

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.744 OF 2022

BETWEEN:

1. SRI. BALMOHAN TARAKAD
S/O SRI SUNDARAM TARAKAD
AGED ABOUT 59 YEARS
2. SRI. KARTIK TARAKAD
S/O SRI. BALMOHAN TARAKAD
AGED ABOUT 36 YEARS

BOTH ARE RESIDING AT NO.22
PRESTIGE WHISTLING PALMS
ECC ROAD, WHITEFIELD
BENGALURU-560066

...PETITIONERS

(BY SRI. VIKRAM HULIGOL, SENIOR COUNSEL FOR
SRI. P.B. RAJU, ADVOCATE)

AND:

1. STATE BY WHITEFIELD POLICE STATION
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
AMBEDKAR VEEDHI
BENGALURU-560001
2. SMT. ANNU RAJAN
W/O SRI. SANGEETH VARGHEESE
AGED ABOUT 37 YEARS
RESIDING AT NO.17
PRESTIGE WHISTLING PALMS
ECC ROAD, WHITEFIELD
BENGALURU-560066

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA

3. SMT. PIYA RAY
W/O NOT KNOWN TO PETITIONERS,
AGED ABOUT 57 YEARS
RESIDING AT NO.5,
PRESTIGE WHISTLING PALMS
ECC ROAD, WHITEFIELD
BENGALURU-560066
4. SMT. NILOFER SULEMAN
W/O NOT KNOWN TO PETITIONERS
AGED ABOUT 58 YEARS
RESIDING AT NO.9
PRESTIGE WHISTLING PALMS
ECC ROAD, WHITEFIELD
BENGALURU-560066

...RESPONDENTS

(BY SRI. M. SUHAS GOWDA, HCGP FOR R1;
MS. DAFNY MONALISA D'CUNHA, ADVOCATE FOR
SRI. HARSH S. PAREKH, ADVOCATE FOR R2 AND R3)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN
C.C.NO.20704/2021 ON THE FILE OF THE 1ST ADDITIONAL
CHIEF JUDICIAL MAGISTRATE, BENGALURU RURAL DISTRICT,
BENGALURU AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 05.10.2026, THIS DAY, THE COURT
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

This petition is filed praying this Court to quash the entire proceedings in C.C.No.20704/2021 on the file of the I Additional Chief Judicial Magistrate, Bangalore Rural District, Bangalore.

2. The factual matrix of case of the complainants in a complaint dated 10.05.2021 that complainants viz., Annu Rajan, Piya Ray, Nilofer Suleman are the residents of Whistling Palms, ECC Road, Whitefield, Bengaluru and they lodged the complaint against these petitioners on the allegation of repeated sexual harassment; intimidation of women; recording of video of women despite strong objections; making obscene actions to women when they were walking in the evening; so also making sexual expletives on women constantly using the obscenest and sexual expletives on them and uttering the provocative and sexually modesty violating words in English, 'fuck you', 'you should be raped', 'prostitute' and 'dirty bitch' and Hindi words including 'teri maa ki chuth', 'randi' and 'teri chuth'. The same was continuous. But last instance was noticed on Saturday, 08.05.2021. Even made intimidation and sexual expletives on small children when one of their 10-year-old child was walking on the road on 08.05.2021, both the petitioners

came behind the child, looked into the child's eyes threateningly, then abused, and intimidated by shouting sexually loaded abuses. They used sexual expletives including 'fucking bastard', 'bastard' and 'teri maa ki chuth' at the child. The child was thoroughly shaken and cried out inconsolably. Accused No.1 having a history of sending emails with obscene language and sexual connotations and also tried to provoke religious sentiments by referring to them as 'slummy lady of lourdes' and accused No.1 went on to publicly humiliate the complainant in front of others, including strangers, in her night clothes. Despite several objections, she was video recorded by a totally unknown person and persistent stalking of women and threats to women. Based on this complaint, the case was registered in Crime No.109/2021 for the offences punishable under Sections 504, 506, 509, 354A read with Section 34 of IPC.

3. Having registered the FIR in terms of Annexure-A1, the police have investigated the matter and filed the charge sheet in terms of Annexure-B. While filing the charge sheet, invoked the offence under Section 341A of IPC apart from the offences invoked in the FIR. Hence, the present petition is filed

by accused Nos.1 and 2 praying this Court to quash the entire proceedings initiated against them in C.C.No.20704/2021.

4. The main contention of the learned senior counsel appearing for the petitioners that the very initiation of complaint is with an oblique motive and there is absolutely no basis or an iota of evidence to substantiate any of the allegations made in the complaint. The counsel also vehemently contend that allegations made in the complaint are vague and with regard to the allegation of harassment and video recording, no specific statement is made in the complaint as to which of the complainants have been harassed. It is pertinent to mention that there is CCTV footage available in the layout and the police have taken into their custody the entire recording from the CCTV attached to the petitioner's house and his neighbour's house and the police are yet to collect the footage from the layout as well. Examining the same, it indicates the falsity of the complaint. The charge sheet does not state that there are materials to support the claim of the complainants.

