



CNR: KAHC010020172024

NC: 2026:KHC:49138
CRL.P No. 422 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 422 OF 2024

BETWEEN:

1. SMT SAROJAMMA
W/O SRINIVAS
AGED ABOUT 46 YEARS
R/AT CHANCHARAYANAPALLI VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPUR DIST
CHIKKABALLAPUR-561 207
2. SRI. SRINATH
S/O SRINIVS
AGED ABOUT 24 YEARS
R/AT CHANCHARAYANAPALLI VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPUR DIST
CHIKKABALLAPUR-561 207
3. SRI. VINOD
S/O SRINIVAS
AGED ABOUT 26 YEARS
R/AT CHANCHARAYANAPALLI VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPUR DIST
CHIKKABALLAPUR-561207

Digitally signed
by PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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4. SMT. GAYITHRI
C/O SRINATHA
AGED ABOUT 26 YEARS
R/AT CHANCHARAYANAPALLI VILLAGE
BAGEPALLI TALUK
CHIKKABALLAPUR DIST
CHIKKABALLAPUR-561 207

...PETITIONERS

(BY SMT. NAVYA C.D, ADVOCATE FOR
SRI. NAGARAJA N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
WHITE-FIELD POLICE STATION
BANGALORE CITY
REPTD BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE 560 001
2. SRI. PRAKRUTHI V
D/O LATE VENKATESH
AGED ABOUT 23 YEARS
R/AT NO.92, 6TH CROSS,
RISHIK LADY P G
PATTANDURU GUTTA
SANGOLLI RAYANNA ROAD,
AMBEDKAR NAGAR
BANGALORE-560 066

...RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
R2 NOTICE SERVED)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ENTIRE PROCEEDINGS IN SPL.C.NO.1196/2023
PENDING ON THE FILE OF THE II ADDL.DISTRICT AND
SESSION JUDGE AT BENGALURU RURAL DISTRICT BENGALURU
FOR THE OFFENCE P/U/S 376,504,506 R/W 34 OF IPC AND



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SEC.3(1)(r),3(1)(s),3(1)(w)(i),3(2)(v) OF SC/ST (POA) ACT
AND SEC.66E OF I.T ACT-2000.

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 is filed under Section 482 of Cr.P.C seeking to quash proceedings against the petitioners - accused Nos.3 to 6 in Spl.C.No.1196/2023 (arising out of Crime No.364/2023 of Whitefield Police Station), for the offences punishable under sections 376, 504, 506 r/w 34 of IPC and Section 3(1)(r)(s), 3(1)(w)(i), 3(2)(v) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act'), and Section 66E of IT Act, presently pending on the file of II Additional District and Sessions Judge at Bengaluru Rural District, Bengaluru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 06.09.2023 alleging that she was working as a Sales Executive at Park Square Mall, where accused No.1-Naveen was also



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working from 27.09.2022. It is alleged that they became friends and subsequently developed a relationship. Thereafter, accused No.1, after gathering information regarding the financial status of respondent No.2, introduced her to his parents and brother.

3. It is further alleged that, taking advantage of their intimate relationship, accused No.1 took respondent No.2 to a lodge/OYO hotel at Prashanth Layout, Whitefield, on 21.02.2023 and, by threatening her with dire consequences, had sexual intercourse with her. Thereafter, he threatened her not to disclose the incident to anyone. It is further alleged that accused No.1 informed respondent No.2 that he had video-graphed the incident and threatened to circulate the same on social media if she did not accede to his sexual demands. Under such threat, he continued to subject her to sexual acts on several occasions.

4. It is further alleged that, on 27.07.2023, respondent No.2 went to the house of accused No.1 and informed accused Nos.2 to 6, namely, his parents, brother and sister-in-law, about the alleged acts committed by accused



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No.1. At that time, they abused respondent No.2 in filthy language by referring to her caste and threatened her with dire consequences. Accordingly, she lodged the complaint before respondent No.1-Police. Based on the said complaint, the FIR came to be registered against the petitioners and others for the aforesaid offences. After registration of the FIR, respondent No.1-Police conducted investigation and laid the charge-sheet against the petitioners and others, arraigning the petitioners as accused Nos.3 to 6. Aggrieved by the same, the petitioners have preferred the present petition.

5. Heard the learned counsel for the petitioners and the learned HCGP. Despite service of notice to respondent No.2, she remained absent.

6. Apart from urging several contentions, learned counsel for the petitioners primarily contended that, on perusal of the entire charge-sheet material, the only allegation against the petitioners is that, on 27.07.2023, when respondent No.2 approached them and the other accused, they abused her in filthy language by referring to her caste. Except the said allegation, no other specific overt act is attributed to these



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petitioners in the charge-sheet material. It is contended that the alleged incident occurred within the four walls of the house of accused No.1 and, therefore, was not within public view. Hence, Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and 3(2)(v) of the SC/ST Act are not attracted against the petitioners, in view of the law laid down by the Hon'ble Apex Court and this Court in a catena of judgments. It is further contended that the other allegations in the complaint and charge-sheet are directed only against accused Nos.1 and 2. Accordingly, he prays to allow the petition.

7. *Per contra*, opposing the prayer of the petitioners, learned HCGP contended that respondent No.1-Police, after conducting a detailed investigation, have laid the charge-sheet and that the statements of the material witnesses disclose the involvement of the petitioners in the alleged offences. Hence, it is contended that there are sufficient materials to proceed against the petitioners. Accordingly, learned HCGP prays to dismiss the petition.



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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.

9. As could be gathered from charge-sheet materials, respondent No.2 has stated in the complaint that she and accused No.1 were working together in a store, pursuant to which they became close and subsequently developed an intimate relationship. It is further alleged that respondent No.2 disclosed the said relationship to the family members of accused No.1 at their residence, i.e., the house of the petitioners, whereupon they allegedly abused her by referring to her caste.

10. However, neither the complaint nor the charge-sheet materials disclose that the petitioners were aware of the caste of respondent No.2 or that the alleged reference to her caste was made with an intention to insult, intimidate or humiliate her on the ground of her caste. There is no material in the form of any document or statement of witnesses to substantiate such an allegation. Further, admittedly, the alleged incident occurred within the four walls of the house of



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the petitioners and, therefore, was not in a place within public view.

11. 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)(s), 3(1)(w)(i) and 3(2)(v) of the SC/ST Act are not attracted.

12. 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



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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 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.



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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-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



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

13. Collocating the aforesaid findings of the Hon'ble Apex Court with the facts and circumstances of the instant case, particularly insofar as the petitioners/accused Nos.3 to 6 are concerned, the same are squarely applicable. Further, on perusal of the statements of the witnesses, except for certain omnibus allegations, no specific overt act or allegation is



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forthcoming against the petitioners. Admittedly, the materials on record do not disclose the commission of any offences punishable under the provisions of the IPC, the IT Act or the SC/ST Act by the petitioners. In view of the foregoing discussion, I am of the considered opinion that the petitioners have made out a case for quashing of the proceedings insofar as they are concerned. Hence, I proceed to pass the following:

ORDER

- i. The petition is ***allowed***.
- ii. The proceedings against the petitioner/accused Nos.3 to 6 in Spl.C.No.1196/2023 (arising out of Crime No.364/2023 of Whitefield Police Station), for the offences punishable under sections 376, 504, 506 r/w 34 of IPC and Section 3(1)(r)(s), 3(1)(w)(i), 3(2)(v) of the SC/ST Act and Section 66E of IT Act, presently pending on the file of II Additional District and Sessions Judge at Bengaluru Rural District, Bengaluru, is hereby quashed.



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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.: 25