IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4737 OF 2024

BETWEEN:

1. PRAVEEZ K.S
S/O LATE SHEK AHMED
AGED ABOUT 51 YEARS,
RESIDING AT NO.655,
NEAR GANESHA TEMPLE ROAD
KASHI LAYOUT, 2ND BLOCK
UTTARAHALLI HOBLI,
BENGALURU CITY-560 061

2. JABEEN TAJ
W/O PRAVEEZ AHMED K.S
AGED ABOUT 46 YEARS,
RESIDING AT NO.655,
NEAR GANESHA TEMPLE ROAD
KASHI LAYOUT, 2ND BLOCK
UTTARAHALLI HOBLI,
BENGALURU CITY-560 061

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

3. MANSOOR AHMED
S/O LATE SHAIK AHMED
AGED ABOUT 47 YEARS
R/AT NO.101, KRISHNAPPA LAYOUT
1ST BLOCK, KAGGALIPURA
UTTARAHALLI HOBLI
BENGALURU CITY-560 061

4. SHOWKATH @ SUNNA
S/O LATE SHAIK AHMED
AGED ABOUT 38 YEARS
R/AT NO.29, KASHI LAYOUT
2ND BLOCK, UTTARAHALLI HOBLI
BENGALURU CITY-560 061

5. SALEEM MALIK @ ADDU
S/O LATE SHAIK AHMED
AGED ABOUT 32 YEARS,
RESIDING AT NO.29/1,
NEAR GANESHA TEMPLE ROAD
KASHI LAYOUT, KAGGLIPURA VILLAGE
2ND BLOCK, UTTARAHALLI HOBLI,
BENGALURU CITY-560 061

6. UMAYA HABEEBA @ NEHA
D/O K.S PRAVEEZ AHAMED
AGED ABOUT 26 YEARS,
RESIDING AT NO.655,
NEAR GANESHA TEMPLE ROAD
KASHI LAYOUT, 2ND BLOCK
UTTARAHALLI HOBLI,
BENGALURU CITY-560 061

7. THAHERA BANU
W/O SHAIK AHMED
AGED ABOUT 56 YEARS,
RESIDING AT NO.655,
NEAR GANESHA TEMPLE ROAD
KASHI LAYOUT, 2ND BLOCK
UTTARAHALLI HOBLI,
BENGALURU CITY-560 061

8. ROHAN DANISH AHMED @ DANISH
S/O ANSAR AHMED
AGED ABOUT 23 YEARS,
R/AT NO.12, JMC LAINE,
KUMABAPET, BANGALORE CITY-560 061

…PETITIONERS

(BY SRI. TOMY SEBASTIAN, SENIOR COUNSEL FOR
SRI. MELANIE SEBASTIAN, ADVOCATE)

AND:

1. STATE OF KARANATAKA BY
KAGGALIPURA POLICE STATION
REPRESENTED BY SPP
HIGH COURT BUILDING
BANGALORE-560 001

2. NISA
AGED ABOUT 25 YEARS,
D/O T.N MAMATHJ
R/AT MASIDI ROAD
GANDHINAGAR
KANAKAPURA ROAD
UTTARAHALLI HOBLI
BANGALURU CITY-560 061

…RESPONDENTS

(BY SRI. JAVEED S, HCGP FOR R1,
SRI. M.N. UMASHANKAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN S.C.NO.291/2023 ON THE FILE OF VI ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU COMMENDING FROM THE ORDER OF TAKING COGNIZANCE OF THE OFFENCE P/U/S 376, 417, 504, 506, 109, 114, 120B R/W 149 OF IPC DATED 06.12.2023 AGAINST THE PETITIONERS.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 11.11.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioners/accused Nos.2 to 9 in S.C No.291/2023 (arising out of Crime No.96/2023 registered by Kaggalipura Police Station) for the offences punishable under Sections 376, 417, 504, 506, 109, 114, 120B r/w section 149 of IPC, pending on the file of VI Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru (for short, 'the learned Sessions Judge').

2. The abridged facts of the case are that, on 23.02.2023, respondent No.2 lodged a complaint before respondent No.1-Police alleging that one Shoaib had been expressing his intention to marry her since 2018. It is alleged that, in June 2019, said Shoaib took her to a resort on the pretext that her family members were present there and, finding her alone, forcibly took her into a room, tied her hands and legs and had sexual intercourse with her against her will. When she threatened to inform her family members, Shoaib allegedly threatened to circulate her nude photographs and videos on social media.

3. It is further alleged that, thereafter, by using the said photographs and videos, Shoaib continued to threaten her and compelled her to maintain physical relations with him whenever he called her. When the matter was brought to the notice of both families, the family members of Shoaib allegedly assured the family of respondent No.2 that he would marry her. However, subsequently, whenever she refused to accompany Shoaib, he allegedly threatened to circulate her photographs and videos and took her to Brigade Apartments and a resort, where he again forcibly had sexual intercourse with her.

