HC-KAR

NC: 2026:KHC:61707
CRL.P No. 3369 of 2023

CNR: KAHC010194252023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 3369 OF 2023

BETWEEN:

RANGANATHA GOWDA
@ RANGANATH M.C
S/O CHANNAIAHA
AGED ABOUT 42 YEARS
R/A 4TH CROSS, MALLIGE ROAD
GOKUL EXTENSION, TUMKUR
PIN CODE - 572 101.

...PETITIONER

(BY SRI RANGANATH REDDY R, ADV.)

AND:

1. STATE BY WOMEN POLICE STATION
TUMKUR, REPRESENTED BY STATE
PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
PINCODE - 560 001.

2. SMT. SHOBHA
W/O VEERANNA
AGED ABOUT 32 YEARS
R/A BALLAGEREKAVAL VILLAGE
NAGAVALLI POST, HEBBURU HOBLI
TUMKUR, KARNATAKA
PINCODE - 560 016.

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP FOR R-1;
R-2 SEVED BUT UNREPRESENTED)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDING ARISING OUT OF CASE IN CR.NO.4/2022 REGISTERED BY THE RESPONDENT NO.1 POLICE FOR THE OFFENCE

P/U/S.354,354-A,504,506 AND SEC.3(1)(s),3(1)(w)(i),3(2)(v-a) OF THE SC/ST (POA) 1989 ACT WHICH IS NOW CHARGE SHEETED AND PENDING AS SPL.C.NO.327/2022 PENDING BEFORE THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AT TUMAKURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused in Spl.C.No.327/2022 pending before the Court of III Addl. District & Sessions Judge & Special Judge, Tumakuru, arising out of Crime No.4/2022 registered by Women Police Station, Tumakuru, for the offences punishable under Sections 354, 354A, 504, 506, 201 of IPC and Sections 3(1)(w)(i), 3(1)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989 (for short, 'SC/ST (POA) Act), is before this Court in this petition filed under Section 482 of Cr.PC with a prayer to quash the entire proceedings in the aforesaid case against him.

2. Heard the learned Counsel for the petitioner and the learned HCGP for respondent no.1. Respondent no.2 who is

served in the matter, has remained unrepresented before this Court.

3. A reading of the first information as well as the charge sheet allegations against the accused would reveal that petitioner and respondent no.2 are known to each other and the petitioner used to talk to respondent no.2 over phone. It is alleged that on 29.12.2021, petitioner had informed respondent no.2 that he would be coming to Tumakuru and on the said date at 4.00 p.m., he had picked up respondent no.2 in his car and when they were travelling in the car, petitioner allegedly misbehaved with respondent no.2 and touched her body inappropriately. He also allegedly asked her caste and she informed him that she belongs to Adi Karnataka caste, and thereafter he allegedly abused her referring to her caste and asked her to get down from his car after criminally intimidating her.

4. From the aforesaid, it is apparent that the incident in question had taken place inside the car in which the petitioner and respondent no.2 were travelling and except them, there

was nobody else in the said car. The allegation against the petitioner is that he had abused respondent no.2 referring to her caste, after touching her inappropriately. It is under these circumstances, the aforesaid offences punishable under the provisions of SC/ST (POA) Act have been invoked against the petitioner.

5. For the purpose of attracting the aforesaid offences, the alleged act by the petitioner ought to have been committed in any place within public view. The alleged offences in the present case are said to have been committed inside the car and undisputedly, only petitioner and respondent no.2 were present inside the car, and therefore, it cannot be said that petitioner had abused respondent no.2 within the public view.

6. It is not the case of the prosecution that petitioner had touched respondent no.2 knowing well that she belonged to scheduled caste or schedule tribe. In the first information as well as in the charge sheet, it is stated that after the petitioner had touched respondent no.2 inappropriately, he had asked her caste and thereafter abused her. Therefore, even the offence

punishable under Section 3(1)(w)(i) or 3(2)(v-a) would not get attracted against the petitioner. Under the circumstances, I am of the opinion that the Trial Court was not justified in taking cognizance of the charge-sheeted offences in so far as it relates to the offences punishable under the provisions of SC/ST (POA) Act. Continuation of impugned criminal proceedings in so far as it relates to the offences under the provisions of SC/ST (POA) Act, would amount to abuse of process of law. Under the circumstances, I am of the opinion that the prayer made by the petitioner is required to be granted partly. Accordingly, the following order:

7. Petition is allowed in part. The entire proceedings in Spl.C.No.327/2022 pending before the Court of III Addl. District & Sessions Judge & Special Judge, Tumakuru, arising out of Crime No.4/2022 registered by Women Police Station, Tumakuru, in so far as it relates to the offences punishable under Sections 3(1)(w)(i), 3(1)(s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989, stands quashed. It is made clear that proceedings shall

continue in so far as it relates to the other charge-sheeted offences under the IPC.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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