



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE V.SRISHANANDA
CRIMINAL PETITION NO. 104303 OF 2025
(482(CR.PC)/528(BNSS))

BETWEEN:

NINGAPPA S/O BASAVANNI DODDABANGI
AGE. 50 YEARS, OCC. AGRICULTURE,
R/O. HANDIGUD, TQ. HUKKERI,
DIST. BELAGAVI-591123.

...PETITIONER

(BY SRI. AVINASH BANAKAR, ADVOCATE)

AND:

1. PUSHPA W/O NINGAPAP DODDABANGI
AGE. 47 YEARS, OCC. NIL,
R/O. HANDIGUD, TQ. HUKKERI,
NOW R/O. YADGUD, TQ. HUKKERI,
DIST. BELAGAVI-591123.
2. GOURAVVA D/O NINGAPPA DODDABANGI
AGE. 27 YEARS, OCC. NIL,
R/O. HANDIGUD, TQ. HUKKERI,
NOW R/O. YADGUD, TQ. HUKKERI,
DIST. BELAGAVI-591123.

...RESPONDENTS

(BY SMT. SUNANDA R. PATIL, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (528 OF BNSS), PRAYING TO QUASH THE IMPUGNED ORDER DATED 04.06.2025 PASSED BY THE COURT OF CIVIL JUDGE AND JMFC, HUKKERI, BELAGAVI IN CRL.MISC.NO.397/2022 ON IA NO.II FILED U/S 91 OF CR.P.C., VIDE ANNEXURE-A, IN THE INTEREST OF JUSTICE.





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

ORAL ORDER

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

1. Heard Sri.Avinash Bankar, learned counsel appearing for petitioner and Smt.Sunanda Patil, learned counsel appearing for respondents.

2. The Husband is the petitioner, challenging the rejection of his application filed under Section 91 of Code of Criminal Procedure (hereinafter referred to as 'the Cr.P.C.') in Criminal Miscellaneous No.397 of 2022.

3. The facts of the case are as under:

Respondent Nos.1 and 2 filed a petition for maintenance against the petitioner, alleging that they had been deserted by the petitioner.

4. Learned trial Judge is proceeding with the matter and the present petitioner contends that the first respondent is living in adultery and to establish the same, he seeks to summon the medical records of the first respondent so as to prove that the first respondent is affected with the venereal diseases, including



HIV positive and such a fact can be established only through the medical evidence.

5. Learned trial Judge after entertaining the objections of the respondents, dismissed the said application.

6. Being aggrieved by the same, husband is before this Court in this petition on following grounds:

- *It is submitted that the impugned order vide Annexure-A is arbitrary, illegal and one without authority of law and the same is liable to be quashed.*
- *It is submitted that the petitioner has specifically contended in his objections that the respondent No.1 before marriage was pregnant and he came to know of said fact when he took her to hospital, even he came to that she was infected with HIV. But the trial court without understanding the crux of the application has blindly dismissed the application. Hence the impugned order is liable to be set-aside.*
- *It is submitted that the respondent No.1 was having illicit relationship before marriage and was living in adulterous relationship, and more particularly she is living separately from the year 1999. Now after lapse of 22 to 23 later she has filed petition seeking maintenance. Hence the intention of the respondent No.1 wife is to deceit the petitioner husband. Hence the impugned order is liable to be quashed.*



7. Sri.Avinash Banakar, learned counsel for the petitioner, reiterating the grounds urged in the petition would vehemently contend that the first respondent is living in adultery, which is a positive ground to deny the maintenance and which has to be established by the petitioner herein and for which summoning of the medical records is utmost necessary, which has not been properly considered by the learned trial Judge while rejecting the application filed by the petitioner under Section 91 of the Cr.P.C. resulting in miscarriage of justice and sought for allowing the petition.

8. *Per contra*, Smt.Sunanda P. Patil, would contend that medical records of the respondent cannot be parted away, as it would be a privileged record so far as the first respondent is concerned and if the husband has taken up the contention that the first respondent is living in a adultery, he should establish the same before the Court by placing cogent evidence on record and not by summoning the medical records.

9. She would also contend that medical sciences has established that a person can be affected with HIV positive not only through the physical relationship but also for other reasons



as well and therefore the rejection of the application is just and proper.

10. Having heard the arguments of both sides, this Court has perused the material on record meticulously.

11. Taking note of the fact that the procedure applicable for an enquiry under Section 125 of the Cr.P.C. is summary in nature, and that the husband has to establish the plea of adultery by placing cogent and convincing material evidence on record. As such application seeking the summoning of the medical records of the first respondent was rightly rejected by the trial Magistrate.

12. Therefore, the impugned order does not require any interference by this Court, particularly in the exercise of its inherent jurisdiction.

13. Accordingly, the following order:

ORDER

The petition is ***dismissed***.

Sd/-
(V.SRISHANANDA)
JUDGE