HC-KAR
NC: 2026:KHC:61389
CRL.P No. 1868 of 2021
CNR: KAHC010091372021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.1868 OF 2021

BETWEEN:

SRI. RAMACHANDRAN
S/O LATE KRISHNAMURTHY
AGED ABOUT 83 YEARS
R/AT NO.37/1, FLAT NO.302
B-BLOCK, DHATRI RESIDENCY
MYLASANDRA ROAD, BEGUR
BENGALURU-560068

...PETITIONER

(BY SRI. AJAY N, ADVOCATE FOR
SRI MITHUN G A, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
REP. BY THE INSPECTOR OF POLICE
BEGUR POLICE STATION
BENGALURU-560068

2. MS. REJINA MARY
D/O ANTHONY BASKAR
AGED ABOUT 24 YEARS
R/AT FLAT NO.408, DHATRI APARTMENT
MYLASANDRA ROAD
BEGUR, BENGALURU-560068

...RESPONDENTS

(BY SRI SUHAS GOWDA M HCGP FOR R1;
SRI VENKATESH PRASAD R, ADVOCATE FOR R2 [ABSENT])

CNR: KAHC010091372021

THIS CRL.P IS FILED U/S.482 OF CR.P. PRAYING TO QUASH ALL FURTHER PROCEEDINGS PENDING IN C.C.NO.7045/2020 ON THE FILE OF XLI ADDL.C.M.M., BENGALURU, FOR THE OFFENCE P/U/S 341 AND 354 R/W 34 OF IPC AGAINST THE PETITIONER AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This petition is filed praying this Court to quash the further proceedings in C.C.No.7045/2020 initiated against the petitioner for the offences punishable under Sections 341 and 354 read with Section 34 of IPC.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for respondent No.1/State. Though respondent No.2 is represented through the counsel, the said counsel is absent.

3. This petition is filed by accused No.2 who is aged about 83 years. The allegation against this petitioner in the complaint that on 26.11.2019 at 06:00 p.m. when CW1 was

alone at home, accused Nos.1 and 2 came near the house of CW1 and informed that her dog passed urine in the lift and CW1 replied that the same is not from her dog and asked for proof of the same. At that time, accused Nos.1 and 2 suddenly restrained her and holding her shoulder pushed her and hence, invoked the offences under Sections 341 and 354 read with Section 34 of IPC.

4. The counsel appearing for the petitioner would submit that it is not in dispute that the petitioner and the complainant are residing in the same apartment. The counsel also brought to notice of this court that earlier, complaint was lodged against the complainant on 11.09.2019 stating that there is smell of urine in 'B' Block lift. This looks like an act of dog of flat No.B-408 and requested the committee to kindly inform the pet owners to use the lift properly or they really need to looking of pet policy in their next General Body Meeting. This complaint of the complainant is outcome of the said complaint lodged with the committee and no such incident was taken place. The counsel also brought to notice of this court the statement made by CW6 who is also not an

eyewitness to the incident. None of the witnesses are cited as eye-witnesses in the charge sheet. The witnesses only say that they came to know about the incident through CW1 and all the witnesses are only hearsay witnesses. Hence, there cannot be any criminal prosecution against the petitioner.

5. Per contra, the counsel appearing for the State would submit that the specific date and time is mentioned in the complaint. The police have investigated the matter and filed the charge sheet. Witnesses at CW1 to CW8 statements are also recorded and it is a matter of trial.

6. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it discloses that the prior to filing of this complaint, earlier there was a complaint in connection with the dog urinated in the lift and getting the smell and the allegation is against the complainant. The allegation in the present complaint is that holding her shoulder, accused persons pushed her. Hence, it will not attract the ingredients of Section 354 so also, the other offence of Section 341 of IPC and it appears that only words were exchanged between them. Having taken note

of gravity of the offence and allegations made in the complaint, it discloses that the ingredients of the alleged offences are not revealed. Unless wrongful restraint was made with an intention to outrage the modesty of a women and if no such incident was taken place, there cannot be a prosecution for the offences under Sections 341 and 354 of IPC. Having taken note of the material on record, it discloses that it is a fit case to exercise the power under Section 482 of Cr.P.C.

7. In view of the discussions made above, I pass the following:

ORDER

i. The petition is allowed.

ii. The further proceeding in C.C.No.7045/2020 initiated against the petitioner for the offences punishable under Sections 341 and 354 read with Section 34 of IPC is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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