



CNR: KAHC010299352019

NC: 2026:KHC:51056
CRL.P No. 7045 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO. 7045 OF 2019 (482(Cr.PC)

/ 528(BNSS))

BETWEEN:

1. MR. BHAGWAN DASS
AGED ABOUT 61 YEARS
S/O SHRI GYANI RAM
R/AT A2-B/184A,
EKTA APARTMENT PASCHIM VIHAR,
NEW DELHI-110 063.
2. MR. KUMAR SIDDHARTH
AGED ABOUT 33 YEARS
S/O SHRI BHAGWAN DASS,
R/AT A2-B/184A
EKTA APARTMENT PASCHIM VIHAR
NEW DELHI-110 063.

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by DEVIKA M

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. STANLEY SAM.,ADVOCATE)

...PETITIONERS

AND:

1. STATE OF KARNATAKA
BY BANASHANKARI POLICE STATION
REP BY PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BANGALORE - 560 001.
2. MR.A.EBNEZER
ASSISTANT COMMISSIONER,
VIGILANCE SECTION,



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OFFICE OF THE COMMISSIONER
OF CENTRAL TAX (AUDIT-1)
2ND FLOOR, BMTC BUS STAND,
BANASHANKARI
BENGLAURU-560 070.

...RESPONDENTS
(BY SRI. MOHAMMED AYUB ALI ADDL. SPP FOR R1)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. BY THE
ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONORABLE COURT MAY BE PLEASED TO QUASH THE FIR IN
CR.NO.45/2019 ON THE FILE OF III ADDL.C.M.M., BENGALURU
AT ANNEXURE-C BY ALLOWING THIS APPLICATION FILED BY
THE PETITIONER.

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

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

ORAL ORDER

Heard learned counsel appearing for the petitioners and
learned counsel appearing for the respondent -State.

2. The prayer sought for before this Court is to quash
the FIR registered in Crime No.45/2019 against the petitioners
for the offence punishable under Sections 353 and 504 read
with Section 34 of IPC.

3. The factual matrix of the case of the prosecution is
based on the complaint made against the petitioners that when



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the petitioner No.2 was called for a preliminary investigation by a complainant before Vigilance Section at 11:00 a.m. on 27.02.2019, when he was enquiring the matter, the petitioner No.2 was recording his statement. When the same was noticed by the Vigilance Section Officer, the petitioner No.2 was secretly recording the statement proceedings in his mobile phone. The mobile phone was also taken into possession by the Vigilance Section Officer. After this incident, the petitioner No.2 turned hostile and threatened the Vigilance Section Officers of dire consequences for taking into possession of his mobile. The Officer also informed about this development to his father, Sri Bhagvan Das and mother with another mobile that was in his possession. After that he said Sri Bhagvan Das who was already present in the office premises without having any authorization, interfered in the proceedings and started making loud noise and threatened the officers. On seeing his father interfering in the proceedings, the Sri Kumar Siddhartha also started misbehaving with the Vigilance Officers and threatened both with dire consequences.



4. When the vigilance officer tried to explain them about they conducting lawful proceedings, he got further enraged and threatened that he would lodge a police complaint against the officers. Thereafter, at about 08.35 to 08.40 p.m. two uniformed policemen came to the office and informed that they were called by said Bhagavan Das that his son was forcibly confined. The said two policemen understood that Officers were carrying out certain official tasks and they did not find any untoward incident. In the whole process, both of them resorted to unlawfully entry into the office, intimidating the Government servants, carrying out their lawful duty, threatening the officers and obstructing in discharge of public function. It is also an allegation that both of them threatened that they would settle the matter through Court. And when the request was made to Bhagavan Das to leave the office to complete the work, he vandalized the office property, wherein a rangoli made in the Office was also smudged by him. Further when Sri Bhagavan Das was waiting in the reception on the ground floor, he continued to use offensive and abusive language against the Officers. Hence the complaint was lodged explaining the



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incident that was taken place on 27.02.2019 and the same was reported and brought to the notice of the appropriate authority and it was ordered to get the necessary legal opinion from the Senior Standing Counsel to file a complaint and hence in that process report was received on 05.03.2019 and hence complaint was filed on 06.03.2019. That based on said complaint given by Assistant Commissioner of Vigilance Section, FIR in Crime No.45/2019 was registered for the offence punishable under Sections 353 and 504 read with Section 34 of IPC.

5. Learned counsel appearing for the petitioners would vehemently contended that very initiation of the proceedings against these petitioners amounts to an abuse of process of law. It is submitted that the contents of the complaint doesn't disclose the ingredients of the offence punishable under Sections 353 and 504 of IPC. It is submitted that a proceedings was initiated under Section 498A of IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961 based on the complaint filed by wife of petitioner No.2. The vigilance officer ought not to have conducted enquiry in a matrimonial dispute after office hours.



The enquiry was conducted from 11 a.m. to midnight 12 a.m. which is violating the procedure established under law. The counsel also vehemently contend that when the offence was invoked against the petitioners the ingredients of Section 353 as well as Section 504 would not attract, it is only with an intention to harass the petitioners, at the instance of the wife of the petitioner No.2. It is further contended that in the criminal jurisprudence, the accused is protected with the presumption of innocence and even when he is not in such a position to prove the truth of his story, situation and explanation should be accepted, if it is reasonable and is supported by proposition, unless the prosecution is able to prove beyond reasonable doubt that the action is false.

6. Learned counsel for the petitioners in support of his submission relied upon the following judgments;

(i) Anukul Singh v. State of Uttar Pradesh reported in **2025 INSC 1153** dated 24.09.2015.

