



CNR: KAHC010737432024

NC: 2026:KHC:54585
WP No. 34450 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.34450 OF 2024 (GM-RES)

BETWEEN:

MRS LAKSHMI M
AGED ABOUT 39 YEARS
D/O K MURTHY,
R/AT NO.20, 6TH MAIN
13TH CROSS, MSR NAGAR
MATHIKERE
BANGALORE – 560 024

WORKING AT
EXOTEL TECHCOM PRIVATE LIMITED
HAVING OFFICE AT
MARUTHI INFOTEC CENTRE
NO.11/1 AND 12/1,
INDIRANAGAR -KORAMANGALA
INTERMEDIATE RING ROAD
BENGALURU – 560071

...PETITIONER

(BY SRI P.P.HEGDE, SENIOR ADVOCATE FOR SRI YATHISH.B
ALONGWITH SRI DHANUSH D. RAJ, ADVOCATES)

AND:

1. STATE OF KARNATAKA
JEEVAN BHEEMANAGAR POLICE STATION
JEEVAN BIMA NAGAR MAIN ROAD
LIC COLONY, HAL 3RD STAGE
SECTOR 12, JEEVAN BIMA NAGAR
BENGALURU
KARNATAKA - 560 075

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010737432024

**NC: 2026:KHC:54585
WP No. 34450 of 2024**

REPRESENTED BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA-560 001

2. MS AISHWARYA S
D/O SRINIVASA
AGED ABOUT 27 YEARS
R/AT DASANAYAKANAHALLI VILLAGE,
BENGALURU-562 149.

...RESPONDENTS

(BY SMT.WAHEEDA.M.M, HIGH COURT GOVERNMENT PLEADER)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA R/W SECTION 528 OF THE BHARTIYA NAGRIKA SURAKSHA SANHITA, 2023 PRAYING TO QUASH THE FIR IN CRIME NO.0328/2024 OF JEEVAN BHIMA NAGAR POLICE STATION DATED 02.12.2024 REGISTERED FOR OFFENCES PUNISHABLE UNDER SECTION 3(1)(r), 3(1)(s), 3(1)(w) SC AND THE ST (PREVENTION OF ATROCITIES) ACT, 1989 AND UNDER SECTIONS 115(2), 126(2), 352 OF THE BHARTIYA NAGRIK SANHITA (BNS), 2023 PENDING ON THE FILE OF CITY CIVIL AND SESSIONS JUDGE AT BANGALORE (CCH-71) VIDE ANNEXURE-A IN SO FAR AS THE PETITIONER IS CONCERNED.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



CNR: KAHC010737432024

NC: 2026:KHC:54585
WP No. 34450 of 2024

ORAL ORDER

Heard Sri P.P.Hegde, learned Senior Advocate for the petitioner and Smt.Waheeda M. M. learned High Court Government Pleader for first respondent. Second respondent served with notice, remained absent.

2. Petition under Articles 226 and 227 of the Constitution of India r/w Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the following prayer:

"Issue a writ of certiorari quashing the FIR in Crime No. 0328/2024 of Jeevan Bhima Nagar Police Station dated 02.12.2024 registered for offences punishable under Section 3(1)(r), 3(1)(s), 3(1)(w) of SC and ST (Prevention of Atrocities) Act, 1989, and under Sections 115(2), 126(2), 352 of the Bharatiya Nagarik Suraksha Sanhita, 2023, pending on the file of City Civil and Sessions Judge at Bangalore (CCH-71) vide Annexure-A insofar as the petitioner is concerned".

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



CNR: KAHC010737432024

**NC: 2026:KHC:54585
WP No. 34450 of 2024**

3.1 Second respondent lodged a complaint with Jeevan Bheemanagar Police Station which came to be registered by the said police as Crime No.0328/2024.

4. Gist of the complaint averments would reveal that complainant is running a Company by name G7 TeleServices Private Ltd., at Maruthi Infotech Centre, Inner Ring Road, Domlur, Bengaluru. About 150 persons are working in the said Company.

5. On 25.11.2024, when the complainant was not in the Company, Santosh @ Jagadish Santosh Mani and employees of accused Company trespassed into the complainant Company and abused the workmen and locked the Company. By said Act, complainant incurred loss to the tune of ₹5 to ₹6 lakhs.

6. On 26.11.2024, complainant called Santosh @ Jagadish Santhosh Mani over telephone to discuss regarding the incident that happened on 25.11.2024. At that juncture, said Santosh @ Jagadish Santosh Mani spoke to the complainant in a rough manner and abused the complainant.



CNR: KAHC010737432024

NC: 2026:KHC:54585
WP No. 34450 of 2024

7. It is also found that during the said telephonic conversation, accused No.1 said to have abused the complainant with the words 'ನಿನ್ನಂತವರಿಗೆ ನನ್ನ ಕಂಪನಿಯಲ್ಲಿ ಯಾವುದೇ ಬಾಡಿಗೆ ಕೊಡುವುದಿಲ್ಲ'. Thereafter, when complainant went to the Company, said Santosh @ Jagadish Santosh Mani obstructed the complainant and assaulted her.

8. Nowhere in the complaint, what is the role played by the present petitioner is forthcoming. Nor any allegations are there which would attract the offences alleged in the FIR.

9. Therefore, continuation of the criminal complaint is challenged in this petition.

10. Sri P.P.Hegde, learned Senior Advocate for the petitioner would contend that in the entire complaint there is no mention with regard to the role played by the present petitioner and even to attract the offence under the provisions of SC and ST (Prevention of Atrocity) Act. There are no allegations in respect of the other accused. As such, complaint needs to be quashed.



CNR: KAHC010737432024

11. *Per contra*, Smt.Waheeda, learned High Court Government Pleader would contend that there is another complaint filed by first accused against the complainant herein. As such, both the cases should be investigated following the Full Bench decision of this Court in the case of ***State of Karnataka, by circle Inspector of Police v. Hosakeri Ningappa and another*** reported in ***ILR 2012 KAR 509*** and suitable reports are to be filed and thus sought for dismissal of the petition.

12. Having heard the arguments of both sides, this Court noted that a complaint came to be lodged by the first accused against the second respondent before the very same police station in respect of the very same incident that occurred on 25.11.2024.

13. However, the present case came to be filed on 02.12.2024 by the second respondent.

14. There cannot be any dispute that both the matters are to be tried or to be investigated by following the dictum in the case of *supra*.



CNR: KAHC010737432024

NC: 2026:KHC:54585
WP No. 34450 of 2024

15. However, insofar as the present petitioner is concerned, since there is no overt act at all or any allegations for that matter in the complaint which would attract the offences alleged in the FIR, continuation of the criminal complaint as against the present petitioner is nothing but abuse of process of law.

16. Hence, the following:

ORDER

- i. Petition **allowed**.
- ii. Pending FIR in Crime No.0328/2024 dated 02.12.2024 registered by Jeevan Bheemanagar Police Station is hereby **quashed** insofar as present petitioner is concerned.
- iii. However in respect of remaining accused, investigation shall be conducted in accordance with law as per the guidelines in **Hosakeri Ningappa** supra.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 3 Sl No.: 8
CT:VRR