



CNR: KAHC010306012019

NC: 2026:KHC:50385
CRL.P No. 5073 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5073 OF 2019

BETWEEN:

SHRI CHETAN DESAI
S/O D V DESAI
AGED ABOUT 41 YEARS,
R/A NO.368 6TH MAIN
8TH CROSS, MS RAMAIAH NAGAR
BANGALORE - 560 054.

.....PETITIONER

[BY SRI KS PATIL, ADVOCATE (PH)]

AND:

STATE OF KARNATAKA BY
COMMERCIAL STREET
POLICE STATION
BANGALORE-560 053.
REP BY SPP.,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT.SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO
QUASH THE CHARGE SHEET IN C.C.NO.53368/2019 FOR THE
OFFENCE P/U/S 354A, 354D, 504, 506, 509 R/W 34 OF IPC,
CR.NO.179/2018 PENDING ON THE FILE OF THE XLIII

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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ADDITIONAL CHIEF METROPOLITAN MAGISTRTE (MAYOHALL)
AT BENGALURU.

THIS PETITION IS HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 20.07.2026, THIS DAY, THE COURT,
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

CAV ORDER

Challenging charge sheet and entire proceedings in CC
no.53368/2019 on file of XLIII ACMM (Mayo Hall), Bengaluru
for offences punishable under Sections 354A, 354D, 504, 506,
509 read with Section 34 of Indian Penal Code, 1860 (**IPC**),
this petition is filed.

2. Sri KS Patil, learned counsel for petitioner
submitted impugned proceedings were based on complaint filed
arraigning **Chandra Naik T (Naik)** and **Chetan Desai**
(**petitioner**) as accused no.1 and 2. In complaint dated
20.11.2018, it was stated that **complainant** hailed from
Andaman and Nicobar Islands and while studying Law at
Bengaluru in 2017, she joined *Jayanth M. Pattanshetti &*
Associates, Bengaluru (**Firm**) as intern. Though not assigned,



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Naik, an advocate in Firm often assigned her work and offered lunch as she was staying in PG. He introduced her to petitioner as his friend. When in very first meeting petitioner enquired about her family, acquaintances etc. she felt uneasy and informed Naik. He told her it was how petitioner broke ice with new interns/juniors. Thereafter, petitioner frequented Naik's office and conversed with her. In February, 2017, when her internship ended, BR Krishnan - Litigation Head of Firm asked her to attend office in evening and gain practical experience on monthly stipend of Rs.5,000/-. By that time, petitioner began speaking to her about her looks, dressing etc. Instead of office boy, he used to ask her to get him tea. Even Naik was showing inclination towards her calling her beyond office hours, asking her to do his personal work and after learning that she went to a pub asking her to accompany him next time.

3. She further alleged that towards end of 2017, when another girl joined office as intern, petitioner asked complainant for that intern's phone number. He also enquired whether complainant would accompany him on trips many times and sent her good morning and good night messages,



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which she ignored to focus on work. On one occasion, Naik took her to *Toit* at Indiranagar and while returning in a cab placed his hand on her lap. Though she was perturbed, she did not complain as most in office were relatives of Naik and would affect her career. Unable to explain to her parents, despite securing internship opportunity in top tier firm at Chennai, she continued in Firm.

4. She alleged that on 24.03.2018, Naik called her to *Toit* after college. She went unwillingly and saw petitioner with him. On Naik's insistence, she took a sip of alcohol from his glass. Thereafter, they returned to office, when everyone was leaving. On pretext of work, Naik retained her and asked her to accompany him for drinks at *Unicorn* opposite office. After having drinks, she felt uneasy and they returned to office. While she was searching for Ola cab, Naik took away her phone, forcibly hugged and kissed her. He whispered in her ear that main door of office was locked and attempted to remove her top and made her sit on his lap. She alleged, Naik overpowered her as she was weak. After he returned her phone, she returned to her PG and shared her ordeal to her



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friend, who advised her to ignore incident as it was under intoxication and to focus on completing academic requirement which required Naik's signatures. Next day, Naik apologized to her in front of BR Krishna but later threatened her that he knew from her medical records that she was not virgin and would inform her parents about it and about her boyfriend and also that she flirted/slept with office staff and damage her reputation/career. In view of threat, she tolerated same. But, on 28.03.2018, Naik again took her to *Toit* made her consume alcohol and after parking Car in Office Basement kissed her and attempted to remove her undergarments. Due to heavy intoxication, she was unable to recollect entire events but found her mobile phone and purse were with Naik and had to request him to return. That, Naik continued making unwanted physical advances by kissing her and rubbing his body against her. He also attempted to monitor her communications, movements and interactions with others and made her watch pornographic material on his mobile phone. And on one occasion, exposed himself demanding sex, which she refused. She alleged, these incidents caused fear, humiliation and emotional distress. But



