HC-KAR
CNR: KAHC010152942021

NC: 2026:KHC:64333
CRL.P No. 3002 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.3002 OF 2021

BETWEEN:

1. PANNAGA R.S.
   S/O N.S. RADHA KRISHNA
   AGED ABOUT 40 YEARS
   R/A NO.1063/68, 1ST MAIN
   6TH CROSS, VIDYARANYAPURAM
   MYSURU-570008.

...PETITIONER

(BY SRI. RANJAN KUMAR K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REPRESENTED BY STATION HOUSE OFFICER
   SARASWATHIPURAM POLICE STATION
   MYSURU CITY
   REPRESENTED BY STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDINGS
   BANGALORE-560001.

2. GIRISH M., S/O MAHADEVAPPA
   AGED ABOUT 31 YEARS
   H.R. ADMIN
   VEEPHOENIX COMPLAINCE PVT. LTD.,
   1ST FLOOR, NO.197/1, 2ND STAGE
   BOGADI, MYSURU CITY-570006

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. ASHOK G.V., ADVOCATE FOR R2)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS AGAINST THE PETITIONER IN CR.NO.102/2020 OF SARASWATHIPURAM POLICE STATION, MYSURU CITY, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420, 503 AND 507 OF IPC, PENDING ON THE FILE OF THE III JMFC COURT, MYSURU CITY.

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

2. The prayer is sought for quashing FIR in Crime No.102/2020, wherein the police have invoked the offences under Sections 420, 503 and 507 of IPC.

3. The case is registered based on the complaint dated 01.12.2020. The main contention of learned counsel appearing for the petitioner is that the complaint does not disclose the date of specific e-mail and allegation made in the complaint is also very omnibus. The counsel also submits that, admittedly, Rathna Srinivas passed away on 01.01.2019 and the messages

and e-mails which are referred are belated and not sent during morning period and complaint is also filed in December, though she passed away in the month of January, 2019. The counsel also would vehemently contend that the ingredients of the offences which have been invoked will not attract against the petitioner. The counsel also would vehemently contend that during the employment of this petitioner, the company has not paid a sum of Rs.6,49,065/- and inspite of repeated reminders, the company has not paid the said dues. Hence, the petitioner has filed a suit in O.S.No.758/2019 and the same is pending for adjudication. Even, the company of respondent No.2 filed a civil suit against the petitioner seeking the relief of injunction and no such relief is also granted in O.S.No.647/2019. Being aggrieved by not getting any order of injunction, this complaint is filed with a malafide intention and the Court has to take note of said fact into consideration. The counsel also submits that the e-mails which are sent also will not attract the ingredients of the offences, particularly 420 of IPC and so also the offences under Sections 503 and 507 of IPC. The counsel would submit that complaint is filed by the HR of the company and not by the

son or relative of said Rathna Srinivas. Hence, the complaint cannot be entertained.

4. Per contra, learned counsel appearing for the respondent No.2-complainant would submit that a memo along with documents are filed and these documents are very clear that all e-mails and messages are sent to the employees of the company and all of them are working in the company of promoter, who is no more i.e., Rathna Srinivas and the Court has to take note of conduct of the petitioner addressing e-mails to each and every employees of the company, that too, making an allegation and sending the message that Rathna Srinivas, who is no more will not get 'moksha' on account of her death and sent the e-mail messages in filthy language calling her as 'Pishachi' and also other accusation causing life threat is also made. The counsel also fairly submits that even though the offence under Section 420 of IPC will not attract, but only other offences under Sections 503 and 507 of IPC attracts. The counsel also brought to notice of this Court ingredients of the offence under Section 507 of IPC, even if such messages are

sent for tarnishing the reputation, it attracts Section 503 of IPC.

5. The learned High Court Government Pleader for respondent No.1-State also supports the case of respondent No.2-complainant and would contend that the allegations made in the e-mail clearly discloses using the filthy language and also making comments that she would not get 'moksha' and matter requires investigation and this Court cannot quash the FIR and Investigating Officer has to probe the matter.

6. Having heard learned counsel for the petitioner, learned counsel for respondent No.2-complainant and the learned High Court Government Pleader for respondent No.1-State, the first limb of argument of learned counsel for the petitioner is that complaint is given by HR. The Court has to take note of the e-mails which have been produced before this Court along with the memo which are sent to all the employees of the company. Hence, the HR of the company has lodged the complaint and the Court has to take note of the fact that petitioner also not denied the fact of sending e-mails to all the employees of the company.

7. It is also important to note that this petitioner is making a claim against the company by filing a suit with regard to back-wages. No doubt, suit is also filed and the same is pending for consideration, so also the company had also filed a suit against him for injunction and the same is also pending consideration. But, the complainant should not venture to make such comments on the person, who is no more and that too, tarnishing the image of the promoter, who is no more on the date of sending of e-mails and the fact that the said Rathna Srinivas passed away on 01.01.2019 is not in dispute and no doubt, there is delay in lodging the complaint which was filed on 01.12.2019, but the Court has to take note of the fact that family members cannot rush to the Court and the e-mails sent are also just one day prior to lodging of complaint. When such conduct was continued by the petitioner, the HR of the company could not tolerate the same and lodged the complaint with the police. The very scope of maintainability of the complaint making such allegation is that the petitioner tarnished the image of the promoted of the complainant-company, who is no more and if the petitioner has any

grievance, he ought to have urged the same before the Court when suit was already filed, instead indulged in such acts of sending e-mails, that too, to all the employees of the company and Court has to take note of modus operandi and the conduct of the petitioner. Hence, the same has to be probed by the Investigating Officer and the Investigating Officer has to unearth the truth keeping in view the messages which were sent. Having considered the factual aspects of the case and also allegations made in the complaint and learned counsel for the respondent No.2-complainant also not disputes the fact that it will not attract the ingredients of offence under Section 420 of IPC, but in respect of other offence under Sections 503 and 507 of IPC, the Investigating Officer has to unearth the truth.

8. The Apex Court also in the judgment in **DINESHBAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104** in paragraph No.30 held that, if the complaint does disclose committing of an offences, the Investigating Officer has to probe the same and the Court should not venture to come in the way of

investigation. Hence, I do not find any force in the contention of learned counsel appearing for the petitioner that the comments as well as messages which were sent to all the employees of the company, where he was also an earlier employee will not attract Sections 503 and 507 of IPC and the same cannot be accepted at this juncture.

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

ORDER

(i) The criminal petition is ***allowed-in-part.*** The FIR filed against the petitioner in Crime No.102/2020 only in respect of the offence under Section 420 of IPC is hereby quashed.

(ii) In respect of the other offence under Sections 503 and 507 of IPC, matter requires to be probed by the Investigating Officer.

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 15