4. It is further alleged that, despite the families discussing the matter and assuring that the marriage would be solemnised after consulting the Jamaat members, the matter was repeatedly postponed. On 22.02.2023 at about 7:00 p.m., when respondent No.2 and her family members were called for discussions, Shoaib and his family members allegedly abused her in filthy language, assaulted her and threatened to kill her if she disclosed the incident to anyone, besides attempting to destroy the evidence. Hence, respondent No.2 lodged the complaint against Shoaib and his family members i.e. the petitioners.

5. On the basis of the said complaint, respondent No.1–Police registered an FIR against the petitioners and the said Shoaib - accused No.1 for the offences punishable under Sections 376, 420, 504, 506, 201 r/w section 149 of IPC. Upon completion of the investigation, the said police filed a charge-sheet against all the accused persons for the offences punishable under Sections 376, 417, 504, 506, 109, 114, 120B r/w Section 34 of IPC by arraigning the petitioners as accused Nos.2 to 9. The learned Sessions Judge thereafter took cognizance of the said offences. Aggrieved by the initiation and

continuation of proceedings, the petitioners preferred this petition, seeking to quash the proceedings against them.

6. Heard learned Senior counsel Sri. Tomy Sebastian for the petitioners, the learned HCGP Sri. Javeed S for respondent No.1-State and the learned counsel Sri. M.N. Umashankar for respondent No.2.

7. Apart from urging several contentions, learned Senior Counsel primarily contended that, in respect of the incident dated 22.02.2023, the father of respondent No.2, namely, Mamataj T.N., had lodged a complaint on the same day, which came to be registered in Crime No.94/2023 against the petitioners and others for the offences punishable under Sections 323, 324, 504 and 506 read with Section 149 of the IPC, and charge-sheet has been filed in C.C.No.9792/2023 for the said offences. However, in respect of the very same incident, petitioner No.2 herein had lodged a counter-complaint against the family members of respondent No.2, which came to be registered in Crime No.95/2023 for the offences punishable under Sections 323, 354, 504 and 506 read with Section 34 of the IPC, and charge-sheet has been filed in C.C.No.12321/2023 for the said offences.

8. It was further contended that, in both the cases, specific allegations have been made against the respective parties that, under the pretext of holding a panchayat in connection with the proposed marriage of accused No.1-Shoaib with respondent No.2-Nisa, they had gone to the house of accused No.1, where they abused, assaulted and threatened each other. While the aforesaid two cases are pending, the present complaint has once again been lodged against accused No.1-Shoaib and the petitioners, by arraying the petitioners as accused Nos.2 to 9, in respect of the very same incident and allegations.

9. Learned Senior Counsel further contended that, admittedly, there are no allegations against the petitioners with regard to the offences punishable under Sections 376 and 420 of the IPC and, therefore, they cannot be prosecuted in the present case in view of the doctrine of sameness. He further contended that, on a perusal of the investigation papers, except for bald and omnibus allegations, there are no specific allegations against the petitioners regarding their individual involvement in the alleged offences. In such circumstances, it was contended that the complaint has been lodged against the petitioners out of vengeance and that continuation of the

proceedings against them would amount to an abuse of process of Court. Accordingly, learned Senior Counsel prays to allow the petition.

10. *Per contra,* learned counsel for respondent No.2 contended that the complaint averments clearly disclose that, on 22.02.2023 at about 7:00 p.m., the petitioners, under the pretext of holding a panchayat in the presence of the Jamaat members, picked up a quarrel with the family members of respondent No.2, physically assaulted and threatened them, and also indirectly supported the heinous act allegedly committed by accused No.1 against respondent No.2. In such circumstances, merely because case and counter-cases are pending against the petitioners in other crime, the proceedings against them cannot be quashed. Accordingly, he sought for dismissal of the petition.

11. The learned HCGP for respondent No.1-State also opposed the petition contending that, the charge-sheet having been filed and the statements of the material witnesses clearly disclosing the involvement of the petitioners in the alleged offences, the same requires to be tested in a full-fledged trial. Accordingly, he sought for dismissal of the petition.

12. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and also perused the materials placed before this Court.

