



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO.791 OF 2019

BETWEEN:

SRI ANAND ASHRITH
S/O GOPAL ASHRITH,
AGED ABOUT 38 YEARS,
R/AT NO.93, 1ST CROSS,
RAMANNA GARDEN,
VIDYARANYA PURA,
BENGALURU - 560 095.

...PETITIONER

(BY SRI NITHIN GOWDA K.C., ADVOCATE FOR
SRI PRASANN KUMAR P., ADVOCATE)

AND:

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka

- 1 . STATE OF KARNATAKA
BY HAL POLICE STATION,
BENGALURU
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
DR B R AMBEDKAR VEEDHI,
BENGALURU - 560 001.
- 2 . Ms. USHA RANI
D/O LATE RAJANNA
RESIDING AT 5-1,
BINDI ENCLAVE,
2ND FLOOR,
NANJAPPA LAYOUT,



VIDYARANYAPURA,
BENGALURU - 560 095.

NOW R/AT NO.16,
HARI OM NILAYA,
NEAR HITHAKARI NURSERY,
MUTHUGADA HALLI ROAD,
SHIVAKOTE,
HESARAGHATTA ROAD,
BENGALURU - 560 089.

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R1;
SRI CLIFTON D. ROZARIO, ADVOCATE FOR
SMT. MAITREYI KRISHNAN, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO SET
ASIDE THE ORDER DATED 27.06.2018 PASSED BY THE LVII
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL
UNIT, BENGALURU IN CRL.RP.NO.25056/2016 AND
CONSEQUENTLY DISCHARGE THE ACCUSECD FOR ALL THE
OFFENCES IN C.C.NO.51352/2015 PENDING ON THE FILE OF X
ADDL.C.M.M., MAYO HALL UNIT, BENGALURU.

THIS PETITION IS COMING ON FOR *DICTATING ORDERS*,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI



ORAL ORDER

Challenging order dated 27.06.2018 passed by LVII Additional City Civil & Sessions Judge, Mayohall Unit, Bengaluru in Criminal Revision Petition no.25056/2016 rejecting application under Section 239 of Code of Criminal Procedure, 1973 (**CrPC**), this petition is filed.

2. Sri Nithin Gowda KC, learned counsel appearing for Sri P Prasanna Kumar, advocate for petitioner submitted that one Usharani (**complainant**) was working as an Assistant Manager at EXL, Marathahalli, Bangalore, while Anand Ashirit (**accused**) was her Senior Manager and Project Manager. In May 2013, complainant was selected as one of five team members deputed to work for a corporate client namely Network Service Company (**NSC**) in Schaumburg IL, USA, for a project assignment extending from mid-May to Mid-July, 2013 with accused as team leader.

3. It was stated, from very first day at NSC, accused sat beside complainant and behaved inappropriately by bending over her side, passing indecent and impolite comments about female members of client's Company and comparing their



physical appearances with that of complainant. Accused repeatedly pestered her to accompany him to parties and pubs despite her consistent refusal, she being a conservative lady. But, accused would physically come close to her hold her hand tightly and pulled her towards him and insist she spend time with him. And on one occasion accused forwarded an e-mail containing appreciation of her work by client and to show performance and assessment ratings, called her near his computer and showed her pornography being played on computer screen. Accused displayed his perversion by commenting that she was very beautiful, that he wanted her in his life, that he had feelings for her both physically and mentally and that she should forget work and enjoy her freedom while being abroad with him. He also came to her hotel room after 10:00 pm and caused fearsome environment due to which she could not sleep well for almost two months.

4. Upon return to India in July 2013, she reported sexual harassment to senior management within Company but it did not yield positive response and accused continued to harass her. During last week of July, 2013 accused called her



into his cabin abused her in vulgar and filthy language and threatened to terminate her from service and damage her career as she did not fulfil his desires. Complainant stated that when she worked in 4:00 pm to 1:00 am shift, accused would frequently call her to his private cabin at night or after log-out time and abuse her in filthy words and often spoke in demeaning and disrespectful manner by stating that he had ten years of experience and management would side with him.

