, directed the husband to pay an amount of Rs.20,000/- towards interim monthly maintenance from the date of petition and till the date of filing I.A. and granted litigation expenses at Rs.10,000/-. Aggrieved thereby the husband is before this court.

2. Learned counsel appearing for the husband submits that when the statement of assets and liabilities are filed, as on the said date she was working.



Suppressing the said fact, she has filed the petition. He submits that in fact a petition is filed by him to summon the employer where she is working, but the learned judge has not made any whisper with regard to this in the entire order. It is submitted that when he is taking care of the two kids who are studying and he is spending on educational expenses and he is also taking care of his mother who is unwell. Further as he lost his brother, he has responsibility of the niece and bearing her educational expenses. The respondent/wife who is employed is not entitled for any maintenance that too a person who has deserted the petitioner/husband.

3. When this matter came up on the last occasion, this court considering the submission of the learned counsel for the petitioner, has passed an order on 11.03.2024 observing that when the respondent has filed his statement of objections, as per the learned counsel for the petitioner, she was employed and she suppressed the facts. Further, the learned counsel for the respondent/wife



submits that she filed an affidavit before the court, it appears that on oath she suppressed the material facts which is of serious concern and at request the matter is adjourned today.

4. Learned counsel appearing for the respondent/wife submits that at that point of time, though she was employed there was threat to her from the husband, if she disclosed the fact about her employment. She had not disclosed it. He has also placed on record, the affidavit. This court has perused the affidavit filed by the respondent/wife, wherein she states that she worked in Reliance Exide Insurance Company as Telecaller for a period of four months. After that the firm was closed. Thereafter she has filed the statement of assets and liabilities. Wherein at the time of preparing asset and liabilities, she has given instructions that she is unemployed and she is not working anywhere and same has been mentioned in assets and liabilities. At that time she was in search of a job, then attended an interview in the



Integrated Project for Development of People (R) situated at Laggere, Bangalore, they had not confirmed the job and she had to wait for 5 months till the confirmation, in the meantime she had filed the assets and liabilities. Thereafter she was offered a temporary job with a meager income which was very much required to eke out her livelihood, since the husband had not provided any maintenance to her. She was appointed as hostel warden at Ashakirana Girls Hostel on temporary basis in the month of August, 2022 till February, 2023 by providing a residential shelter with safety and payment of Rs.10,758/- per month. The job offered to her is going to end very shortly since the residential hostel is closing due to new norms of CCI as per government rules. The temporary job offer came to her after filing the asset and liabilities before the court and the same is not intentional one and she has not suppressed any material facts. Learned counsel for the respondent/wife submits that as she has threat to her life that's why she has not disclosed.



5. Heard the learned counsel on either sides, perused the entire material on record. This court has perused the affidavit, the affidavit do not disclose any of the reasons that are submitted by the learned counsel for the respondent. This court has perused the material placed before this court and the statement of assets and liabilities that were filed on 15.11.2022. As per the letter dated 02.03.2023 given by the Integrated Project for Development of People (R) the respondent/wife had come to them with a problem and requested them to provide an opportunity to work in a residential shelter with safety and security with survival purpose and at the same time they were opening Ashakirana Girls Hostel, for the post of Hostel Warden temporary appointment was given on 01.08.2022 with a nominal honorarium to lead her personal life and after 11th April they are closing the residential hostel due to new norms at CCI Government Rules. Even the 2nd affidavit which is filed before the court below, with suppression of material facts and looking at both the affidavits filed by respondent/wife this is a fit



case where proceedings have to be initiated for perjury against her. The husband's salary is Rs.90,000/-. Both the children are grown up and pursuing their graduation are living with the father. He has lost his brother and he has to take care of education of the niece and also has to take care of mother. The respondent/wife has come to the courts with unclean hands by suppressing all the material facts. Considering all these facts, this court is of the view that the respondent/wife is not entitled for any interim maintenance and the other allegations that is levelled by the husband which are serious in nature are pending consideration before the court below. At this stage in the considered opinion of this court, the respondent/wife is not entitled for any relief.

6. Accordingly the following order:



ORDER

- i) The writ petition filed by the petitioner is Allowed.

- ii) The order in Crl.Misc.No.701/2021 dated 23.09.2023 on I.A.No.II passed by the VI Addl. Prl. Judge, Family Court, Bengaluru is set aside.

**SD/-
JUDGE**

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List No.: 2 Sl No.: 6