



CNR: KAHC010121822020

NC: 2026:KHC:51913
CRL.P No. 2656 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.2656 OF 2020

BETWEEN:

1. DR NITIN PANDIT
MAJOR, 62 YEARS
SON OF SRINIVAS DAMODAR PANDIT
DIRECTOR,
ASHOKA TRUST FOR RESEARCH
IN ECOLOGY AND THE ENVIRONMENT (ATREE)
OFFICE AT SRIRAMPURA
JAKKUR POST
BENGALURU-560064
2. SHRI SHRIHARI UDUPA
AGED ABOUT 64 YEARS
SON OF LATE MAHABALA UDUPA
DEPUTY DIRECTOR (HR)
ATREE
RESIDING AT NO.29
3RD CROSS, WIDIA LYAYOUT
ATTIGUPPE, VIJAYANAGAR
BENGALURU-560 040
3. DR ARAVIND MADHYASTHA
AGED ABOUT 43 YEARS
SON OF N A MADHYASTHA
FELLOW (ASSOCIATE PROFESSOR)
ATREE
RESIDING AT NO.32, G-1
MEHAR NIKUNJ APARTMENTS

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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1ST MAIN, 6TH BLOCK
BEL LAYOUT, VIDYARANYAPURA
BENGALURU-560 097

...PETITIONERS

(BY SRI DEEPAK BHASKAR, ADVOCATE)

AND:

1. STATE BY AMRUTHAHALLI P.S
SAMPIGEHALI SUB DIVISION
BENGALURU-560092
REP. BY SPP
HIGH COURT BUILDING
BENGALURU-01
2. DR A KAVITHA
MAJOR
DAUGHTER OF B ANJANAPPA
NO.46, 8TH CROSS
8TH MAIN ROAD
BRINDAVAN NAGAR
MATHIKERE
BENGALURU-560 054

...RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SRI I G LALKHANAWAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC PRAYING TO QUASH THE ORDER DATED 04.09.2019 AT ANNEXURE-A PASSED BY THE HONBLE COURT OF THE CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN C.C.NO.23031/2019 TAKING COGNIZANCE OF THE OFFENCE P/U/S 341, 342, 504, 506 R/W 34 OF IPC AND REGISTERING A CRIMINAL CASE AGAINST THE PETITIONERS AND THE ENTIRE PROCEEDINGS IN C.C.NO.23031/2019 AND ETC.

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



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

ORAL ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the State. The counsel for respondent No.2/complainant is absent.

2. The prayer is sought for quashing the order dated 04.09.2019 at Annexure-A and entire proceedings in C.C.No.23031/2019 for the offences punishable under Sections 341, 342, 504, 506 read with Section 34 of IPC; quashing the complaint dated 24.07.2019 at Annexue-B; quashing the FIR dated 24.07.2019 at Annexure-G in Cr.No.16413/2019 and quashing the charge sheet dated 20.08.2019 at Annexure-D.

3. The counsel for the petitioners would submit that the complainant is an employee and the allegation made against these petitioners is that they have forcefully taken the resignation from her and wrongfully restrained her and abused in a filthy language and caused life threat and obtained the signature. Hence, complaint is filed and case is registered and police have investigated the matter and filed the charge sheet.



4. The main contention of the counsel appearing for the petitioners before this court is that no such incident was taken place. The also counsel filed a memo along with the copy of the document of letter dated 18.07.2019 before the Labour Court in ID No.37/2019 and the same is marked as Ex.W2 and the said document is also relied upon by the complainant counsel during the proceedings. The said document does not contain any signature of the complainant. Hence, the question of forcefully obtaining the signature does not arise. The counsel also brought to notice of this Court that when the claim was made before the Industrial Tribunal, except the allegation that forcefully taken the signature, in respect of wrongful restraint, abusing in a filthy language and causing threat were not pleaded. Hence, it is clear that only with an intention to wreck personal vengeance in view of removal of the complainant from the service, a criminal colour is given to the civil dispute of termination. The counsel also vehemently contend that when she was terminated, even if it is assuming that it was forceful termination and not complied the procedure and the same has to be decided in the claim petition and not in



the criminal case. When there are no grounds are made out to invoke the offences under Section 341, 342, 504, 506, question of the petitioners facing criminal trial does not arise.

5. Though the complainant is represented through the counsel, the counsel did not appear before the Court. However, the counsel appearing for the State would submit that when the complaint was filed, FIR was registered and investigation was conducted and filed the charge sheet. The specific allegations are made with regard to wrongful restrain, abused in filthy language and caused life threat. Hence, the matter requires trial.

6. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it is not in dispute that the termination of the complainant is dated 18.07.2019 and complaint was filed on 24.07.2019 i.e., after 5 days of the termination. In the complaint, regarding delay is concerned, nothing is explained. Apart from that the counsel appearing for the petitioners brought to notice of this court the document which is marked before the Industrial Tribunal as Ex.W2 to show that no such



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signature of the complainant is found. Apart from that in the claim petition which was made before the Industrial Tribunal, nothing is stated with regard to the criminal act of these petitioners like wrongfully restraining, causing obstruction in proceeding and also making any abusive statement so also causing of life threat. Thus, it is very clear that it is a case of giving criminal colour to the civil dispute. If there is any grievances, that has to be decided in the claim petition filed before the Tribunal and filing of a complaint after 5 days is nothing but an afterthought. If any such incident was taken place on the date of termination, the same is within the knowledge of the complainant and complainant ought to have mentioned with regard to the particular incident that what had transpired between these petitioners and the complainant on the particular date and the same is found missing in the petition filed before the Industrial Tribunal. When such being the case, it is nothing but an abuse of process.

7. Counsel appearing for the petitioners relies upon the judgment reported in **(2025) 3 SCC 612** in the case of **MADHUSHREE DATTA vs STATE OF KARNATAKA; (2013)**



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11 SCC 673 in the case of **PARAMJEET BATRA vs STATE OF UTTARAKHAND; SHRIPAD KULKARNI vs STATE OF GOA** reported in **MANU/MH/0656/2014; AVIJIT SINGHA ROY vs STATE OF W.B.** reported in **2026 SCC ONLINE CAL 1367** and **KAPIL GARG vs STATE** reported in **2003 SCC ONLINE DEL 793.**

8. Having considered the principles laid down in the said judgments, it is very clear that if criminal colour is given to the civil dispute and when the ingredients of the offences have been missing, it is nothing but wreck vengeance in respect of the personal grudge against the petitioners and so also the principles laid down in the judgments are aptly applicable to the case on hand since the complaint is filed giving a criminal colour only with an intention to wreak personal vengeance in view of the termination of the complainant. Hence, it is a fit case to exercise the powers under Section 482 of Cr.P.C. or otherwise, it amounts to miscarriage of justice.

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



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ORDER

- (i) The petition is allowed.
- (ii) The order dated 04.09.2019 at Annexure-A and entire proceedings in C.C.No.23031/2019 for the offences punishable under Sections 341, 342, 504, 506 read with Section 34 of IPC; the complaint dated 24.07.2019 at Annexue-B; the FIR dated 24.07.2019 at Annexure-G in Cr.No.16413/2019 and the charge sheet dated 20.08.2019 at Annexure-D are hereby quashed.

**Sd/-
(H.P.SANDESH)
JUDGE**

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