5. The counsel would contend that the police who have conducted the investigation have not seized any material from

the petitioners to substantiate the allegations. It is contended that the petitioners have videographed the complainants even though objections were raised, but the same was not seized. Thus, there is no any prima facie material against the petitioners to invoke the alleged offences. The Investigating authorities have misdirected themselves and have been unduly influenced by the mere existence of materials that in their view, warrant proceeding with the matter.

6. The counsel brought to notice of this Court during his arguments that the statements recorded by the investigating officer are stereotyped and these statements do not attract the alleged offences which have been invoked against the petitioners. The counsel also would vehemently contend that there was an enmity between the complainants and these petitioners. The counsel brought to notice of this Court the Annexure-F i.e., complaint dated 14.01.2015 wherein also the allegation of repeated harassment through false complaints and fake allegations by neighbors was made. The counsel also brought the notice of this Court the letters dated 10.01.2015 and 13.01.2015 and so also the complaint dated 04.09.2010 and would contend that these letters clearly disclose that there was an enmity between the complainants'

fraction and also the petitioners from long back and with an oblique motive, the present complaint was lodged.

7. The counsel also brought to notice of this Court the complaint lodged by petitioner No.1 on 14.12.2014 regarding defamatory tweets and other offences committed by Mrs. Tiwari under IT Act and/or other Acts. The counsel would vehemently contend that from both the sides, there are complaints and counter complaints. The Court has to take note that under what circumstances, the complaint came into existence. The counsel would vehemently contend that with an oblique motive to harass the petitioners, the present complaint is filed.

8. The counsel also would vehemently contend during his arguments that though the alleged incident was taken place on 08.05.2021 and the complaint was filed belatedly i.e., on 10.05.2021. When there was no recovery of camera or indecent material, question of invoking Section 354A of IPC does not arise since the same will not attract the very offence. No any sexual favour was demanded. The counsel would contend that even in respect of offences under Sections 504 and 506 are concerned, no ingredients are made out. The police also have not conducted the investigation properly. The complaint is filed

only based on personal vengeance which is nothing but an abuse of process.

9. The counsel in support of his arguments relies upon the judgment of the Apex Court reported in **(2010) 3 SCC 571** in the case of **STATE OF WEST BENGAL AND OTHERS vs COMMITTEE FOR PROTECTION OF DEMOCRATIC RIGHTS, WEST BENGAL AND OTHERS** wherein the Apex Court considering the material in detail, in the conclusion at paragraph 68 held that Article 21 of the Constitution in its broad perspective seeks to protect the persons of their lives and personal liberties except according to the procedure established by law. The said article in its broad application not only takes within its fold enforcement of the rights of an accused but also the rights of the victim. The State has a duty to enforce the human rights of a citizen providing for fair and impartial investigation against any person accused of commission of a cognizable offence, which may include its own officers. In certain situations even a witness to the crime may seek for and shall be granted protection by the State.

10. The counsel referring this judgment would contend that it is nothing but an abuse of process since the material clearly discloses that there was an animosity from long period.

11. The counsel also brought to notice of this Court the memo filed along with the documents i.e., FIR in Cr.No.366/2026 dated 15.05.2026 filed against the complainant; the Petition No.228/2025 dated 25.03.2025 filed against the complainant and so also FIR in Cr.No.250/2026 dated 27.03.2026 filed against Piya Ray and Devanand and contend that these documents establish the very conduct of the complainant. Hence, the Court has to take note of the said materials.

12. Per contra, the learned counsel appearing for respondent Nos.2 and 3 has filed a statement of objections to this petition and brought to notice of this Court the contents of the complaint which is specifically stated in paragraphs 7 to 16 of the statement of objection and so also, the objections to the present petition wherein the respondents have denied the averments made in the petition. The counsel also brought to notice of this Court the ingredients of the offences i.e., in respect of offence under Section 504 of IPC that is with regard

to the intentional insult with intent to provoke breach of peace. In this regard, the counsel also brought to notice of this Court the contents of the complaint, wherein allegations are made that provocative language was used by the petitioners against the complainants. The offence under Section 354A of IPC is with regard to sexual harassment and Section 506 of IPC is with regard to word, gesture or act intended to insult the modesty of a woman and also causing of criminal intimidation and wrongful restraint. It is also contend in the complaint that petitioner No.1 creeping from behind and telling the complainant's family to move out of the road, combined with him and his son positioning themselves in a way that blocked the complainants from proceeding on a road.