(ii) Ramesh S/o Krishnappa Karoshi v. State of Karnataka and Another (Crl.P.No.100090/2024)

(iii) Mahendra Kumar Sonkar v. State of Madhya Pradesh reported in **2024 INSC 600**.



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(iv) Om Prakash Ambadkar v. State of Maharashtra and others reported in **2025 INSC 139.**

(v) Anita Maurya and others v. State of Uttar Pradesh and another reported in **2026 INSC 806.**

7. Learned counsel referring these judgments would vehemently contend that when the ingredients of the offences under Sections 353 and 504 is not made out, question of continuing the proceedings against the petitioners is an abusive process of law. He draws attention of this Court to the notice of this Court, wherein discussion was made with regard to the exercising of power under Section 482 of Cr.PC.

8. Learned Addl. SPP appearing for the respondent No.1-State would submits that while quashing of the proceedings Court has to take note of the contents of the complaint and not otherwise. The counsel would contend that the son of the petitioner No.1 was called to the Vigilance Section to conduct preliminary enquiry. That when the Vigilance Officer recording the statement, petitioner No.2 intervened and started recording the same in his mobile and mobile was also snatched and thereafter he continued his act in preventing the



vigilance officer in discharging his public duty. Thereafter, he called his father and appraised the incident. Petitioner No.1 also came to Vigilance Section and started to utter abusive words against the Officers of Vigilance Section and hence the same was brought to the notice of higher-ups and legal opinion was also taken and having obtained the legal opinion the complaint is filed and in getting the legal opinion there was a delay.

9. Heard the learned counsel for the petitioners and Learned Addl. SPP appearing for the respondent No.1. The law is settled that when the prayer is sought for quashing of proceedings under Section 482 of Cr.PC, the Court has to look into the contents of the complaint. Having perused the contents of the complaint and also the FIR, particularly taking note of first page of the complaint, it is very clear that a preliminary investigation was initiated against the petitioner No.2 as part of preliminary investigation and in that regard petitioner No.2 was called to appear before the Vigilance Section at 11 a.m. on 27.02.2019 and he started recording of proceedings conducted by the Officers in his mobile phone. The mobile phone was taken to the custody of Vigilance Section Officer. Thereafter the



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said incident, petitioner No.2 started threatening the Vigilance Section Officer of dire consequences for taking into possession of his mobile. The Officer also informed about this development to his father, Sri Bhagwan Das, who was also joined his hands along with his son and started abusing the officers and damaged the office property and threatened them. The incident what had taken place in the Office of Vigilance is clearly narrated in the complaint. When such being the case, the Court has to look into the contents of the complaint.

10. This Court would like to rely upon the judgment of Apex Court in the case of ***DINESHBHAI CHANDUBHAI PATEL VS. STATE OF GUJARAT AND OTHERS*** reported in **2018 (3) SCC 104**. The Apex Court held in paragraph 30 that the High Court could not appreciate the evidence nor could draw its own inferences from the contents of the FIR and the material relayed on. It was more so when the material relied on was disputed by the complainants and vice versa. In such a situation, it becomes the job of the Investigating Authority at such stage to probe and then of the Court to examine the questions once the charge sheet is filed along with such



material as to how far and to what extent reliance can be placed on such material. In paragraph 31 also it has made it clear that once the Court finds that the FIR does disclose *prima facie* commission of any cognizable offence, it should stay its hand and allow the investigating machinery to step in to initiate the probe to unearth the crime in accordance with the procedure prescribed in the Code. Having discussed in paragraph Nos. 30, 31, 32, 33 with regard to the inherent powers of the High Court, which are obviously not defined being inherent in its very nature, cannot be stretched to any extent nor can such powers be equated with the appellate powers of the High Court defined in the Code. The parameters laid down by this Court while exercising inherent powers must always be kept in mind, else it would lead to committing the jurisdictional error in deciding the case. It has further held that On perusal of the three complaints and the FIR mentioned above, we are of the considered view that complaint and FIR do disclose a *prima facie* commission of various cognizable offences alleged by the complainants, against the accused persons. Therefore, the High Court instead of dismissing the



application filed by the accused persons in part should have dismissed the application as a whole to uphold the entire FIR in question.

11. Having considered the principles laid down in the Judgment, it is very clear that the Court has to take note of the contents of the FIR and the same is also held in the case of **STATE OF WEST BENGAL VS. SWAPAN KUMAR GUHA** reported in **(1982) 1 SCC 561**, wherein also the examination only pertaining to the FIR contents and exercising the powers of the High Court in the context of challenge to an FIR is also for a limited purpose. When such being the case, no doubt this Court also having conscious about the principles laid down in the judgment of **STATE OF HARYANA VS. BAJANLAL AND OTHERS** in paragraph No.102 and counsel appearing for the petitioners also brought to notice of this Court. Having conscious about the same also when the contents of the complaint is disclosed, it is not for any personal vengeance and the complaint is also filed by the Vigilance Officer when the preliminary inquiry was conducted in the office and in that juncture when the incident was taken place and repeatedly it



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was made him to know that it is only a preliminary enquiry they are making and even the petitioners continued their act and the same is coming in the way of discharge of their public duty and whether ingredients of Section 353 and 504 attracts or not that is a scope of Investigation, and Investigating Officer has to unearth the contents of the complaint as well as the truth in keeping the contents of the complaint. When such being the case, I do not find any scope for exercising the power under Section 482 of Cr.PC keeping in the contents of the complaint at Annexure-C. Hence, petitioner has not made out any case to quash the FIR.

12. In view of the discussions made hereinabove, I pass the following;

ORDER

Petition is **dismissed**.

Sd/-
(H.P.SANDESH)
JUDGE