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she continued for sake of academic requirement and career prospects. On 11.04.2018 and 12.04.2018, petitioner called her repeatedly on WhatsApp even after she declined invitation to *Toit*. And when Naik and petitioner came to office, she was frightened and left. She blocked petitioner on WhatsApp and removed both accused from her Facebook contacts. But Naik, threatened and compelled her to book a table for two at *Arbor Brewing Company* on 14.04.2018. Even on that day Naik consumed alcohol, took her to office, kissed her and expressed desire to have one night relationship with her. When she pleaded ill-health, he dropped her back at pub. She alleged that even thereafter, Naik continued to make unwanted physical advances, threats and compelling her to watch pornographic material exposing himself and demanding sex. He threatened her against raising matter before founding partner. Even petitioner wanted to see her messages and call records and warned her that Naik was powerful person having contacts in judiciary and as outsider, she should forget entire matter if she wished to enroll and practice in Karnataka, which she tolerated as she was facing ill-health and academic pressure in final



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semester. Even after 07.07.2018, when she left Bengaluru, she remained under constant fear of Naik not letting her to enroll as advocate in Karnataka. When she informed Naik's wife, she questioned complainant's character and took no action. And when she returned to Bengaluru for enrolment and came across Naik near High Court, her fear revived and caused distress. On same day, emailed Firm about entire incidents. On 31.09.2018, in joint meeting held, Naik admitted having physical involvement with her, but no action was taken. On other hand, she was removed from WhatsApp group of Firm and despite earlier assurances, she was removed from Firm. Alleging that she was subjected to repeated unwelcome physical and sexual conduct, intimidation, threats and harassment by Naik as well as inappropriate conduct and threat by petitioner and about Firm failing to take action, she filed complaint. Same was registered as Crime no.179/2018 by Commercial Street Police Station, Bengaluru for offences punishable under Sections 354A, 354D, 504, 506, 509 read with Section 34 of IPC and after investigation, charge sheet was filed in CC no.53368/2019



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for above offences. Aggrieved by same, present petition was filed.

5. It was submitted that present complaint was false and fabricated complaint filed on afterthought to damage reputation of petitioner. As per complainant alleged incident occurred in 2017, but complaint filed on 20.11.2018. Moreover, complainant had died on 24.11.2018 for reasons unconnected with incident or accused, prior to recording of her evidence. It was further submitted, there were no eyewitnesses to incidents and statements of other Charge sheet witnesses were hearsay. And that complaint and charge sheet heavily relied on assertions of complainant. Thus, charges cannot be established without her testimony. Consequently, there was no possibility of conviction.

6. It was submitted, Hon'ble Supreme Court in **Lalita v. Vishwanath & Ors. [2025 INSC 173]**, held FIR is not substantive evidence and can be used only to corroborate or contradict and would not be admissible unless it meets requirements of dying declaration under Section 32 of Indian



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Evidence Act, 1872. Therefore, if first informant passes away from causes unrelated to case contents cannot be proved through Investigating Officer. And that said ratio would apply to present case.

7. It was submitted, impugned proceedings would not sustain against petitioner as essential ingredients of offences alleged were missing. Only overt acts against petitioner were about threatening complainant by saying that Naik was powerful man having contacts in judiciary etc. that she was an outsider and unless she forget everything, she would not be permitted to enroll as an advocate in Karnataka. And about enquiring about complainant's personal information, conversing with her about her looks, repeated invitation to join him on trips, sending good morning/good night messages etc.

8. It was submitted, Section 504 of IPC would apply only to cases of intentional insult to provoke victim to commit breach of peace or any other offence. Likewise, Section 506 of IPC applies only in case of threat to a person, his reputation or property with intent to cause alarm and forcing to do or not to do particular act. Further, there were neither any allegation of



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petitioner stalking complainant to attract Section 354D nor any acts with sexual overtures falling within provisions of Section 354A of IPC. Hence, continuation of proceedings against accused would amount to abuse of process of Court and sought for allowing petition.

9. On other hand, Smt.Sowmya R., learned HCGP for respondent no.1-State, opposed petition. It was submitted, allegations by complainant were of serious offences of sexual harassment at workplace and threat to harm complainant and there was sufficient material such as spot mahazar, recording of statements of witnesses, which supported prosecution case. That entire charge sheet material would indicate existence of *prima facie* case and she admitted that complainant died three days after filing complaint. But contended that there were specific allegations against both accused about sending messages, making phone calls, abusing complainant and threatening to kill her. That complaint and charge sheet disclosed essential ingredients of offences alleged and contentions urged herein would be matters for trial and sought dismissal of petition.