5. Thereafter, in fourth week of December 2013, when complainant was alone in office, accused used this opportunity to abuse and insult her. He reiterated that he was physically attracted to her and continued to harass her as she did not yield to his desires. And on 20.01.2014, when she went to his cabin to request for change of shift, he warned her not to speak about him or their interaction with anyone and threatened to damage her career if she failed. Complainant stated that harassment increased day by day, causing severe depression and she did not know what to do.

6. When she approached Ms.Indu Kapoor, Vice President, HR Department and submitted complaints of mental,



physical and emotional harassment by accused, an Internal Complaint's Committee (**ICC**) was constituted. It conducted proceedings between 30.05.2014 to 27.06.2014 and concluded allegations were not proved and dismissed her complaint. It was stated that ICC proceedings were biased in favour of accused to protect reputation of company. Though she considered filing appeal against ICC findings before Global HR Authority but did not find it effective as Global HR had resigned from work. During third week of August 2014, accused followed her when she left office at around 4.30 pm and threatened her to leave office and also threatened her of serious consequences to her life and personal safety, if she approached police or Management with allegations against him. Due to these threats complainant feared of her safety and that of her family.

7. Based on complaint Crime no.667/2014 was registered against accused for offences punishable under Sections 354 (A), 506 and 354 of Indian Penal Code, 1860 (**IPC**). And after investigation charge sheet was filed against accused on 19.11.2014 for offences punishable under Sections 354 (A) and 506 of IPC, in CC no.51352/2015 on file of VIII ACMM, Bangalore. In said proceedings, accused had filed



application for discharge. On consideration of entire allegations and material, trial Court allowed application on 29.04.2016. Aggrieved by said order, complainant filed Crl.RP no.25056/2016 before District Judge, who allowed petition and reversed trial Court by rejecting discharge application. Aggrieved, present petition was filed by accused.

8. It was submitted, incident occurred in USA (during May to September 2013), therefore initiation of proceedings in India would be contrary to Section 354 (A) and in absence of sanction obtained from Central Government as mandated under Section 188 of CrPC, prosecution would be illegal.

9. Secondly, complaint filed on 08.09.2014, more than six months after incident and after closure of ICC proceedings, suffered from after-thought, without reasonable explanation.

10. Thirdly, during investigation, Investigation Officer (IO) did not record statements of any independent witnesses except mahazar witnesses. Even CW-2 – Preethi stated to be ex-colleague was friend of complainant, and she merely stated



about narration of incidents to her by complainant. Same would be hearsay. Thus, there was no material to implicate petitioner.

11. It was also contended that investigation by IO was faulty as there was no mention of ICC proceedings in charge sheet nor statements of Committee members of ICC recorded. After filing charge sheet, IO sought permission to cite Smt.Indu Kapoor, HR as additional witness and to produce copies of E-mail. Though permission was granted on 25.07.2015, till date additional charge sheet was not filed. Further, complainant returned from USA in July 2013, but incident reported to ICC in February 2014. It was also contended complaint would not disclose ingredients of Section 354 (A) of IPC. Threat of termination from service cannot be given colour of sexual harassment nor use of word 'sexual demand' in absence of other ingredients substantiate offence. Likewise, word 'desire' in context was only with respect to work and no sexual favour or sexually coloured request made by accused.

12. Even, Section 506 of IPC applies only in case of threat to a person reputation or property with intent to cause alarm or forcing him to do or not to do particular act. Words



mentioned in complaint such as 'terminate, put on bench or damage career' do not attract Section 506 of IPC. Hence, continuation of proceedings against accused would amount to abuse of process of Court and sought for allowing petition.

13. Sri Channapa Erappa, learned HCGP for respondent no.1-State opposed petition. It was submitted, complaint and charge sheet disclose essential ingredients of offences alleged and contentions urged were matters for trial and sought dismissal of petition.

14. Sri Clifton D Rozario, learned counsel for respondent no.2, submitted that allegations by complainant were of serious offences of sexual harassment at workplace and threat to harm complainant and there was sufficient material for prosecution. Contentions urged were about exaggeration by complainant. It was submitted mere exaggeration would not be justification for quashing proceedings. It was submitted charge sheet material would indicate existence of prima facie case. It was further submitted, ICC report sought to be relied on by petitioner was in fact overturned in revision petition.



