



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 1ST DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**CRIMINAL PETITION NO.201453 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

CHIDANAND S/O NINGAPPA KHADRI,
AGE: 56 YEARS, OCC: TEACHER,
R/O PADAGANUR SUBASCHANDRA
HIGH SCHOOL, HOSANAGAR DEVAR HIPPARAGI,
TQ. SINDAGI, DIST. VIJAYAPURA-586115.

...PETITIONER

(BY SRI. LAGALI RAIMOHAN SURESH, ADVOCATE)

AND:

1. SMT. LAKKAVVA W/O CHIDANAND KHADRI,
AGE: 46 YEARS, OCC: HOUSEHOLD WORK,
R/O UKKALI VILLAGE, TQ.BASAVANA BAGEWADI
DIST.VIJAYAPURA-586112.
2. VIJAYALAXMI D/O CHIDANAND KHADRI,
AGE: 21 YEARS, OCC: STUDENT,
R/O UKKALI VILLAGE, TQ. BASAVANA BAGEWADI,
DIST. VIJAYAPURA-586112.

...RESPONDENTS

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. (OLD), UNDER SECTION 528 OF BNSS (NEW), PRAYING TO ALLOW THIS CRIMINAL PETITION AND THEREBY QUASH THE ORDER DATED 10.07.2025 PASSED IN CRL.REV. PETITION NO.20/2020 BY THE IV ADDL. DISTRICT AND SESSIONS JUDGE, VIJAYAPURA IN ALLOWING THE INTERIM APPLICATION FILED UNDER SECTION 391 READ WITH SECTION 399 OF CR.PC. BY THE RESPONDENTS PRODUCED AT ANNEXURE-A AND ALL FURTHER PROCEEDINGS AGAINST THE PETITIONERS.





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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned petition is by the husband assailing the order of the Revisional Court which has ordered for a DNA test, since the petitioner is disputing his marriage with respondent No.1 and he is further disputing the paternity of second respondent/daughter.

2. The petitioner has suffered an order passed under Section 125 of the Code of Criminal Procedure, 1973, awarding maintenance to respondent Nos.1 and 2. Aggrieved thereby, he preferred a revision petition wherein he specifically questioned the very marital status of respondent No.1 and, as a corollary, disputed the paternity of respondent No.2/daughter. It appears that this stand taken by the petitioner in the revisional proceedings prompted respondent No.1/wife to move an



application seeking a direction to subject the petitioner to a DNA test for establishing the paternity of respondent No.2. The revisional Court, having considered the pleadings and the nature of dispute raised by the petitioner himself, proceeded to allow the said application. It is this order that is impugned in the present petition.

3. I have heard the learned counsel for the petitioner and carefully examined the order under challenge.

4. At the outset, before considering the matter on its merits, this Court posed a specific query to the learned counsel for the petitioner regarding compliance with the maintenance order passed by the Trial Court. It is not in dispute that the proceedings originated in the year 2020, and despite the lapse of nearly five years, the petitioner has not paid a single rupee towards the maintenance amount awarded in favour of respondent Nos.1 and 2. The learned counsel for the petitioner fairly conceded this fact.



5. Having regard to the nature of the revision petition, wherein the petitioner has directly disputed the marital status of respondent No.1 and consequently challenged the paternity of respondent No.2, the revisional Court, acting upon the very grounds urged by the petitioner himself, has directed the conduct of a DNA test for determining the paternity of respondent No.2. When the petitioner's own defence goes to the root of the marital relationship and the legitimacy of the child, the DNA test becomes a crucial tool enabling the Court to arrive at a just and conclusive determination of the controversy involved in the maintenance proceedings.

6. The contention of the petitioner that such a direction could not have been issued in the exercise of revisional jurisdiction is misconceived. Once the petitioner has chosen to dispute foundational facts such as marriage and paternity, facts which lie at the heart of proceedings under Section 125 Cr.P.C., the revisional Court was well within its powers to adopt measures necessary for



effective adjudication. The order directing a DNA test, in fact, operates in favour of the petitioner, as it seeks to finally resolve the very dispute raised by him. No prejudice is therefore demonstrated.

7. This Court is constrained to observe that the present petition is nothing but an attempt to further delay and frustrate the maintenance proceedings, which are summary in nature and intended to provide immediate relief to a destitute wife and child. The conduct of the petitioner and that of the father of respondent No.2 prima facie reflects a grossly unfair approach, compelling the wife and daughter to run from pillar to post for years together merely to secure subsistence.

8. It is now well-settled that in proceedings under Section 125 of Cr.P.C., where the husband himself disputes either the marital relationship or the paternity of the child, the Court is empowered to direct a DNA test to ascertain the truth of such assertions. The Hon'ble



Supreme Court in ***Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik [AIR 2014 SC 932]*** has categorically held that when scientific evidence such as DNA profiling is available, the Court cannot be compelled to shut its eyes to the truth, particularly when paternity is seriously contested. Similarly, in ***Dipanwita Roy v. Ronobroto Roy [AIR 2015 SC 418]***, the Apex Court recognised that a DNA test is the most legitimate and scientifically accurate method to establish paternity and may be ordered when the husband questions it. Even in the context of proceedings under Section 125 Cr.P.C., various High Courts have held that a direction for DNA testing is permissible where such determination is essential for adjudication of the claim for maintenance. Therefore, the revisional Court, faced with a categorical denial of marriage and paternity by the petitioner, has rightly invoked its jurisdiction to direct DNA profiling to assist in effective adjudication of the controversy.



9. In these circumstances and keeping in mind the interests of respondent Nos.1 and 2, this Court finds no ground to interfere with the impugned order. The petition is devoid of merit and is accordingly ***dismissed***.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

NB
List No.: 2 SI No.: 14
CT:SI