13. As could be gathered from records, in respect of very same incident referred to in the present complaint dated 22.02.2023, the father of respondent No.2 and petitioner No.2 have lodged complaints against each other, which came to be registered in Crime Nos.94/2023 and 95/2023, respectively. The gist of the allegations in Crime No.94/2023 pending against the petitioners and others is as under:

> "ದಿನಾಂಕ 22-02-2023 ರಂದು ಸಂಜೆ ಸಮಯ 7-00 ಗಂಟೆಗೆ ಸಂಧಾನ ಮಾಡಿ ಕೊಳ್ಳುವುದಕ್ಕೆ ಜಮಾತ್ ರವರ ಜೋತೆ ನನಗೆ ಮತ್ತು ನಮ್ಮ ಕುಟುಂಬದವರಿಗೆ ಮನೆಯ ಹತ್ತಿರ ಬರುವುದಾಗಿ ಹೇಳಿ ಪರ್ವಿಜ್ ಕೆ ಎಸ್ ರವರು ಮನೆಯ ಗೇಟ್ ಹಾಕಿಕೊಂಡು ನನಗೆ ಮತ್ತು ನನ್ನ ಬಾಮೈದ ಅಬ್ದುಲ್ ಮರ್ದನ್ ಇಬ್ಬರಿಗೂ ಪರ್ವಿಜ್ ಕೆ ಎಸ್ ಮಗ ಶೋಯಬ್, ಸುನ್ನು, ಅಡು ಮನ್ಸುರ್, ದನೀಶ್, ಅಮನ್ ಅಮೀರ್, ಜಬೀನ್ ತಾಜ್ ತಾಹೀರ್, ನೇಹಾ, (ಹಾಬೀಬ್) ಎಲ್ಲಾರೂ ಸೇರಿ ಪಿರ್ಯಾದಿಗೆ ಹಲ್ಲೆ ಮಾಡಿ ಅವರ ಮನೆಯ ಕಬ್ಬಿಣದ ಗೇಟ್,, ಗುದ್ದಿ, ಹಾಗೂ ಮನೆಯ ಟೈಲ್ಸ್ ಮೇಲೆ ಹುರುಳಾಡಿಸಿ ಹಲ್ಲೆ ಮಾಡಿರುತ್ತಾರೆ, ನೀವು ಕಂಪ್ಲೆಂಟ್ ಕೊಟ್ಟರೆ ನಿಮ್ಮ ಮನೆಯವರಿಗೆ ಎಲ್ಲ.ರನ್ನು ಸಾಯಿಸುತ್ತೇನೆ ಎಂದು ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿದಾರೆ."

14. Whereas, the gist of the allegations against the petitioners in the present case is as under:

> "ದಿನಾಂಕ 22/02/2023 ರಂದು ಸಂಜೆ 7-00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ, ಪವರ್ಂಜ್ ಮತ್ತು ಆತನ ಕುಟುಂಬದವರು ಮಾತನಾಡೋಣವೆಂದು ಕರೆದು ಚಿಕ್ಕಪ್ಪಂದಿರು, ಮನ್ಸೂರ್, ಸುನ್ಯಾ ಸಲೀಮ್ (ಅಡು), ಹಬೀಬ್ ಶೋಯೆಬ್, ಪವರ್ಂಜ್, ಅಮಿರ್, ದಾನಿಶ್, ಅವನ ಮತ್ತು ಕುಟುಂಬದವರು ಗೇಟ್ ನ್ನು ಕ್ಲೋಸ್ ಮಾಡಿ ಆವ್ಯಾಚ್ಯ ಶಬ್ದಗಳಿಂದ ನಿಂದಿಸಿ ದೈಹಿಕ

ಹಲ್ಲೆ ಮಾಡಿ ಈ ವಿಷಯ ಯಾರಿಗೂ ತಿಳಿಸದಂತೆ ಕೊಲೆ ಮಾಡುವುದಾಗಿ ಹೆದರಿಸಿ ಸಾಕ್ಷಿ ನಾಶ ಮಾಡಿರುತ್ತಾರೆ."

15. On careful scrutiny of the allegations made in the aforesaid complaints against the petitioners, except the fact that the complaints have been lodged by different persons, the allegations are substantially one and the same. Thus, the allegations in Crime No.94/2023 and the present case in Crime No.96/2023 are similar in nature, thereby attracting the principles of sameness and double jeopardy.

16. The Hon'ble Apex Court, in a catena of judgments, has held that registration of two FIRs in respect of the same incident is not permissible. A subsequent complaint lodged by a different person against the same accused in respect of the very same incident, after registration of the case and completion of investigation in the earlier complaint, cannot be entertained in view of the principles of sameness and double jeopardy.

17. Further, admittedly, the averments in the present complaint do not disclose the commission of the offences punishable under Sections 376 and 420 of the IPC by the petitioners. Moreover, in Crime Nos.94/2023 and 95/2023, charge-sheets have already been filed against the petitioners

and the family members of respondent No.2, respectively, and the said cases are pending for trial. Hence, in my considered view, continuation of yet another proceeding against the petitioners-accused Nos.2 to 9 in respect of the very same incident would amount to abuse of the process of Court. Accordingly, I proceed to pass the following:

ORDER

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

ii. The proceedings against the petitioners/accused Nos.2 to 9 in S.C No.291/2023 (arising out of Crime No.96/2023 registered by Kaggalipura Police Station) for the offences punishable under Sections 376, 417, 504, 506, 109, 114, 120B r/w section 149 of IPC, pending on the file of VI Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K