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10. Heard learned counsel and perused material on record.

11. This petition is by accused no.2 challenging charge sheet and entire proceedings for offences punishable under Sections 354A, 354D, 504, 506, 509 read with Section 34 of IPC.

12. Hon'ble Supreme Court in case of **Achin Gupta v. State of Haryana**, reported in **(2025) 3 SCC 756** and in **Anand Kumar Mohatta v. State (NCT of Delhi)** reported in **(2019) 11 SCC 706** has held, in case of challenge of charge sheet or entire proceedings after filing of charge sheet, High Court under Section 482 of CrPC would require to examine entire prosecution material taken on face value in unrebutted form to find out whether it indicates *prima facie* case, calling for trial or discloses grave suspicion about accused committing offence or there is no possibility of conviction based on prosecution case.

13. Indisputably, complainant herein has died after registration of FIR but before recording of her statement by



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learned Magistrate under Section 164 of CrPC or recording of oral evidence. Death of complainant has no nexus with accused. Ratio laid down in **Lalita's** case (*supra*) is in case of death of first informant prior to recording of her evidence, for reasons having no nexus to accused, contents of FIR would not be admissible in evidence, nor can they be proved through deposition of Investigation Officer.

14. At outset, it is seen that there are no allegation by complainant that any of alleged incidents were committed by accused in furtherance of common intention, confining scope of this petition to examine prosecution material indicating *prima facie* case against petitioner (accused no.2).

15. Material on record reveals that in charge sheet, prosecution has cited 17 witnesses, describing them CW.1 as complainant, CWs.2 to 5 as pancha witnesses, CWs.6 to 8 and 14 as other witnesses, CWs.9 to 13 as eye-witnesses and CWs.15 to 17 as official witnesses. Amongst them, material witnesses for implication of petitioner would be CWs.9, 10 to 13. CW.9 - Akshith Shetty, states that he was employee of a



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Studio on Millers Road, knew complainant due to her frequent visits to Studio and when on one day in October, 2018, when he enquired why she was crying near Studio, she told him that during internship, Chandra Naik took her to several hotels and pubs, behaved in inappropriate way and sexually harassed her. He also states about complainant mentioning that petitioner *met her frequently and caused trouble*. And on request, accompanied her to police station on 20.11.2018 to file complaint. Thus, statement of CW.9 is hearsay.

16. Even statements of CWs.10 to 13 - employees of Firm working in various positions are consistent that complainant was from Andaman & Nicobar and during her final year LLB joined their Firm for internship from January, 2017, and received training from CW.10 and Naik. And as friend of Naik, petitioner visited their office frequently. They also mention about complainant sending email to Firm. Their statement at best would be material. Complainant training with Naik and petitioner often visited Firm and they are not eyewitnesses to any of alleged incidents.



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17. As rightly submitted, essential ingredients for offence under Section 504 of IPC is *intentional insult to provoke victim to commit breach of peace or any other offence*. And for offence under Section 506 of IPC, *threat to a person, his reputation or property with intent to cause alarm and forcing to do or not to do particular act*. Likewise, for offence under Section 354A of IPC, *physical contact/advances involving unwelcome, explicit sexual overtures; or demand or request for sexual favours; or showing pornography against will of women or making sexually coloured remarks*. And for offence under Section 354D, *following woman and contacting or attempting to contacting her to foster personal interaction repeatedly, despite clear indication of disinterest by such woman or monitoring use of internet, email or any other form of electronic communication, by a woman*.

18. In view of death of complainant of reasons not having nexus to case ratio in **Lalitha's** case (supra) would come into play and allegations/contents of FIR held to be not substantive evidence and cannot be proved by IO. Careful perusal of remaining prosecution material i.e. complaint,



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charge sheet imputations, statements of charge sheet witnesses and other material, does not implicate petitioner of committing any of abovementioned acts to attract corresponding offences. Consequently, it has to be concluded that there is no *prima facie* case against petitioner to necessitate trial. In absence of possibility of conviction, continuation of proceedings would amount to abuse of process. Hence, following:

ORDER

Petition is ***allowed***. Charge sheet and entire proceedings in CC no.53368/2019 on file of XLIII ACMM (Mayo Hall), Bengaluru for offences punishable under Sections 354A, 354D, 504, 506, 509 read with Section 34 of IPC stand *quashed* insofar as petitioner (accused no.2).

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

GRD
List No.: 1 Sl No.: 50