



CNR: KAHC010016882024

NC: 2026:KHC:48312
CRL.P No. 384 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 384 OF 2024

BETWEEN:

SMT ROOPA
W/O SRI. JAYANNA ACHAR,
AGED ABOUT 43 YEARS,
RESIDING AT MALAGAL
NAGARABHAVI,
BENGALURU 560072

PERMANENT ADDRESS,
NO.185, BARAGIHALLI VILLAGE,
SALAPURA
CHIKKANAYAKANAHALLI TALUK
TUMKUR DISTRICT 572 119

...PETITIONER

(BY SRI. PRAKASHA M, ADVOCATE)

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
THE STATION HOUSE OFFICER
ATTIBELE POLICE STATION
BENGALURU DISTRICT 562 107

REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU -560 001

2. SRI. GOVINDAPPA
S/O MUNIYAPPA



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AGED ABOUT 51 YEARS,
R/AT AMBEDKAR COLONY,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT -560 067

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. A.V. RAGHAVENDRA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN SPL.C.NO.948/2023(CRIME NO.181/2023) OF ATTIBELE POLICE STATION, BENGALURU DISTRICT, FOR THE ALLEGED OFFENCE P/U/S 3(2)(v-a), 3(1)(w)(i)(ii), 3(1)(r)(s) OF SC/ST (POA) ACT AND SEC. 354C, 417, 376(2)(n) R/W SEC. 34 OF IPC AND SEC. 66(E), 67(A) OF I.T. ACT, 2000, PENDING ON THE FILE OF HONBLE 2ND ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition filed under Section 482 Cr.P.C. seeking to quash the proceedings against petitioner - accused No.2 in Spl.C.No.948/2023 arising out of Crime No.181/2023 of Attibele Police Station, Bengaluru District for the offence punishable under Sections 3(1)(r)(s), 3(1)(w)(i)(ii) and 3(2)(v-a) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') and Sections 354C, 417, 376(2)(n) r/w Section 34 of IPC and Sections 66(E)



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and 67(A) of Information Technology Act, 2000 (for short, 'the IT Act'), presently, pending on the file of II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru.

2. The brief facts of the case are that respondent No.2-Govindappa lodged a complaint before respondent No.1-Police on 27.05.2023, alleging that his second daughter, who was studying at N.M.K.R.V. College, Jayanagara 3rd Block, Bengaluru, had become acquainted with accused No.1-Ramesh through social media. Taking advantage of the acquaintance, accused No.1 allegedly committed rape on her on several occasions on the promise of marriage and also took her obscene photographs and videos. Thereafter, when the complainant and his daughter requested the petitioner, being the mother of accused No.1, to perform the marriage of his daughter with accused No.1, the petitioner allegedly abused them by referring to him caste. Subsequently, accused No.1 allegedly uploaded the obscene photographs and videos of the victim on WhatsApp. Hence, respondent No.2 lodged the complaint against accused No.1 and this petitioner.



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3. On the strength of the said complaint, the respondent No.1 - police registered the case against the accused No.1 and this petitioner in Crime No.181/2023 for the offences punishable under Sections 3(2)(V), 3(2)(v-a), 3(1)(w)(i)(ii) and 3(1)(r)(s) of SC/ST Act and Sections 354C, 504, 506, 509 r/w Section 34 of IPC and Sections 66(E) and 67(A) of IT Act.

4. Subsequently, after investigation respondent No.1- Police laid charge sheet against petitioner and four others for the offence punishable under Sections 3(1)(r)(s), 3(1)(w)(i)(ii) and 3(2)(v-a) of SC/ST Act and Sections 354C, 417, 376(2)(n) r/w Section 34 of IPC and Sections 66(E) and 67(A) of IT Act by arraying this petitioner as accused No.2. Accordingly, the learned Sessions Judge took cognizance of the offences. Aggrieved by the same, the petitioner - accused No.2 filed this criminal petition to quash the proceedings against her.

5. Heard the learned counsel for the petitioner so also the learned counsel for respondent No.2 and learned HCGP for respondent No.1.



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6. The primary contention of the learned counsel for the petitioner is that, on a perusal of the complaint and the charge-sheet material, there is no allegation or material to show that the petitioner abused the complainant or his daughter by referring to their caste in a place within "public view". It is further contended that, according to the complainant himself, the discussion regarding the marriage proposal of his daughter with accused No.1 took place at his residence, and the alleged threat by the petitioner was communicated to him over the phone. Therefore, it is argued that there is no material to attract the provisions of the SC/ST Act, the IT Act or the IPC against the petitioner.

7. The petition is opposed by the learned counsel for respondent No.2 as well as learned HCGP on the ground that now that charge sheet has been submitted against the petitioner, at this stage the proceedings cannot be quashed.

