



CNR: KAHC010016422025

NC: 2026:KHC:51778
CRL.P No. 429 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. 429 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

SRI HARMEN SELVAN
S/O SRI LATE LARENCE AMBROSE,
AGED ABOUT 69 YEARS,
RESIDING AT NO 18,
5TH CROSS, B G S LAYOUT,
EJIPURA ,
VIVEKNAGAR, BENGALURU - 560047

...PETITIONER

(BY SRI. KRISHNA B J., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY JEEVAN BHEEMANAGAR POLICE STATION,
BENGALURU CITY,
BENGALURU - 560064



REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU - 560001

2. SMT T.G. RAJESHWARI
W/O LATE K. RAVI,
AGED ABOUT 61 YEARS,
RESIDING AT 1ST FLOOR,
ANANDA NILAYAM,
3RD MAIN ROAD, 5TH CROSS,
KARNATAKA PUBLIC SCHOOL ROAD,

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KRISHNARAJAPURAM
EXTENSION
BENGALURU - 560036

...RESPONDENTS

(BY SMT. RASHMI PATEL., HCGP FOR R1;
SRI. ASHWINI B.N., ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR IN CRIME NO. 268/2024 AND FURTHER PROCEEDINGS IN PCR NO. 64016/2024 FOR THE OFFENCE PUNISHABLE UNDER SECTION 354, 376, 420, 109, 504, 506, 509, READ WITH SECTION 34 OF THE IPC (SECTION 74, 64, 318, 49, 352, 351, 79, R/W 3(5) BHARATIYA NYAYA SANHITA, 2023) WHICH IS PENDING ON THE FILE OF LEARNED 10TH ACJM (MAYO HALL) AT BENGALURU CITY AND FIR FILED BY THE JEEVAN BHEEMANAGAR POLICE, BENGALURU CITY VIDE ANNEXURE-A & B AND ETC.

THIS CRIMINAL 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. 268/2024 and further proceedings in PCR No. 64016/2024 for the offence punishable under section 354, 376, 420, 109, 504, 506, 509, read with section 34 of the IPC (Section 74, 64, 318, 49, 352, 351, 79, r/w 3(5) Bharatiya Nyaya Sanhita, 2023) which is pending on the file of learned 10th ACJM (Mayo Hall) at Bengaluru City and FIR filed by the Jeevan Bheemanagar Police, Bengaluru City vide Annexure-A & B*

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b) Grant such other relief's as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice and equity.

2. Respondent No.2 had filed a private complaint in PCR No.64016/2024 alleging commission of offences by the petitioner punishable under Sections 354, 376, 420, 109, 504, 506 and 509 read with Section 34 of the Indian Penal Code, corresponding to Sections 74, 64, 318, 49, 352, 351 and 79 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. The learned Magistrate, by order dated 19.08.2024, referred the complaint for investigation to the J.P. Nagar Police Station under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Pursuant thereto, notice having been issued to the petitioner, the petitioner is before this Court seeking the aforesaid reliefs.
3. The allegations made in the complaint, in substance, are that the petitioner and respondent No.2 were both employees of BESCO. Respondent No.2 was working in the E6 Sub-Division, while the petitioner was working as the In-charge Manager of the said Sub-Division.
4. It is alleged that, on 30.08.2014, the petitioner compelled respondent No.2 to take leave from the office for a day and called her to Tumakuru. Believing that the petitioner intended to discuss some matter with her, respondent No.2 went to Tumakuru. It is alleged that the petitioner thereafter took her to a pre-booked room in a hotel near

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the Government Bus Stand, Tumakuru, and sexually assaulted her against her will. It is further alleged that the petitioner threatened her with suspension from service if she disclosed the incident to anyone and also threatened to bring the dignity of her family to the street.