13. The counsel, in his arguments would contend that the complaint of the complainants is very clear that respondent Nos.3 and 4 who have been made as parties to this petition are the witnesses to the incident. By not only those witnesses, others have also witnessed the incident. The other complaint filed by the complainant, accused was discharged in the said case and revision is filed and the said revision is pending. Hence, it is very clear that there was an enmity between the petitioners and the complainants. Though the counsel for the

petitioners would contend that no devices or materials are collected by the IO, but IO did not collect the same from the complainants, but they are going to produce the materials during the trial by making necessary application for production of documents. The counsel would vehemently contend that there was a constant harassment and to that effect, they are going to examine the witnesses and witnesses were also cited in the charge sheet. When the witnesses have witnessed the incident and they have been cited as witnesses in the charge sheet, this Court cannot give any finding to that effect that whether it is with an oblique motive or not and it requires only the trial. Petitioner No.2 also started to live with petitioner No.1 after the COVID period and he also joined his hands along with his father and there is a specific allegations against them and statements made in the complaint attracts the offences under Sections 504, 506, 509 and so also 354A of IPC since it is stated in the complaint that there was a wrongful restraint and causing obstruction while moving and the witnesses were also made as parties to this petition and they have also gave a complaint along with main complainant. Hence, it is a subject matter of trial. The counsel would contend that charges have

already been framed and when the serious allegations are made, it requires trial.

14. The counsel appearing for respondent Nos.2 and 3 in support of his arguments relies upon the judgment in the case of **HIGH COURT BAR ASSOCIATION, ALLAHABAD VS STATE OF U.P. AND OTHERS** in **CrI.A.No.3589/2023** reported in **2024 INSC 150** and brought to notice of this Court paragraph 13 wherein Apex Court held that while granting interim orders of stay of proceedings cannot be routinely passed as a matter of course, it cannot be said that such orders can be passed only in exceptional cases. While passing orders of stay in serious cases like the offences under the PC Act or serious offences against women and children, must be more cautious and circumspect.

15. The counsel also relied upon the judgment of the Apex Court in the case of **STATE OF HARYANA AND OTHERS vs CH. BHAJAN LAL AND OTHERS** in **Civil Appeal No.5412/1990** reported in **MANU/SC/0115/1992** and brought to notice of this Court paragraph 104 wherein an observation is made regarding First Information Report and other materials and so also the principles laid down in a case of

personal vengeance and the same is manifestly attended with mala fide then only the court can invoke Section 482 of Cr.P.C or otherwise not to invoke the same.

16. The learned counsel appearing for the State also would submit that there was a prior enmity between the parties. Whether there was any vengeance or not, is a matter of trial and this Court cannot give any finding on the disputed facts.

17. In reply to this arguments, counsel for the petitioners would submit that petitioner No.2 was not present at the time of the alleged incident and allegations are only against petitioner No.1. The only allegation against petitioner No.2 is that he had threatened the complainants by joining hands with petitioner No.1 subsequent to COVID period and the complaint which is filed is an after thought and complaint is also drafted with an intention to harass the petitioners.

18. Having heard the learned counsel appearing for the respective parties and considering the grounds which have been urged in the petition and also the principles laid down in the judgment of the counsel referred in keeping Article 21 and safeguarding of the accused as well as the complainant and

also the witnesses as held and so also the principles laid down in the judgments referred by the counsel appearing for respondent Nos.2 and 3, this Court has to look into the material available on record. Having perused the very genesis of the complaint at Annexure-A dated 10.05.2021, it discloses that the specific allegations are made with regard to repeated sexual harassment and intimidation and also video recording of women and obscene actions against women and sexual expletives on women. The particular date i.e., 08.05.2021 is attributed not only against the complainants but also against the family members including 10-year-old child. Hence, the Court has to take note of the contents of the complaint.

19. In pursuance of the said complaint, FIR was registered and investigated the matter and filed the charge sheet. While filing the charge sheet, it is stated that CCTV information is also sought by the police and so also recorded the statement of witnesses who have spoken about the incident and the same is also the part of the charge sheet and also recorded 164 statement of complainant. Considering the statement of witnesses, no doubt, the statements of witnesses are similar and whether they have witnessed the incident or not, is a matter of trial.

20. No doubt, the counsel for the petitioners brought to notice of this Court about enmity of each parties from 2010 onwards and complaints were also filed against each other. Whether the present complaint is filed with an oblique motive and with an intention to harass the petitioners or not is a matter of trial. Though petitioner No.2 was not along with his father earlier, but only subsequent to COVID period, specific allegation was made against him with regard to causing of threat and he had joined hands along with his father. When such serious allegations are made particularly, an abuse made and words which have been stated in the complaint attracts the offences under Section 354A of IPC along with other offences. The contention of the counsel for the petitioners that at the most, it attract Section 509, 506 of IPC, not 354A of IPC and the same is a matter of trial. Having considered all this materials, it discloses that it is a case for trial as contented by the counsel appearing for the respective respondents. This Court is very conscious about the principles laid down in the judgment of **BHAJAN LAL's** case referred supra. If really there is a vengeance against the petitioners for personal grudge, there cannot be any prosecution. But having considered the statement of witnesses not only complainants but also other

victims who are also the witnesses to the incident and when there is a continuity of harassment against women, the Court has to take note of the same. Under such circumstance, I do not find any grounds to quash the proceedings exercising the powers under Section 482 of Cr.P.C since the matter requires a trial.

21. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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