



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V.SRISHANANDA

CRIMINAL PETITION NO. 105221 OF 2025

(482(CR.PC)/528(BNSS))

BETWEEN:

ASHOK S/O SHAMBULINGAPPA KOGILE,
AGED 44 YEARS, OCC. VILLAGE ACCOUNTANT,
R/O. NAREGAL, TQ. GAJENDRAGAD,
DIST. GADAG, NOW R/O AT THANI,
DIST. BELAGAVI-591304.

...PETITIONER

(BY SRI. VISHWANATH R. HEGDE, ADVOCATE)

AND:

1. GEETA W/O. ASHOK KOGILE
AGED 39 YEARS, OCC. TEACHER,
2. KUMARI SRUSTI D/O. ASHOK KOGILE
AGED 18 YEARS, OCC. STUDENT,
3. KUMAR PRITHVIRAJ S/O. ASHOK KOGILE,
AGED 14 YEARS, OCC. STUDENT,

RESPONDENTS NO.2 AND 3 ARE MINORS
R/BY THEIR NATURAL GUARDIAN
MOTHER GEETA W/O. ASHOK KOGILE,
AGED 39 YEARS, OCC. TEACHER,

ALL ARE R/O. KULGERI CROSS,
AT PRESENT MAIN ROAD,
NAREGAL, TQ. GAJENDRAGAD,
DIST. GADAG-582114.

...RESPONDENTS

(BY SRI. VISHWANATH K. BHAT, ADVOCATE FOR R1;
R2 AND R3 ARE MINORS R/BY R1)





THIS CRIMINAL PETITION IS FILED U/S 528 OF BNSS (U/S 482 OF CR.P.C.) SEEKING TO SET ASIDE THE ORDER DATED 5-9-2024 PASSED BY I ADDL. PRL. JUDGE FAMILY COURT GADAG IN CRL. R.P. NO. 95/2023 AND THE ORDER DATED 9-9-2019 PASSED BY PRL. CIVIL JUDGE AND JMFC RON IN CRL. MISC NO. 371/2012 ONLY IN RESPECT OF PETITIONER NO.1/RESPONDENT NO.1 IS CONCERNED IN THE INTEREST OF JUSTICE.

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

ORAL ORDER

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

Sri Vishwanath K.Bhat, learned counsel files power for respondent No.1 who represents minors respondents No.2 and 3.

2. Heard Sri Vishwanath R.Hegde, learned counsel for petitioner and Sri Vishwanath K.Bhat, learned counsel for respondent No.1.

3. Petitioner is the husband. Respondents are the wife and children. On account of non-taking care of the respondents by the petitioner, a petition under Section 125 Cr.P.C. came to be filed which was allowed by the learned trial Magistrate by granting sum of ₹5,000/- to the wife and sum of ₹3,000/- each to respondents No.2 and 3.



4. Challenging the quantum of compensation, husband filed a revision petition before the District Court which on the question of delay came to be dismissed.

5. Being further aggrieved by same, husband is before this court.

6. At the outset, Sri Vishwanath Hegde, learned counsel would contend that respondent No. 1 is also working and earning money. Therefore, if there is an enhancement in her salary, the petitioner who is working as a Village Accountant may be reserved with the right of filing a modification of the order passed by the learned trial Magistrate under Section 127 Cr.P.C., the matter can be disposed of.

7. Sri Vishwanath K.Bhat, learned counsel representing the respondents, however would contend that there is no enhancement in the salary of the first respondent and having regard to the cost of living is on the higher side, amount of maintenance ordered by the trial magistrate itself is on the lower side and sought for dismissal of the petition.



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

9. On such perusal of the material on record, since the first respondent is admittedly working as a teacher, if there is an enhancement in the salary of the first respondent, liberty is reserved for the petitioner to seek for modification of the quantum of maintenance.

10. With that observation, the following:

ORDER

Petition stands dismissed.

Sd/-
(V.SRISHANANDA)
JUDGE

CLK
Ct-cmu
LIST NO.: 1 SL NO.: 60