5. It is further alleged that the petitioner recorded a video clip of the incident and handed over the same to one Rajendran Babu N., who was arrayed as accused No.2 in the private complaint. According to respondent No.2, the said Rajendran Babu thereafter blackmailed her and her husband.
6. It is further alleged that respondent No.2 approached the Jeevan Bheema Nagar Police Station and lodged a complaint on 24.06.2016, pursuant to which NCR No.169/2016 came to be registered. Thereafter, she is stated to have approached the Women's Grievance Redressal Committee of BESCO, Indiranagar Sub-Division, on 11.08.2016 and 22.09.2016.
7. Respondent No.2 further claims to have approached various authorities and forums, including the Prevention of Violence against Women and Children Committee, Vidhana Soudha, the Women's Commission, the Women's Grievance Redressal Committee and the Karnataka State Human Rights Commission, on different occasions. It is alleged that no action was taken on those complaints.

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However, the complaints said to have been submitted before those authorities do not form part of the present complaint.

8. It is further alleged that respondent No.2 subsequently submitted complaints before the Deputy Commissioner of Police, Ulsoor, on 23.02.2017 and the Commissioner of Police on 27.02.2017 and again approached the Jeevan Bheema Nagar Police Station on 30.11.2017. According to her, no effective action was taken on those complaints.
9. Thereafter, on 03.06.2023, respondent No.2 is stated to have submitted a complaint before the Deputy Commissioner of Police and, ultimately, filed the present private complaint under Section 200 of the Code of Criminal Procedure, corresponding to Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on 30.07.2024.
10. Learned counsel for the petitioner submits that the interaction and sexual relationship between the petitioner and respondent No.2 were consensual and that there was no force, coercion or threat on the part of the petitioner. It is submitted that the alleged incident is stated to have occurred on 30.08.2014, whereas the private complaint came to be filed only on 30.07.2024, nearly ten years thereafter.

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11. Learned counsel further submits that respondent No.2 had admittedly approached the police and other authorities on several occasions in the intervening period. The jurisdictional police had registered an NCR pursuant to one of the complaints. According to learned counsel, the complaints made before the various authorities were considered and no action was taken pursuant thereto. It is therefore submitted that, after having pursued the matter before several authorities, respondent No.2 could not, after nearly a decade, institute the present private complaint on the same allegations.
12. It is further submitted that the petitioner has since retired from service and that he had retired well before the filing of the present complaint. According to learned counsel, the present proceedings have been initiated only to harass the petitioner and constitute an abuse of the process of law. On these grounds, he seeks quashing of the proceedings.
13. Per contra, learned counsel appearing for respondent No.2 submits that the delay in approaching the Court is satisfactorily explained. It is submitted that respondent No.2 continued in service after the alleged incident and was apprehensive that, if she pursued the allegations against the petitioner while he was in service and occupying a position of authority, he could cause



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disciplinary action to be initiated against her, including suspension or removal from service.

14. It is therefore submitted that the circumstances in which respondent No.2 continued in service constitute sufficient explanation for the delay and that the allegations made in the complaint require investigation and cannot be terminated at the threshold.
15. Heard Sri. Krishna B.J., learned counsel for the petitioner, and Smt. Rashmi Patel, learned HCGP for respondent No.1. Perused the material on record.
16. A perusal of the material placed before this Court would indicate that, as on the year 2024, respondent No.2 was aged about 60 years and the petitioner was aged about 68 years. The alleged incident is stated to have occurred on 30.08.2014. The private complaint, however, came to be filed only on 30.07.2024.
17. The explanation offered by respondent No.2 for the delay is that she continued to be in service and was apprehensive of adverse consequences at the hands of the petitioner. However, the material on record indicates that the petitioner had retired from service several years prior to the filing of the private complaint. In the circumstances, the apprehension that the petitioner could exercise his official position against respondent No.2

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requires to be considered in the context of the period during which the petitioner was actually in service.