15. It was submitted, exact words spoken were specifically written in complaint and though incident initially occurred in USA, it continued in India, thereby constituting continuing offence and thereby excluding application of Section 188 of CrPC. It was submitted, Hon'ble Supreme Court in case of **Sartaj Khan v. State of Uttarakhand** reported in **2022 SCC Online SC 360** had held that if a part of offence is committed on Indian soil, it can be tried by Indian Courts under normal territorial principles and unless entire offence was committed outside India, matter falls outside scope of Section 188 of CrPC, making requirement of prior sanction from Central Government unnecessary. In support of his submissions, learned counsel relied on following decisions:

- i) *Asian Resurfacing and Road Agency Pvt. Ltd., and Anr. v. Central Bureau of Investigation, reported in (2018) 16 SCC 299;*
- ii) *Soma Chakravarthy v. Central Bureau of Investigation, reported in AIR 2007 SC 2149;*
- iii) *Mohammad Qasim Khan v. Emperor, reported in AIR 1934 Lahore 827.*
- iv) *BA Deshpande and Ors. v. Public Prosecutor, Gulbarga, reported in 1975 Cri LJ 1761.*
- v) *Ajay Agarwal v. Union of India and Ors., reported in AIR 1993 SC 1637.*



- vi) *Vishaka v. State of Rajasthan*, reported in (1997) 6 SCC 241.
- vii) *Meenakshi v. Udaya Kumar*, reported in (2007) SCC Online Ker 435.
- viii) *Thota Venkateswarlu v. State of Andhra Pradesh*, reported in (2011) 9 SCC 527.
- ix) *Shoreline Infrastructure Developers Ltd. and Ors. v. State and Anr.*, reported in 2012 SCC Online Del 1063.
- x) *Sartaj Khan v. State of Uttarakhand*, reported in 2022 SCC Online 630.

16. Heard learned counsel and perused material on record.

17. This petition is by sole accused challenging order passed by Revisional Court reversing order of trial Court and thereby dismissing Petitioner's application for discharge.

18. Law regarding consideration for an application for discharge is well settled by Hon'ble Supreme Court in **Sajjan Kumar v. CBI** reported in **(2010) 9 SCC 368**, wherein it held:

"17. Exercise of jurisdiction under Sections 227 & 228 of Cr.P.C.

On consideration of the authorities about the scope of Section 227 and 228 of the Code, the following principles emerge:



- (i) The Judge while considering the question of framing the charges under Section 227 of the Cr.P.C. has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.*
- (ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.*
- (iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.*
- (iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.*
- (v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.*



- (vi) *At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.*
- (vii) *If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."*

19. In ***CBI v. Aryan Singh***, reported in **(2023) 18 SCC 399**, Apex spelt on powers of High Court under Section 482 of CrPC against an order of discharge as follows:

*"7. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage. **At the stage of discharge and/or while exercising the powers under Section 482 CrPC, the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not".***



20. Perusal of order impugned reveals that on finding that (**IO**) had conducted detailed investigation and complaint disclosed allegations of sexual harassment at workplace during complainant's stay in USA and continued in India, Revisional Court rejected application for discharge. It found complainant's version supported by statement of CW.2-Smt.Preeti and other witnesses cited in charge sheet. It noted there were specific averments about accused coming close to complainant, holding her hand tightly, pulling her towards him, insisting her to accompany him to parties or pubs, showing pornographic content on his computer, telling her that he wanted her in his life and had feelings for her 'both physically and mentally,' which were unwelcome to complainant, which would justify prosecution. It also noted that while allowing application for discharge, trial Court had not assigned valid reasons for disregarding prosecution material and instead placed undue reliance on ICC Report without subjecting it to judicial scrutiny. It also observed that complainant's apprehension that Company had closed matter to safeguard its reputation could not be completely ruled out at that stage. Thus, on examining complainant's allegations and material collected during



investigation and coming to conclusion that there was no basis for holding, charges were without material/basis passed impugned order. Consequently, it allowed revision petition and set aside trial Court's order.

