

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 102 OF 2024

BETWEEN:

GITANJALI PADHI PRASAD
WIFE OF ASHOK KUMAR PRASAD,
AGED ABOUT 43 YEARS,
R/AT C 351, 1ST FLOOR,
NEAR THIRPANI POLICE STATION
KOELNAGAR, RAURKELA,
SUNDERGARH, ODISHA-769 014

...PETITIONER

(BY SRI. VIVEKANANDA S, ADVOCATE)

AND:

1. STATE OF KARNATAKA
INDIRANAGAR POLICE STATION,
REPRESENTED BY ADDITIONAL
PUBLIC PROSECUTOR,
HIGH COURT BUILDING
AMBEDKAR COLONY
BENGALURU -560 001
2. MS RAJESHWARI SINGH
AGED ABOUT 46 YEARS,
D/O CHANDRAVEER SINGH CHANHAV
R/AT 554, 4TH CROSS,
11TH MAIN, INDIRANAGAR,
BENGALURU-560 038

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. L.P.E. REGO, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO SET
ASIDE THE ORDER TAKING COGNIZANCE AND ISSUING

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA

SUMMONS TO THE PETITIONER DATED 21.06.2019 PASSED BY THE X A.C.M.M MAYO HALL BENGALURU IN C.C.NO.53904/2019 FOR THE OFFENCE P/U/S 448,427,385,506 R/W 34 OF IPC REGISTERED BY INDIRANAGAR P.S PRODUCED AT ANNEXURE-A.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 16.09.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioner/accused No. 3 in C.C No. 53904/2019, arising out of Crime No. 105/2018 of Indiranagar Police Station for the offences punishable under Sections 448, 427, 385, 506 r/w Section 34 of IPC, pending on the file of the X Additional Chief Metropolitan Magistrate, Bengaluru (for short, 'the learned Magistrate'),.

2. The abridged facts of the case are that, the respondent No. 2 is the Trustee and Principal of Seven Senses School, Indiranagar. Discontent arose regarding the standard of education and administrative functioning of the school. It is alleged that on 17.04.2018 at around 11:20 AM, the petitioner along with co-accused persons illegally trespassed into the school premises, threatened the school staff, caused public

nuisance, and damaged Montessori materials, posters, and educational records worth lakhs. As such, she lodged a complaint before respondent No.1-Police against the petitioner and others.

3. On the strength of the said complaint, FIR came to be registered in Crime No. 105/2018 dated 19.04.2018 against the petitioner and others for the offences punishable under Sections 448, 427, 384, 341, 506 r/w Section 34 of IPC. After the registration of FIR, respondent No.1-police conducted the investigation and laid charge-sheet against the petitioner and others for the offences punishable under Section 448, 427, 385, 506 r/w Section 34 of IPC by arraying this petitioner as accused No.3. Aggrieved by the same, the petitioner preferred this petition.

4. Heard the learned counsel for the petitioner, the learned High Court Government Pleader for respondent No.1 - State and the learned counsel for respondent No.2 - complainant.

5. Apart from urging several contentions, the learned counsel for the petitioner contended that, the criminal proceedings against the petitioner is clear abuse of the process

of law, weaponized with oblique motives, and constitute a retaliatory counterblast to the complaints filed by the petitioner and others before the Block Education Officer regarding school irregularities. It was further contended that no prima facie case is made out against the petitioner, as the essential ingredients of the alleged offences are absent. The absence of CCTV footage or any independent public witnesses, according to learned counsel, further renders the allegations inherently improbable. It was also contended that the petitioner, being a parent seeking issuance of a transfer certificate and refund of fees, had neither any common intention nor criminal *mens rea* to commit the alleged offences. Further, to buttress his argument, he relied on the judgment of Hon'ble Apex Court in the case **GORIEGE PENTAIAH VS. STATE OF ANDHRA PRADESH AND OTHERS** reported in **(2008) 12 SCC 531**. Accordingly, he prays to allow the petition.

6. *Per contra*, learned counsel for respondent No.2 contended that the spot mahazar and eyewitness statements specifically attribute overt acts to the petitioner. The contentions regarding retaliatory motive, absence of CCTV footage and lack of criminal intention are matters of defence involving disputed questions of fact, which cannot be

adjudicated at this stage. According to learned counsel, the material collected by the Investigating Officer discloses the necessary ingredients of the alleged offences against the petitioner and, therefore, no ground is made out for quashing the proceedings. Further, to buttress his argument he relied on the judgment of Hon'ble Apex Court in the case **ANUKUL SINGH VS. STATE OF UTTAR PRADESH AND ANOTHER** reported in **2025 SCC ONLINE SC 2060** and the judgment of Hon'ble High Court of Delhi in the case of **VIJAY KUMAR @ CHAMPION VS. STATE OF NCT OF DELHI AND ANOTHER** in **W.P.(Crl). No.2068/2023 and connected matters**. Accordingly, he prays for dismissal of the petition.

7. Learned High Court Government Pleader appearing for respondent No.1-State opposed the prayer in the petition and prays to dismiss the petition.

8. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties so also perused the entire charge sheet materials.

9. On perusal of the complaint and the charge sheet materials, specific allegations are made regarding criminal trespass, intimidation, extortion, and mischief causing damage

to school property supported by witness statements recorded under Section 161 Cr.P.C. The contents of the spot mahazar and statement of eyewitness directly attribute specific overt acts to the accused persons. The arguments advanced by the petitioner regarding retaliatory motive, lack of CCTV footage, or absence of criminal intent are pure defence pleas that require evaluation of contested facts. At this stage, the Court cannot evaluate the credibility, weight, or admissibility of evidence or conduct a mini-trial to determine the veracity of the claims. The materials placed on record by the investigating officer disclose necessary ingredients to constitute alleged offences against the petitioners.

10. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious or oppressive. If the allegations set out in the complaint do not constitute offence of which cognizance has been taken by the magistrate it is open for this Court to quash the same. It is not necessary that a meticulous analysis of case should be done before trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegation therein, in the light of the statement made on oath that the ingredients of

the offence are disclosed there would be no justification for this Court to interfere as held in the case of ***SAU. KAMAL SHIVAJI POKARNEKAR VS. STATE OF MAHARASHTRA AND OTHERS*** reported in ***2019 (14) SCC 350***.

11. In the instant case, the charge-sheet materials more particularly the statements of eye witnesses, *prima facie* disclose the involvement of the petitioner/accused No.3 in the offences for which she has been charge-sheeted. The said material requires to be tested in a full-fledged trial. Hence, without expressing any opinion on the merits of the case, I am of the considered view that the proceedings cannot be quashed at this stage. Accordingly, the petition lacks merit and the same is ***dismissed***.

**SD/-
(RAJESH RAI K)
JUDGE**

PKS