HC-KAR

CNR: KAHC010104922024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 1802 OF 2024

BETWEEN:

1. SMT. CLARICH RYNJAH @ CLARICH RYNJAH
   W/O SUNIL KUMAR
   AGED ABOUT 45 YEARS
   R/AT NO.94/36 14TH MAIN
   23B CROSS,
   3RD BLOCK JAYANAGAR
   BANGALORE

2. MR SAYEE SUBRAMANIAM
   S/O METHA RAMAN
   AGED ABOUT 42 YEARS
   RESIDING AT F NO.102 ECC ROAD
   WHITEFIELD
   BENGALURU-560066

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. VINOD S.,ADVOCATE)

AND:

1. STATE BY ASHOK NAGAR POLICE STATION
   ASHOK NAGAR
   BENGALURU-560025

2. KUM BEENA K
D/O VENKATESH PRASAD
AGED ABOUT YEARS,
RESIDING AT NO.124,
2ND FLOOR, 1ST CROSS
80 FEET ROAD
ASHWATH NAGAR,
RMV 2ND STAGE
BENGALURU-560094

…RESPONDENTS

(BY SRI. .,ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.PC BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE CHARGE SHEET IN C.C.NO.51620/2021 PENDING ON THE FILE OF THE XXIX ADDL.C.M.M MAYO HALL AT BENGALURU BY DISCHARGING THE ABOVE NAMED PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings against the petitioners-accused Nos.2 and 3 in C.C.No.51620/2021 (arising out of Crime No.145/2020 registered by Ashoknagar Police Station), for the offences punishable under Sections 354A, 354D, 504, 120B r/w 34 of

IPC, presently pending on the file of XXIX Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 11.06.2020**,** alleging that she was working in a company named Small Streams India Private Limited along with the petitioners and two others. During their employment, one Mohammed Wasif and the petitioners allegedly shared messages in the official WhatsApp group of the said company, namely, 'Official Solution Centre', making remarks about the physique of respondent No.2, thereby outraging her modesty. Hence, she lodged the complaint before respondent No.1-Police.

3. On the strength of the said complaint, FIR came to be registered in Crime No.145/2020 for the offences punishable under Sections 354A, 354D r/w 34 of IPC. Subsequently, respondent No.1-police investigated the case and laid charge sheet against the petitioners and two others for the offences punishable under Sections 354A, 354D, 120B, 504 r/w 34 of

IPC by arraying these petitioners as accused Nos.2 and 3. Accordingly, the learned Magistrate took cognizance of the offences. Aggrieved by the same, the petitioners preferred this petition to quash the proceedings against them.

4. Heard the learned counsel for the petitioners, learned HCGP for respondent No.1-State and learned counsel for respondent No.2.

5. The primary contention of the learned counsel for the petitioners is that the petitioners, being employees of the aforesaid company, have nothing to do with the allegations made by respondent No.2. He further contended that, according to the specific case of respondent No.2, accused No.1-Mohammed Wasif commented on her physique and the petitioners allegedly conspired with him. However, no messages containing comments on the physique of respondent No.2 were circulated by these petitioners. In such circumstances, no direct or indirect act is attributable to the petitioners, and the alleged offences punishable under Sections 354A and 354D of IPC or any other offences are not attracted against them. Additionally, he contended that respondent No.2

was terminated from the company by her employer on 09.03.2020, three months prior to the filing of the complaint. After a lapse of three months, she lodged the complaint against the petitioners and others out of vengeance. Hence, he prays to allow the petition.

6. *Per contra,* the learned counsel for respondent No.2 and the learned HCGP opposed the petition, contending that the charge sheet has been filed and the statements of the material witnesses disclose the involvement of the petitioners in the alleged offences. They further contended that the petitioners, in conspiracy with accused Nos.1 and 2, allegedly used criminal force against respondent No.2. In such circumstances, the proceedings cannot be quashed against the petitioners at this stage. Accordingly, they pray for dismissal of the petition.

7. I have given my anxious consideration to the submission made by the learned counsel for the respective parties and perused the entire charge sheet materials on record.

8. In order to attract Section 354A of IPC, a man must have made physical contact and advance involving unwelcome and explicit sexual overtures, or a demand or request for sexual favours or showing pornography against the will of a woman or making sexually coloured remarks and Section 354D of IPC, a man must have followed a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman.

9. In the instant case, as could be gathered from the complaint and charge sheet materials, no such specific act is attributed to the petitioners. The allegation is that accused No.1-Mohammed Wasif sent certain WhatsApp messages commenting on the physique of respondent No.2. However, no specific material is placed in the charge sheet to indicate that the petitioners themselves committed any act attracting the aforesaid offences. So far as the allegation of criminal conspiracy is concerned, the charge sheet materials do not disclose any *prima facie* material to indicate that the petitioners conspired with accused No.1. It is also the specific contention

of the petitioners that respondent No.2 was terminated from the company three months prior to the lodging of the complaint. In the absence of specific allegations and supporting materials against the petitioners, the said circumstance, considered along with the other materials on record, lends support to their contention that the complaint was lodged out of vengeance.

10. The Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

> *"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-*
>
> > *"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just

conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers

under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

> *"5. …Authority of the court exists for advancement of justice and if any*

attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and

should be exercised to quash the proceedings : (AIR p. 869, para 6)

> *(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;*
>
> *(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;*
>
> *(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.*

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where

there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death….." (Emphasis supplied)

14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."

11. Collocating the above findings of the Hon'ble Apex Court to the fact and circumstances of this case, I am of the considered view that these petitioners being the co-employees of respondent No.2, nothing to do with the allegations made in the complaint and charge sheet. Except for bald and omnibus allegations, no specific allegations or supporting materials are placed on record to *prima facie* establish that the petitioners conspired with accused No.1 to use criminal force against respondent No.2. In such circumstances, the continuation of the proceedings against the petitioners-accused Nos.2 and 3 would amount to an abuse of the process of the Court. Accordingly, I proceed to pass the following:

O R D E R

i. The petition is ***allowed***.

ii. The proceedings against petitioners-accused Nos.2 and 3 in C.C.No.51620/2021 (arising out of Crime No.145/2020 registered by Ashoknagar Police Station), for the offences punishable under Sections 354A, 354D, 504, 120B r/w 34 of IPC, pending on the file of XXIX Additional Chief Metropolitan Magistrate, Mayo Hall, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

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List No.: 1 Sl No.: 16