8. I have given my anxious consideration to the submission made by the learned counsel for the respective parties so also perused the entire charge sheet materials.



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9. As could be gathered from complaint and the charge-sheet material, it is the specific case of the complainant that his daughter and accused No.1 were in a relationship for a considerable period and, thereafter, accused No.1 failed to marry her. Consequently, a discussion was held at the complainant's residence, during which the petitioner allegedly abused the complainant and his daughter by referring to their caste. Even accepting the allegations in the complaint as they stand, the alleged incident did not take place at a place within "public view".

10. The Hon'ble Apex Court in the case of **GUNJAN @ GIRJA KUMARI VS. STATE (NCT OF DELHI AND ANOTHER)** reported in **2026 LiveLaw (SC) 484** has held in paragraph No.9 that if the humiliation or abusive utterances as the case may be takes place in a place within public view in the presence of members of the public, then the offence under Section SC/ST Act attracts. Conversely, where such alleged acts are committed at a place which is not within "public view", the offences punishable under Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(v-a) of the SC/ST Act are not attracted.



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11. In paragraph Nos.9 to 11 of the above judgment reads as under:

"9. Thus, it is trite principle that the FIR becomes liable in law to be quashed when it, in its bare reading, does not disclose the necessary ingredients to constitute the offence alleged therein. The basic constituents of the offence alleged in the FIR must stem and stand disclosed from the contents of the FIR. In order that the FIR alleging any action is sustainable in law to be a good and acceptable document to proceed criminally against any accused named therein or any person to be made accused on its basis, it must manifest and reveal basic ingredient of the offence(s) alleged therein. For an offence to be made out under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, as is the question in the instant case, the requirement that the occurrence has to be "in a place within public view" is not satisfied, is missing and absent.

9.1 It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened "in a place within public view", is in a way, a principal requirement amongst the other ingredients. The other aspects namely "intentional insult or intimidation" and "an intent to humiliate", gathers a kind of



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intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in "a place within public view", in the presence of members of the public. The requirement that the place must be one "within public view" can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act.

10. This leaves the Court to the charge framed under Section 506 read with Section 34, IPC against all the appellants. As noted hereinabove, the offence of criminal intimidation as defined under Section 503, IPC and made punishable under Section 506, IPC requires that whoever threatens another with any injury to his person, reputation or property and when such threat is with the intent to cause alarm to that person, commits criminal intimidation. The "intent to cause alarm" is an pivotal aspect and consideration to judge whether the offence of criminal intimidation is made out or not.

10.1 In the present case, even after closely reading the averments in the complaint, it is difficult to come to the conclusion that the appellants-accused exerted threat with an intent to cause "alarm" to respondent No.2-



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complainant. The submission could be countenanced that the element of "alarm" to the complainant was "absent". Even otherwise, the offence under Section 506, IPC was alleged against the appellants to conjunct the same with the offence alleged under the SC/ST Act which are not made out.

10.2 As far as the charge under Section 34, IPC is concerned, nothing is suggested either from the facts or attendant circumstances that the appellants-accused had any common intention to do a criminal act and that they acted in furtherance of such common intention. In that view, it would be an abuse of the process of law and would amount to harassment to the appellants to subject them to the criminal proceedings in relation to Section 506 read with Section 34, IPC.

11. For the aforesaid reasons and discussion, it is evident that the charge could not have framed and was wrongly framed by the trial court against the appellants-accused for the offences under Sections 3(1) (r) and 3(1)(s) of the SC/ST Act and under Section 506 read with Section 34, IPC. The judgment and orders dated 22.08.2024 passed by the High Court of Delhi, dismissing the Criminal Revision Petition No.114 of 2023 and



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Criminal Miscellaneous Application No.3181 of 2023, are not sustainable in eye of law."

12. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case particularly insofar as the petitioner-accused No.2 is concerned, the same are squarely applicable. Further, on perusal of the statements of the witnesses, except for certain omnibus allegations, there are no specific averments or allegations against the petitioner. Admittedly, the materials on record do not disclose the commission of any offences punishable under the provisions of the IPC or the IT Act or SC/ST Act against the petitioner. In view of the foregoing discussion, I am of the considered opinion that the petitioner has made out a case for quashing of the proceedings. Hence, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused No.2 in Spl.C.No.948/2023 (Crime No.181/2023) registered by Attibele Police Station,



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Bengaluru District, for the offences punishable under Sections 3(1)(r)(s), 3(1)(w)(i)(ii) and 3(2)(v-a) of SC/ST Act, Sections 354C, 417, 376(2)(n) r/w Section 34 of IPC and Sections 66(E) and 67(A) of IT Act, presently pending on the file of II Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, is hereby quashed.

iii. It is made clear that the proceedings shall continue against the other accused.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 42