



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
CRIMINAL PETITION NO. 318 OF 2025
(482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI. RAKESH K.,
SON OF KRISHNA K.S,
AGED ABOUT 26 YEARS,
RESIDING AT NO.1, GOLLAPALLE,
GOPAVARAM MANDALAM,
KALAVAPALLE, Y.S.R. ANDHRA PRADESH - 516228.

...PETITIONER

(BY SRI. MADHUKAR M DESHPANDE., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY PULAKESHINAGAR POLICE STATION, BENGALURU-
560005.
REPRESENTED BY ITS SPP,
HIGH COURT COMPLEX,
BENGALURU - 560 001.

2. SRI. MIJU
SON OF JOSEPH,
AGED ABOUT 40 YEARS,
RESIDING AT NO.53, 2ND CROSS,
CHANDRAVADANA LAYOUT,
RAMAMURTHY NAGAR, BENGALURU-560016

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R1
R2-MIJU SERVED)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO i) QUASH THE FIR IN CRIME NO.00167/2023
REGISTERED BY THE RESPONDENT NO.1 I.E., PULAKESHINAGAR
POLICE STATION FOR THE OFFENCE P/U/S 34, 406 AND 420 OF IPC,

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified





CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

1860 (ANNEXURE-A) PENDING ON THE FILE OF 4TH ADDL. CMM, BENGALURU AS AGAINST THE PETITIONER. ii) QUASH THE COMPLAINT DATED 28.05.2024 (ANNEXURE-B) FILED BY THE RESPONDENT NO.2 BEFORE THE RESPONDENT NO.1 POLICE STATION.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a. *quash the FIR in Crime No.00167/2023 registered by the respondent no.1 i.e., Pulakeshinagar Police Station for the offence p/u/s 34, 406 and 420 of IPC, 1860 (Annexure-A) pending on the file of 4th Addl. CMM, Bengaluru as against the petitioner.*
 - b. *quash the complaint dated 28.05.2024 (Annexure-B) filed by the respondent no.2 before the respondent no.1 police station.*
 - c. *Pass any other order as this Hon'ble court may deem fit and proper in the facts and circumstances of the case in the ends of justice.*
2. Respondent No.2 lodged a complaint on 28.05.2024, pursuant to which Crime No.0167/2024 came to be registered by Pulakeshinagar Police Station for the offences punishable under Sections 34, 406 and 420 of the Indian Penal Code. The petitioner has

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified



approached this Court challenging the said FIR and seeking the aforesaid relief.

3. The case of Respondent No.2, as set out in the complaint, is that in May 2023 he came across advertisements on Instagram and Facebook stating that employment opportunities were available in Poland. He contacted the phone number mentioned in the advertisements and was informed that such employment opportunities were available. He was thereafter asked to pay a sum of Rs.1,00,000/- towards processing his application, which he paid on 29.07.2023. Subsequently, he paid a further sum of Rs.1,00,000/-, comprising Rs.50,000/- on 01.09.2023 and another Rs.50,000/- on 16.09.2023. He also handed over his passport to the petitioner.
4. Despite the payments and repeated follow-ups, no job offer or work permit was provided to Respondent No.2. Alleging that the petitioner and other persons were acting together in connection with the representations made regarding the employment, Respondent No.2 lodged the complaint.
5. Sri. Venkatramana, learned counsel for the petitioner, submits that the petitioner was only an employee of PEMA LINGWA (OPC) PRIVATE LIMITED,



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

a one-person company established by accused No.1, Pema Lingwa. According to him, the petitioner was employed only as a content creator and had no role in the alleged cheating of Respondent No.2. He further submits that the petitioner resigned from the company on 14.03.2024 and, therefore, could not have been involved in the alleged acts. On these grounds, he submits that continuation of the criminal proceedings against the petitioner is not warranted.

6. Heard learned counsel for the petitioner and perused the material on record.
7. A perusal of the material indicates that the petitioner was engaged by accused No.1 for creating content, advertisements and other digital material for the company. Such material was published on the company's website, www.pemalingwa.com, as well as on social media platforms including Facebook and Instagram. It is the petitioner's case that he created and uploaded the digital advertisements on the instructions of accused No.1.
8. The material further indicates that the petitioner subsequently came to know that accused No.1, being a citizen of Nepal, was unable to fulfil the promises made to the customers. It is in those circumstances

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

that the petitioner claims to have resigned from the company on 14.03.2024.

9. However, the complaint contains specific allegations concerning the petitioner's interaction with Respondent No.2. A perusal of the material indicates that there was communication between the petitioner and Respondent No.2 on 18.05.2024. It is also alleged that Respondent No.2 had handed over his passport to the petitioner. These circumstances require examination during the course of investigation.
10. At this stage, this Court is not required to determine whether the petitioner was merely a content creator or whether he was also involved in the transactions with Respondent No.2. That question would depend upon the material collected during investigation, including the nature of the petitioner's communications with Respondent No.2, the circumstances in which the passport came into his possession, the role played by him in relation to the advertisements and the receipt or processing of the amounts paid by Respondent No.2.
11. The fact that the petitioner resigned from the company on 14.03.2024 is a circumstance which can

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

be considered during investigation. However, the alleged interaction between the petitioner and Respondent No.2 on 18.05.2024, after the petitioner's resignation, also requires examination. At this stage, therefore, the Court cannot proceed on the assumption that the petitioner had no connection with the alleged transaction merely on the basis of his designation or resignation from the company.

12. It is also necessary to bear in mind that allegations relating to fraudulent recruitment and promises of employment abroad require to be viewed seriously. Persons seeking employment, particularly overseas employment, may be induced to part with substantial amounts of money and their personal documents on the basis of false representations. Such activities, if established, have serious consequences and cannot be permitted to continue unchecked. Job rackets involving false promises of employment, particularly overseas employment, are required to be dealt with strictly, as they may result not only in financial loss to unsuspecting persons but also in serious hardship and exploitation.
13. At the same time, the seriousness of such allegations cannot by itself be a reason to attribute criminal

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

liability to every person associated with the establishment. The investigation must determine the individual role of each person alleged to be involved. In the present case, the specific allegations regarding the petitioner's interaction with Respondent No.2 and the alleged receipt of his passport require investigation.

14. If, upon investigation, it is found that the petitioner was only engaged in creating digital content and had no role in the representations made to Respondent No.2, receipt of money, handling of his passport or any other act constituting the alleged offences, the Investigating Officer will take an appropriate decision in accordance with law. On the other hand, if the investigation discloses that the petitioner was knowingly involved in the alleged transaction, his role will have to be dealt with in accordance with law.
15. In these circumstances, it would be premature at this stage for this Court to conclude that no offence is made out against the petitioner. The allegations require investigation, particularly in view of the specific material relating to the petitioner's communication with Respondent No.2 and the possession of his passport.

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified



CNR: KAHC010010192025

NC: 2026:KHC:51998
CRL.P No. 318 of 2025

16. Accordingly, the petition is **dismissed**. It is, however, made clear that the observations made herein are confined to the consideration of the present petition at the stage of investigation and shall not influence the Investigating Officer or the competent Court while considering the matter on its merits.
17. The petitioner is at liberty to avail such remedy as may be available to him in law, if a charge sheet is filed against him.

Digitally Signed By:
SURAJ GOVINDA RAJ
28/09/2026, 11:23, Bengaluru
Verified

(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 2 Sl No.: 12