21. While passing order on discharge application, trial Court observed it had to examine only whether charge-sheet material discloses *prima facie* case without conducting detailed inquiry. It observed that when ICC had submitted report three months prior to complaint, it was incumbent on part of IO to have collected it during investigation as it would have thrown light on alleged incidents. It observed that very same allegations were dealt with by Committee and after detailed inquiry examining material produced including E-mails and Swipe records accused was exonerated, and finding fault with IO not recording statement of HR Manager (Chairman of ICC), as well as mention of particulars such as dates of incidents or threats attributable to accused, it held prosecution material did not disclose any acts constituting sexual harassment under Section 354A IPC or criminal intimidation under Section 506 IPC and accused was entitled for discharge.



22. It is seen that contention about non-compliance with Section 188 of CrPC was not urged either before trial Court or revisional Court. However, perusal of complaint averments indicate that certain incidents of sexual harassment are indeed alleged to have occurred while complainant and accused were outside India (in USA). But, complaint also reveals allegations of sexual harassment continuing even after complainant and accused returned to India. There are specific allegation of accused threatening complainant not to inform or discuss about his interactions with her to any person or Management to avoid accused causing damage to her career and injury to her life and about accused harassing her in employment on ground that she did not yield to his demands. Veracity of said allegations cannot be examined at this stage. When there is prima facie material to indicate that some incidents occurred on Indian soil, applicability of Section 188 of CrPC or ratio in **Sartaj Khan's** case (supra) would be matter for elucidation in trial.

23. In a series of decisions in **Y. Yadagiri Goud v. Inspector of Police, ACB**, reported in **1991 SCC OnLine AP 53**; **S. Natarajan v. Shelly**, reported in **1990 SCC OnLine Mad 17**; **TS Rajamoni v. Randip Barua**, reported in **2001**



SCC OnLine Gau 72 etc. Hon'ble Supreme Court has held that in absence of establishing prejudice caused due to delay in filing complaint, normally delay in filing complaint would not be a ground to quash proceedings.

24. Insofar as prosecution material not establishing ingredients for offences alleged, Section 354 (A) of IPC reads as follows:

"Section 354A. Sexual harassment and punishment for sexual harassment.

(1) A man committing any of the following acts—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or*
- (ii) a demand or request for sexual favours; or*
- (iii) showing pornography against the will of a woman; or*
- (iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment.*

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."



25. Complaint contains specific allegations that against her will, accused used to come close to complainant physically, hold her hand and also about pulling her close to him and comparing physical features of complainant with others and passing indecent and impolite comments apart from calling her into his cabin during night shift, abusing her in filthy words and threatening to damage her career as she did not yield to his desires constitute ingredients under subsection 1 (i) to (iv) of Section 354A of IPC. Charges are not only based on statements of complainant herself but also by statement of CW-2 – a co-employee in whom complainant had confided about above incidents. Prima facie, even if she cannot be considered as eye-witness, she would be circumstantial witness and support charges.

26. Likewise, Section 506 of IPC provides for punishment for offence of criminal intimidation defined under Section 503 of IPC and applies in case of threat to a person his reputation or property with intent to cause alarm or forcing him to do or not to do particular act. Allegation in charge sheet that there was threat of damaging complainant's career by



terminating her services or placing her on bench if she did not fulfil his desire would prima facie attract Section 506 of IPC.

27. Order passed by trial Court was on ground that IO had failed to refer to ICC report in charge sheet and that said report having enquired into very same allegations would throw light and taking note of exoneration of accused, it held charge sheet was without proper basis and discharged accused. Firstly, an internal report cannot be held to be binding on Court. Secondly, even if such report were to be relevant, same could be produced by accused himself during trial. Therefore, conclusion of trial Court for allowing application would not be justified. On other hand Revisional Court has examined entire material on record and arrived at conclusion that material collected by prosecution during investigation prima facie cast strong suspicion about accused having committed offences as alleged. Under such circumstances, it held order of trial Court unsustainable.

28. In light of above discussion, conclusion arrived at by Revisional Court about charge sheet being based on grave



suspicion of accused having committed offences, petition cannot succeed.

29. Accordingly, petition is ***dismissed*** reserving liberty to urge contentions urged herein at appropriate stage.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD,YKL
List No.: 1 Sl No.: 60