



CNR: KAHC010601692022

NC: 2026:KHC:54364
W.P. No.25897 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE V SRISHANANDA
WRIT PETITION NO.25897 OF 2022 (GM-RES)

BETWEEN:

1. M/S. BLUE WINGS BAR AND RESTAURANT
REPRESENTED BY ITS PARTNERS
SRI. DEEPAK P AND SRI. PRADEEP C
HAVING PLACE OF BUSINESS AT
50 FEET ROAD, 488
7TH MAIN ROAD, HANUMANTHNAGAR
BANASHANKARI, BENGALURU
KARNATKAA 560 019.

AND ALSO R/AT. 1075
14TH B MAIN ROAD
HANUMANTHANAGAR
BANGALORE-560019.

...PETITIONER

(BY SRI. VIKRAM A. HULIGOL, SR. ADV., FOR
SRI. NAUSHAD A.K. ADV.,)

AND:

1. THE STATE OF KARNATAKA
THROUGH THE PSI
HANUMANTHANAGAR
POLICE STATION
HANUMANTHNAGAR
ASHOK NAGAR
BANASHANKARI STAGE I
BANGALORE 560 050.

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



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2. SMT. NAZMA
W/O RAHUL
R/AT CONSTRUCTION SITE NO.24
7TH MAIN ROAD, 50 FEET ROAD
HANUMANTHANGAR
BANGALORE 560 019.

...RESPONDENTS

(BY SMT. WAHEEDA M.M. HIGH COURT GOVERNMENT PLEADER
FOR R1.

SMT. SANDHYA, ADVOCATE FOR R2 [ABSENT])

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF
THE CONSTITUTION OF INDIA R/W SECTION 482 OF CR.P.C.
1973, PRAYING TO QUASH ALL THE PROCEEDINGS IN CRIME
NO.0329/2022 OF THE HANUMANTHANGAR POLICE STATION,
BANGALORE, SO FAR AS THE ACCUSED PETITIONERS HEREIN
ARE CONCERNED FOR THE ALLEGED OFFENCES PUNISHABLE
UNDER SECTIONS 354C, 504, AND 34 OF I.P.C AND TO PASS
ANY OTHER APPROPRIATE ORDERS AS MAY BE NECESSARY,
TILL THE FINAL DISPOSAL OF THIS PETITION & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



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ORAL ORDER

Heard Sri Vikram A. Huligol, learned Senior counsel appearing on behalf of Sri Naushad A.K., counsel for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader for the respondent No.1. Smt. Sandhya, learned counsel for respondent No.2 is absent.

2. Petition under Article 226 and 227 of the Constitution of India read with Section 482 of Code of Criminal Procedure is filed with the following prayer.

"Wherefore, it is most humbly prayed that, this Hon'ble Court may be pleased to allow this petition, and to quash all the proceedings in Crime No.0329/2022 of the Hanumanthnagar Police Station, Bangalore, (Annexure R) so far as the accused petitioners herein are concerned for the alleged offences punishable under sections 354C, 504 and 34 of IPC and to pass any other appropriate orders as may be necessary, till the final disposal of this petition, in the interest of justice."

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:



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3.1. A complaint came to be lodged by the respondent No.2 with the Hanumanthanagar Police which came to be registered in Crime No.329 of 2022 for the offences under Section 354C, 504 read with Section 34 of Indian Penal Code.

3.2. Petitioner is running a Bar and Restaurant in the name and style of Blue Wings Bar and Restaurant, which commenced its business in the year 1985 and continued to operate even on the date of the filing of the petition.

4. Neighbouring building owner, namely, Mangilal Patel and his wife obtained plan and licence from the competent authority to construct a stilt plus ground floor plus two floors residential building on the site bearing No.24, 7th Main Road K.S.Narasimha Swamy Road, Bangalore. Hanumanthnagar.

5. Sri Anil Kumar, who is the owner of the premises where the petitioner is running the Bar and Restaurant, being the neighbour of Mangilal Patel, lodged a complaint with Hanumanthnagar Police against Mangilal Patel and his threat of



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hiring shooters from Bihar on payment of Rs.3,00,000/-. Police however failed to register the case.

6. Balakrishna, son of Mangilal Patel successfully lodged a complaint against Anil Kumar Srinivas being the owner of the premises where the petitioner's Bar and Restuarant is run.

7. Hanumanthnagar Police also registered a case in NCR No.32 of 2022 against Balakrishna.

8. Anil Kumar Srinivas approached this Court in WP No.16295 of 2022 seeking an order against Bruhat Bengaluru Mahanagara Palike for the illegal construction carried out by Mangilal Patel. At that juncture as a counter blast, present complaint came to be filed.

9. Gist of the complaint averments would reveal that a worker by name Nazma was photographed by one of the attendants who is working in the petitioner's Bar and Restaurant and thereby sought for action.



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10. Police based on the written complaint, registered the case as aforesaid and investigating the matter.

11. Very registration of the First Information Report is called in question by the petitioner herein.

12. Sri Vikram A Huligol, learned Senior Counsel representing the petitioner, would contend that assuming that such a filming has taken place by a boy who is working in the Bar and Restaurant, case should have been filed against that boy and not against the petitioner herein. Thus, registering the case against the petitioner herein for the offence under Section 354C of Indian Penal Code *per se* would amount to abuse of process of law and sought for quashing the complaint.

13. Smt. Waheeda M.M., learned High Court Government Pleader, however tried to justify the registration of the case as the complainant did not know what is the name of the boy who worked in the Bar and Restaurant of the petitioner, which would be investigated by the police and suitable report would be filed.



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14. Second respondent is served and she has engaged the services of Smt. Sandhya, an advocate who remains absent before the Court.

15. Having heard the arguments of both sides, this court noted the contents of the complaint.

16. On bare reading of the complaint itself, no ingredients whatsoever is forthcoming so as to attract the offence under Section 354C of Indian Penal Code.

17. Moreover, who is the boy who took the photograph of a worker who worked in the construction site of Sri Mangilal is not also forthcoming.

18. Further, assuming that a worker of the petitioner, Bar and Restaurant has taken some photograph of the worker of Mangilal, how a criminal complaint can be filed against the owner of the Bar and Restaurant, that too alleging the vicarious liability is a question that was not looked into by the police before registering the case.



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19. At the most, police could have registered the case against an unknown person and investigate the matter but definitely not against the present petitioner.

20. Hence, a case is made out to quash the pending criminal complaint.

21. Accordingly, following:

ORDER

- (i) Petition is ***allowed***.
- (ii) Pending proceedings in Crime No.0329/2022 of Hanumanthnagar Police Station, Bengaluru (Annexure-R) is hereby quashed.

**Sd/-
(V SRISHANANDA)
JUDGE**

MR
List No.: 1 SI No.: 86
CT:MS