



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 3<sup>RD</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

**CRIMINAL PETITION NO.102703 OF 2025 (482(Cr.PC)/528(BNSS))**

**BETWEEN:**

GURUPRASAD SANGAPPA AVATI  
S/O. SANGAPPA AVATI,  
AGED ABOUT 38 YEARS,  
OCC. SUPERVISOR,  
R/A. BB 5 HATTI GOLD MINES,  
TALUKA LINGASUGUR-584115.

...PETITIONER

(BY SRI. PRANAV U.BADAGI, ADVOCATE)

**AND:**

1. APEKSHA @ GIRIJA W/O. GURUPRASAD SANGAPPA AVATI D/O. KOTRESH, AGED 30 YEARS, OCC. HOUSEWIFE, R/A. NEAR KALLESHWARA TEMPLE, OLD H.B. HALLI,, H.B. HALLI TALUK, VIJAYANAGAR DISTRICT.
2. KUMARI SANVI D/O. GURUPRASAD SANGAPPA AVATI, AGED 7 YEARS, R/A. NEAR KALLESHWARA TEMPLE, OLD H.B. HALLI, H.B. TALUK, VIJAYANGARA DISTRICT.
3. VRUSHANK S/O. GURUPRASAD SANGAPPA, AGED 3 YEARS,





R/A. NEAR KALLESHWARA TEMPLE,  
OLD H.B. HALLI, H.B. TALUK,  
VIJAYANGARA DISTRICT-583212.

(RESPONDENT NO.2 AND 3 ARE MINORS  
REP. BY NATURAL GUARDIAN MOTHER R1)

RESPONDENT NO.2 AND 3 ARE MINOR  
REPRESENTED BY NATURAL GUARDIAN MOTHER  
RESPONDENT NO.1.

...RESPONDENTS

(BY SRI. MANJUNATH G.PATIL, ADVOCATE FOR R1 TO R3;  
R2 AND R3 ARE MINORS REP. BY R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482  
OF CR.P.C. (528 OF BNSS), PRAYING TO CALL FOR RECORDS  
AND TO QUASH THE ENTIRE PROCEEDINGS IN  
CRL.MISC.NO.123/2024 FILED UNDER SECTION 125 OF CR.P.C.,  
PENDING BEFORE SENIOR CIVIL JUDGE AND JMFC AT  
HAGARIBOMMANAHALLI VIDE ANNEXURE-A AND SET ASIDE THE  
IMPUGNED ORDER DATED 13.11.2024 PASSED BY THE SENIOR  
CIVIL JUDGE AND JMFC AT HAGARIBOMMANAHALLI, IN  
CRL.MISC. NO.123/2024 VIDE ANNEXURE-H AND ETC.,.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



**ORAL ORDER**

The petition is filed assailing the order dated 13.11.2024 in Criminal Miscellaneous No.123/2024 on the file of JMFC, Hagaribommanahalli.

2. In terms of the aforementioned order, the application seeking interim maintenance is allowed in part. The respondent No.1 who is the wife of the petitioner is held entitled to ₹10,000/- per month towards interim maintenance. Respondents No.2 and 3 - the children of petitioner and respondent No.1 are held entitled to ₹2,500/- each per month from the date of the petition i.e., 30.03.2024 till further orders.

3. Learned counsel for the petitioner would submit that the order is untenable and the maintenance awarded is exorbitant. The petitioner has his aged parents to lookafter and his salary of ₹86,000/- per month is not sufficient to meet the expenses of his parents and his remaining family members after providing for statutory deductions.

4. It is also his further submission that the respondent No.1 is having sufficient rental income to sustain herself and she



is not dependent on the income of the petitioner - husband. Thus, he would urge that the impugned order is perverse and liable to be set aside.

5. Learned counsel for the respondents would urge that the impugned order though awarded a meager maintenance of ₹15,000/- for 3 respondents, the respondents have not chosen to question the said order. The petitioner is having sufficient income and admittedly his salary is around ₹86,000/- per month and there is no scope to interfere with the order.

6. The Court has considered the contentions raised at the bar and perused the records.

7. There is no dispute that the petitioner is having a salary of around ₹86,000/- per month and respondent No.1 is not employed and she is a housewife. Respondents No.2 and 3 are aged 3 and 7.

8. Considering these aspects, the Court is of the view that the interim maintenance of ₹15,000/- i.e. ₹10,000/- per month to respondent No.1 - wife, ₹2,500/- per month to each of respondents No.2 and 3 is not exorbitant to set aside the order



in exercise of discretion under Section 528 of the Bharatiya  
Nagarik Suraksha Sanhita.

9. It is admitted that every month from petitioner's  
salary, the amount is deducted and credited to the account of  
the respondent No.1.

10. Said direction shall be complied till further orders to  
be passed by the Court.

11. The amount which is deposited before this Court  
pursuant to the interim order shall be released before  
respondent No.1 after proper identification.

12. The petitioner shall continue to pay the amount as  
ordered till further orders by the trial Court by crediting the same  
to the account of respondent No.1.

13. The amount payable towards maintenance shall be  
deducted from the account of the petitioner and shall be credited  
to the bank account of respondent No.1 till further orders from  
the Court.



14. With the above observations, the petition is **dismissed.**

**Sd/-**  
**(ANANT RAMANATH HEGDE)**  
**JUDGE**

CLK  
CT: UMD  
List No.: 1 Sl No.: 54