HC-KAR

NC: 2026:KHC:63753
CRL.P No. 2923 of 2024
C/W CRL.P No. 4321 of 2024

CNR: KAHC010179322024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2923 OF 2024

C/W

CRIMINAL PETITION NO. 4321 OF 2024

IN CRL.P.NO.2923 OF 2024

BETWEEN:

MR. N.C PRAKASH
MENTIONED IN F.I.R AS
PRAKASH NITTUR
PROPRIETOR
AGED ABOUT 60 YEARS
PROPRIETOR
M/S WISDOM SECURITY SERVICES
HAVING OFFICE AT NO.106
IST FLOOR, 40 FEET ROAD
MANJUNATHANAGAR
WEST OF CHORD ROAD
BENGALURU-560010

RESIDING AT NO.35,
3RD CROSS, 5TH BLOCK
NAGARABHAVI 2ND STAGE
BENGALURU-560 072

...PETITIONER

(BY SRI. NEHRU P, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SUBRAMANYA NAGAR POLICE
BENGALURU-560 021

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001

2. SMT HEMALATHA H
W/O HEMAGIRSH H
AGED ABOUT 34 YEARS
NO.06, GAYATHRI BUILDING
4TH CROSS, S RAMESH ROAD
OMH COLONY, T DASARAHALLI
BENGALURU-560 057

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1
SRI. V.B. VIJAYA KUMAR, ADVOCATE FOR R1)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR, IN CR.NO.69/2024 OF SUBRAMANYANAGAR POLICE STATION, THE 1ST RESPONDENT HEREIN, AGAINST THE PETITIONER FOR THE OFFENCE P/U/S 354A, 504, 506, 509 AND 34 OF IPC, PENDING ON THE FILE OF THE LEARNED 39TH ADDL. CMM AT BENGALURU.

IN CRL.P.NO.4321 OF 2024

BETWEEN:

MR. N.C PRAKASH @
PRAKASH NITTUR
S/O CHANNA BASAVAIAH
PROPRIETOR
AGED ABOUT 59 YEARS
M/S WISDOM SECURITY SERVICES
HAVING OFFICE AT NO.106
IST FLOOR, 40 FEET ROAD
MANJUNATHANAGAR
WEST OF CHORD ROAD
BENGALURU-560 010

RESIDING AT NO.35,

3RD CROSS, 5TH BLOCK
NAGARABHAVI 2ND STAGE
BENGALURU-560 072

…PETITIONER

(BY SRI. NEHRU P, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY R.M.C YARD POLICE
BENGALURU-560 022

REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001

2. SMT HEMALATHA H
W/O HEMAGIRSH H
AGED ABOUT 34 YEARS
NO.06, GAYATHRI BUILDING
4TH CROSS, S RAMESH ROAD
OMH COLONY, T DASARAHALLI
BENGALURU-560 057

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1
SRI. V.B. VIJAYA KUMAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE FIR, IN CR.NO.6859/2024 OF RMC YARD POLICE STATION, THE 1ST RESPONDENT HEREIN, AGAINST THE PETITIONER FOR THE OFFENCE P/U/S 354A, 504, 506, 509 AND 34 OF IPC, PENDING ON THE FILE OF THE LEARNED 31ST ADDL. CMM AT BENGALURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. Accused No.2, who is the Proprietor of M/s.Wisdom Security Services one Mr.N.C.Prakash @ Prakash Nittur, is before this Court in these petitions seeking quashing of FIR in Crime No.69/2024 registered by the 1st respondent in Crl.P.No.2923/2024 - Subramanyanagar Police Station against him for the offences punishable under Sections 354(A), 504, 506, 509 and 34 of IPC, pending on the file of learned 39th Addl. Chief Metropolitan Magistrate, Bengaluru, which was later on transferred to RMC Yard Police Station - 1st respondent in Crl.P.No.4321/2024 and registered as Crime No.85/2024 for the said offences, pending on the file of learned 31st Addl. Chief Metropolitan Magistrate, Bengaluru.