18. More importantly, the delay in the present case cannot be considered in isolation. Respondent No.2 herself refers to having approached the police and several other authorities on different occasions from the year 2016 onwards. One such complaint resulted in registration of NCR No.169/2016. She is also stated to have approached various departmental and statutory authorities and thereafter the police authorities again in the years 2017 and 2023.
19. Therefore, the case is not one where respondent No.2 remained completely silent for nearly a decade and approached the Court for the first time in the year 2024. At the same time, the material placed before this Court does indicate that, despite the various complaints and approaches made by respondent No.2 during the intervening period, the present private complaint alleging commission of the offences in question came to be instituted only in the year 2024.
20. In these circumstances, the question before this Court is not whether the allegations made by respondent No.2 are to be accepted or rejected on merits. The Court, while exercising jurisdiction at this stage, is required to consider whether, having regard to the entirety of the



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circumstances placed on record, continuation of the proceedings pursuant to the private complaint would amount to an abuse of the process of the Court or whether the matter ought to be permitted to proceed in the ordinary course.

21. The alleged incident is stated to have occurred on 30.08.2014. The private complaint was filed nearly ten years thereafter. The petitioner had retired from service several years prior to the filing of the complaint. During the intervening period, respondent No.2 had approached various authorities and the jurisdictional police on more than one occasion. Despite such approaches, the present private complaint was instituted only in the year 2024.
22. The explanation that respondent No.2 was apprehensive of adverse action while she remained in service cannot, in the peculiar circumstances of the present case, satisfactorily explain the entire period of delay, particularly when the material indicates that complaints had already been made against the petitioner during the years 2016 and 2017 and the petitioner had subsequently retired from service.
23. The Court is also required to take note of the fact that the allegations relate to an incident of the year 2014, whereas the present proceedings were initiated only in the year 2024. With the passage of such considerable



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time, the circumstances in which the alleged incident is stated to have occurred and the material sought to be relied upon would necessarily have to be examined after such prolonged lapse of time.

24. It is not necessary for this Court, for the purpose of deciding the present petition, to record any finding on the disputed question as to whether the alleged relationship was consensual or otherwise. That issue would ordinarily be a matter for evidence. However, the Court cannot ignore the admitted chronology of events, the prolonged lapse of time, the earlier approaches made by respondent No.2 to various authorities, the nature of the action taken pursuant thereto, and the fact that the petitioner had ceased to be in service well before the filing of the private complaint.
25. When the aforesaid circumstances are considered cumulatively, this Court is of the considered view that permitting the proceedings arising out of PCR No.64016/2024 to continue would not advance the interests of justice. The institution of the private complaint at this stage, after the passage of nearly a decade from the alleged incident and after the complainant had already approached several authorities on the same allegations, gives rise to a situation where continuation of the proceedings would result in subjecting the petitioner to a criminal prosecution in circumstances



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which, taken cumulatively, render the proceedings unsustainable.

26. This Court is therefore of the considered opinion that the present proceedings, in the peculiar facts and circumstances of the case, amount to an abuse of the process of law and warrant interference in exercise of the jurisdiction of this Court.
27. In the above circumstance, this Court passes the following:

ORDER

- i) Criminal Petition is ***allowed***.
- ii) The proceedings in FIR in Crime No.268/2024 and further proceedings in PCR No.64016/2024 for the offence punishable under Section 354, 376, 420, 109, 504, 506, 509 read with Section 34 of IPC (Section 74, 64, 318, 49, 352, 351, 79 r/w 3(5) of BNS, 2023 pending on the file of learned 10th Additional CJM (Mayo Hall), Bengaluru City and FIR filed by the Jeevan Bheemanagar Police, Bengaluru City vide Annexures-A and B are quashed.
- iii) It is made clear that the observations made herein are confined to examination of the maintainability and continuation of the proceedings in the peculiar facts and circumstances placed before this Court

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and shall not be construed as a finding on the truth
or otherwise of the allegations made by respondent
No.2.

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(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 4