HC-KAR
NC: 2026:KHC:63452
CRL.P No. 1299 of 2021
CNR: KAHC010060672021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1299 OF 2021

BETWEEN:

1. MOHAMMED IFTEKHAR
S/O MOHAMMED ISLAM
AGED ABOUT 35 YEARS,
R/AT NEAR BATA CHOWKKULI PARA
KATIHAR AMDABAD KATHHAR
BHIAR-854 105.

...PETITIONER

(BY SRI. OMAR SHARIFF, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY KORAMANGALA POLICE STATION
BENGALURU-560 095
REP. BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001.

2. PALASHA S. PHALADHARA
W/O SNEHIL PHALADHARA
AGED ABOUT 28 YEARS,
R/AT NO.385 2ND FLOOR
5TH BLOCK, KORAMANGALA
BENGALURU-560 095.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 - SERVED)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010060672021

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE CRIMINAL PROCEEDINGS AS AGAINST THE PETITIONER IN C.C.NO.7358/2020 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354(d) AND 509 OF IPC, PENDING ON THE FILE OF THE XLI ACMM, BENGLURU VIDE ANNEXURE-A.

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 for the petitioner and learned High Court Government Pleader for respondent No.1-State. Though, respondent No.2-complainant is served, she is unrepresented.

2. The prayer is sought in the petition to quash the proceedings initiated against the petitioner in C.C.No.7358/2020 for the offence punishable 354(d) and 509 of IPC as per Annexure-A order sheet, wherein the police have filed the charge sheet and cognizance is taken for the offence punishable under Sections 354(d) and 509 of IPC and accused was absconding. Hence, NBW was issued.

3. Learned counsel appearing for the petitioner would vehemently contend that false allegations are made against the

petitioner and in the complaint, it is mentioned that both the complainant and the petitioner were working together in Nagpur in the same company. During this period, the petitioner expressed his love for her. The complainant further states that the petitioner moved to Mumbai later that year in 2017. The complainant states that he wanted to get marry her, but he did not agree to marry her. Further, she also stated that she was in touch with him for work purpose. The complainant alleges that after her marriage in 2019 to one Snehil, she was still in touch with the petitioner and alleges that she asked him not to call her, but he continued the same. It is also stated that in November, 2019, the complainant had a fight with her husband and with the intention of not escalating the fight, lied to him about being in touch with the petitioner. The complainant also states that she asked him not to call her, but she alleges that he made calls to her husband and brother and the allegation is also that the complainant approached the Nagpur police and after the petitioner getting a bashing from the police, stopped calling her. But, also alleges that petitioner started the above

stated acts again. Hence, complaint is filed and FIR is registered in terms of Annexure-C.

4. The respondent-police after the investigation have filed a charge sheet arraying seven witnesses. The counsel would vehemently contend that petitioner would help her in securing a job and would assist her in dealing with her problems. The complainant got married on 13.06.2019 to one Snehil. The marriage was an arranged marriage through the parents of the complainant. The petitioner many a times has stated that he does not want to be in contact with her, as she is married. But, she continued to talk to him. The counsel also submits that the documents which have been produced along with the petition clearly discloses that in the complaint, though allegation is made that phone numbers are given, not collected any phone numbers of this petitioner, even though it is mentioned in the complaint dated 27.05.2020 and though WhatsApp statuses are attached in the complaint, but nothing is attached. The counsel also submits that the WhatsApp message is sent by the petitioner and she has continued even after her marriage also and the same clearly discloses that she

continued the contact with him even after her marriage. The counsel also relies upon the documents which have been produced along with memo dated 12.11.2026, wherein WhatsApp chats between the petitioner and respondent No.2 are produced and these documents clearly disclose that this petitioner continued to be in touch with respondent No.2 in the month of 2018, 2019 and January, 2020 and also missed calls were given by the complainant herself and number of calls are found. Hence, it is very clear that he was not troubling her after the marriage and she was in touch with the petitioner and even WhatsApp chat clearly discloses that she was sending messages that she is loving him and missing him and no material is collected by the Investigating Officer during the course of investigation to invoke the offence under Sections 354(d) and 509 of IPC.

5. Per contra, learned High Court Government Pleader for respondent No.1-State would submit that based on two complaints, the investigation is conducted and found that this petitioner was in touch with the complainant even after her marriage. The accusation made in the charge sheet is that this

petitioner was in touch with C.W.1 and he was not only making phone calls and he was also sending messages and inspite of instruction was given not to continue the same, he continued the same and in the month of March, 2018, in his WhatsApp, sent the photo and status to C.W.1 and the same hinder the family respect and cause damage to her marital life. The counsel also submits that very charge sheet messages which were sent discloses that both were in touch with each other even after the marriage of complainant which clearly discloses that the petitioner is also in constant touch with her even after coming to know that she was married and there are reply chats between both of them and hence, it is a matter of trial and at this stage, the Court rely and believe the WhatsApp chat of the petitioner. The Court also to take note conduct of the petitioner, since he had deleted his WhatsApp chat. Leaned counsel appearing for the petitioner mainly relies upon the chats sent by the respondent No.2-complainant and at this stage, this Court cannot appreciate the same while exercising the power under Section 482 of Cr.P.C. when the petitioner and

the respondent No.2-complainant were in constant touch with each other.

6. Having heard learned petitioner for the petitioner and learned High Court Government Pleader for the respondent No.1-State and considering the material on record, it is an admitted fact that both of them were working in the same company. It is also the allegation that even prior to the marriage were in constant touch with each other and it is also not in dispute that marriage of the complainant has taken place in the year 2019 and subsequently, she had lodged the complaint that inspite of she being married, the petitioner continued to make phone calls and also sending the messages. Though three phone numbers are given in the complaint dated 27.05.2020, prima facie it appears that first number belongs to the petitioner herein. But, Investigating Officer has not collected any material in respect of other two numbers are concerned. But, the documents have been produced by the petitioner itself that both of them were in touch with each other and the said phone numbers belong to the petitioner itself which is found in page No.42 of the petition which is relied

upon by the petitioner himself and in the WhatsApp message in page No.39 also it is mentioned that it belongs to the petitioner i.e., Iftekhar. So also, the WhatsApp chat between them has continued even after the marriage of complainant.

7. When such being the case and it appears to be a reciprocative chats between both of them and when such allegations are made and seven witnesses are cited while filing the charge sheet, and no doubt, learned counsel appearing for the petitioner brought to notice of this Court that even after the marriage also, the complainant was sending the messages 'love you and missing you', there is no response from the other side for some of the WhatsApp chats and it its deleted. When such allegations are made, it is a matter of trial and the same requires to be subjected for trial and whatever the defence material which the learned counsel appearing for the petitioner relies upon before this Court i.e. WhatsApp chats could be confronted during the course of cross-examination. Hence, at this juncture, this Court cannot consider the defence material regarding reciprocative WhatsApp chats between both of them. The prosecution also after the investigation relied upon the

statement of witnesses C.Ws.1 to 7 and their statement is also subject to veracity during the course of cross-examination at the time of trial. Hence, I do not find any ground to entertain this petition when the petitioner and the complainant was also in constant touch with the petitioner even after her marriage and they were chatting. Therefore, no ground is made out to invoke Section 482 of Cr.P.C. to quash the proceedings.

8. In view of the discussion made above, I pass the following:

ORDER

The criminal petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 8