2. The factual matrix of the case is that respondent No.2 and her colleague lodged complaint before the Subramanyanagar Police alleging that when they were working as Security Staff in Wisdom Security Services on contract basis, were posted at Namma Metro Rajajinagar Metro Station of Bengaluru Metro Rail Corporation Limited (BMRCL), wherein accused No.1 - the ASO of BMRCL - Gajendran P, used to

harass them sexually and outraged their modesty and further, used to abuse them in filthy language. When they complained to the higher authorities of BMRCL, they did not take any action and hence, they approached the Proprietor of the Security Agency i.e., accused No.2. However, accused No.2 refused to help them, rather advised the complainants either to adjust or to quit their job. On the strength of their complaint, FIR came to be registered initially by the Subramanyanagar police, which was later transferred to RMC Yard Police station. Aggrieved by the same, the petitioner is before this Court seeking quashing of both the FIRs.

3. Heard the learned counsel for the petitioner, learned counsel for respondent No.2 and the learned HCGP.

4. The primary contention of the learned counsel for the petitioner is that a perusal of the complaint averments discloses that the allegations are against accused No.1 who was the ASO of BMRCL with regard to the alleged sexual harassment meted out by him to the complainants and their colleagues and the only allegation against the present petitioner is that when respondent no.2 and her colleague

approached him and complained about the alleged sexual harassment, he did not respond to the same and instead, asked them to either adjust or quit the job. It is further contended that the complainants complained to accused No.2 only about the rude behaviour of accused No.1 and never complained about sexual harassment. As such, accused No.2 advised them that since accused No.1 is the official of BMRCL, he cannot take any action against him, however, he offered them transfer of posting. Nonetheless, the complainants did not accept for their transfer, rather they made false allegations against accused No.2. In such circumstances, the offences under Sections 354(A), 504, 506, 509 and 34 of IPC do not attract against the petitioner - accused no.2. Hence, continuation of proceedings against the petitioner would be abuse of process of Court. Accordingly, he prays to allow the petitions.

5. The prayer is opposed by the learned counsel for respondent no.2 as well as learned HCGP on the ground that the investigation is at the nascent stage and further this petitioner, being the Proprietor of Security Agency, was duty bound to protect the interest of his employees on the complaint

being made by them that too with regard to sexual harassment at work place, however, as per the complaint averments, it is clear that he informed them either to adjust with accused no.1 or to quit the job. As such, the said aspects require detailed investigation. Hence, they submit that proceedings cannot be quashed at this stage. Accordingly, they pray to dismiss the petitions.

6. I have given my anxious consideration to the submissions of learned counsel for the respective parties and perused the material on record.

7. The complaint averments disclose that, admittedly, respondent no.2 is the employee of petitioner's Security Agency and was posted to work at BMRCL and that when she and her colleague/other complainant was working in the BMRCL, accused No.1 - ASO of BMRCL harassed them sexually and outraged their modesty and also abused them in filthy language. However, with regard to accused No.2 - petitioner herein, except some bald and omnibus allegations, no specific incident, date or time is mentioned by the complainants against accused No.2 so as to attract the alleged offences against him.

Further, the present petitioner is not the authority either to receive the complaint or to supervise the day-to-day affairs of BMRCL, where respondent no.2 and her colleague were posted. Such being the position, it could be gathered that the complaint was lodged for wreaking vengeance against the petitioner along with accused no.1 as the complainants were removed from their service. Admittedly, complaint was lodged before Subramanyanagar Police Station which was registered in Crime No.69/2024, which was later transferred to RMC Yard Police Station and registered as Crime No.85/2024.

8. The Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph Nos.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."

9. Collocating the above findings of the Hon'ble Apex Court to the facts and circumstances of this case, it is evident that the complaint has been filed by respondent No.2 and her colleague for wreaking vengeance against the petitioner for their removal from service and further, the allegations made therein do not constitute the offences alleged against the petitioner. In such circumstances, continuation of criminal proceedings against the petitioner would amount to an abuse of process of Court. Hence, I proceed to pass the following:

ORDER

i) The petitions are ***allowed***.

ii) The FIR in Crime No.69/2024 registered by the 1st respondent in Crl.P.No.2923/2024 - Subramanyanagar Police Station against the petitioner/accused No.2 for the offences punishable under Sections 354(A), 504, 506, 509 and 34 of IPC, pending on the file of

learned 39th Addl. Chief Metropolitan Magistrate, Bengaluru, which was later on transferred to RMC Yard Police Station - 1st respondent in Crl.P.No.4321/2024 and registered as Crime No.85/2024 for the said offences, pending on the file of learned 31st Addl. Chief Metropolitan Magistrate, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 26