



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 4TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL REVISION PETITION NO. 100156 OF 2019
(397(CR.PC)/438(BNSS))
C/W
CRIMINAL REVISION PETITION NO. 100157 OF 2019

IN CRL.RP.NO.100156/2019
BETWEEN:

FAKKIRAYYA S/O SANGAYYA HIREMATH
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O: HOUSING BOARD COLONY,
SHIGGAON, DISTRICT: HAVERI.

...PETITIONER

(BY SRI. A.M. GUNDAWADE, ADVOCATE)

AND:

SMT. VASANTA
CALLING HERSELF AS
W/O FAKKIRAYYA HIREMATH D/O. MALLAPPA
SULLIKERI,
AGE: 49 YEARS, OCC: HOUSEHOLD WORK,
R/O: RAJEEV NAGAR, UNKAL, HUBBALLI.

...RESPONDENT

(BY SRI. PRASHANT MATHAPATI, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 OF CR.P.C. PRAYING CALL FOR RECORDS
AND ALLOW THE PETITION AND THEREBY SETTING ASIDE THE
JUDGMENT AND ORDER PASSED BY THE JMFC II-COURT,
HUBBALLI, IN CRL.MISC.NO.243/2015, DATED 10.10.2017 AND
THE JUDGMENT OF CONFIRMATION IN CRL.A.NO.128/2017,





NC: 2026:KHC-D:1599
CRL.RP No. 100156 of 2019
C/W CRL.RP No. 100157 of 2019

DATED 19.03.2019, PASSED BY THE V-ADDL. DIST. & SESSIONS
JUDGE, DHAWAD, SITTING AT HUBBALLI.

IN CRL.RP.NO.100157/2019
BETWEEN:

FAKKIRAYYA S/O SANGAYYA HIREMATH
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O: HOUSING BOARD COLONY,
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THE JUDGMENT OF CONFIRMATION IN CRL.A.NO.122/2017,
DATED 19.03.2019, PASSED BY THE V-ADDL. DIST. & SESSIONS
JUDGE, DHAWAD, SITTING AT HUBBALLI.

THESE PETITIONS, COMING ON FOR FINAL HEARING, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE V.SRISHANANDA)

1. Heard Sri A.M.Gundawade, learned counsel for the petitioners; and Sri.Prashant Mathapati, learned counsel for respondents.

2. These two revision petitions are filed by the husband challenging the orders passed by the learned Magistrate and the first appellate Court granting maintenance and compensation in lieu of shared residence by exercising powers under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short, "the D.V. Act").

3. The facts which are necessary for the disposal of the present revision petitions are as under:

4. The petitioner married respondent on 24.05.1992. The matrimonial relationship between the parties became strained. As a result, respondent approached the jurisdictional Magistrate by filing an application under Section 12 of the D.V. Act.



5. The petitioner was notified and, after due trial, an order came to be passed by the learned Magistrate. Being aggrieved by the same, the present petitioner preferred an appeal in Crl.A. No.122/2017. Likewise, the respondent-wife also filed an appeal in Crl.A. No.128/2017.

6. The learned Judge of the first appellate Court heard both the appeals jointly and passed a common order allowing the appeal filed by the wife and dismissing the appeal filed by the husband. The operative portion of the order passed by the first appellate Court reads as under:

"ORDER

Appeal filed by the appellant in Crl.Appeal No.128/17 is hereby allowed.

Appeal filed by the appellantin Crl.Appeal No.122/17 is hereby dismissed.

The judgment and order of the trial court 10-10-2017 passed in Crl.Misc.No.243/15 is modified only to the extent of compensation.

The respondent is directed to pay Rs.1,50,000/-to the petitioner as compensation within 2 months from the date of this order. No order as to costs.

A copy of judgment shall be kept in Crl.Appeal No.128/2017.



Send a copy of this order to the trial court forthwith for compliance along with lower court records."

7. Aggrieved by the same, the husband is before this Court in the present revision petitions.

8. Sri A.M. Gundawade, learned counsel for the petitioner, reiterating the grounds urged in both the revision petitions, contended that the learned Judge of the first appellate Court misconstrued the scope and powers under the D.V. Act while allowing the appeal of the wife and dismissing the appeal of the husband.

9. He would further contend that the petitioner was always willing for an amicable settlement, but it was the wife who refused to settle amicably and was interested only in harassing the petitioner. Hence, he sought for allowing the revision petitions.

10. The parties were secured before this Court to explore the feasibility of an amicable settlement. The offer made by the husband was not found to be satisfactory and was, therefore, rejected by the wife.



11. Thereafter, this Court heard the arguments on merits. Upon perusal of the material on record, this Court does not find any good grounds to interfere with the impugned orders. The allegations against the petitioner include having illicit relationships with several women and neglecting to maintain the respondent and her son.

12. It is further specifically alleged that the petitioner started living with Smt. Geeta and, thereby, has deserted the respondent and her son entirely.

13. Taking note of the material evidence placed on record, the learned trial Magistrate allowed the petition partly. The first appellate Court, upon re-appreciating the material on record, considered the probative value of the documents and also took note that the petitioner is facing a Sessions trial in SC No.21/2007. In the said proceedings, the respondent-wife was examined as PW.17. She specifically deposed regarding the conduct of the revision petitioner.

14. While recording the statement of the accused in the said case, the revision petitioner did not deny the



material evidence placed on record by the respondent-wife, which clearly shows that he is maintaining company with several women and is also residing with Smt. Geeta.

15. Taking note of these aspects, the first appellate Court allowed the appeal of the wife by enhancing the compensation to Rs.1,50,000/- as against Rs.50,000/- awarded by the learned trial Magistrate and dismissed the challenge to the maintenance amount.

16. Accordingly, this Court does not find any good grounds to interfere with the orders of the trial Court and the first appellate Court. Hence, following:

ORDER

The present revision petitions are devoid of merit and are hereby ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE