HC-KAR
NC: 2026:KHC:64057
CRL.P No. 4546 of 2022
CNR: KAHC010218622022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.4546 OF 2022

BETWEEN:

1. SRI. H. RAMAIAH @ RAMAIAH H
S/O HANUMANARASAIAH
AGED ABOUT 46 YEARS
PERMANENTLY
RESIDING AT 160/A, 7TH BLOCK
1ST MAIN ROAD, KORAMANGALA
BANGALORE-560 095.

…PETITIONER

(BY SRI. STANLY SAM, ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA
BY HAL POLICE STATION
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560001.

2. SMT. V. VANAJA @ SANJANA
AGED ABOUT 38 YEARS
R/O HOUSE NO.718
20TH CROSS, KUNDALAHALLI
BENGALURU CITY
BENGALURU-560 037.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SMT. SUNITHA RAMESH, ADVOCATE FOR R2)

CNR: KAHC010218622022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR AGAINST THE PETITIONER HEREIN REGISTERED BY THE HAL POLICE IN CRIME NO.25/2022 BEFORE THE 29TH ACMM, BANGALORE AT ANNEXURE-A BY ALLOWING THIS APPLICATION FILED BY THE PETITIONER.

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, the learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. The prayer is sought for quashing Crime No.25/2022 at Annexure-A for the offence punishable under Sections 420 and 417 of IPC and pass such other orders.

3. The specific allegations made in the complaint is that the petitioner was in constant touch with the complainant and also he had subjected her for sexual act and collected an amount of Rs.5,00,000/- and the same was paid on 15.12.2021 and he also promised to marry her, but defrauded the complainant stating that his wife is not agreeable for the said

marriage and also started abusing the complainant. When the complainant demanded the money, the petitioner quarreled with the complainant, but in between 03.12.2021 to 31.12.2021, he was visiting the house and when he found that she was alone, promised to marry her, but he did not pay the money. The police based on the complaint invoked the offence under Sections 417 and 420 of IPC and the relief is also sought for quashing the FIR.

4. Learned counsel appearing for the petitioner would vehemently contend that prior to filing of this complaint, earlier complaint was given 5 days prior to this complaint and subsequently, the said complaint was also withdrawn as per Annexure-F stating that the issue between the parties are personal and they are going to discuss and take a decision and for the time being, the complaint is withdrawn. But, on the next day, the alleged complaint is given on 10.02.2022. The counsel also vehemently contend that when the complaint was filed, police failed to take note of the allegation made in the complaint. But, apart from that, counsel would vehemently contend that the very registration of the case is nothing but an

abuse of process. The allegation against the accused is that he had demanded an amount of Rs.5,00,000/- from the complainant by making her believe that he will marry her and accordingly, she and her friend Pushpa have given the money to the accused and the said accusation is far from truth. When the complainant told the accused that he will give a complaint in the police station, accused and his wife Padmavathi came to his house and threatened to commit suicide. The complainant also alleges that the accused had blocked her number and complainant demanded the petitioner to sign an agreement to join her in her business, as he is a government employee and can be used for surety purpose. The complainant has falsely stated that petitioner promised to marry her and the allegations made in the complaint are far from truth. The complainant has sent a WhatsApp message to the petitioner-wife saying 'Ramu anu ninge matara ramu hala naangu ramu ok'. The said WhatsApp chat is hereby produced as Annexure-J and having taken note of the same, it is very clear that the complainant started blackmailing the petitioner and petitioner is a Central Government employee and a permanent resident of Bengaluru.

The counsel also contend that Sections 420 and 417 of IPC is not present and as such, offence under Sections 420 of IPC does not attract. The dispute is purely civil in nature and it is very much evident from Annexures-B, D, E and F that dispute between the petitioner and the complainant is purely money related. The complainant is accusing the petitioner of having taken Rs.5,00,000/- on the pretext of marrying the complainant and such allegation is also erroneous.

5. Learned counsel for the petitioner in support of his argument relies upon repeated filing of complaints and also an habitual complainant. The counsel in support of his argument relies upon judgment of the Apex Court in **STATE OF HARYANA AND OTHERS vs. BHAJAN LAL AND OTHERS** reported in **1992 SUPP (1) SCC 335,** so also the judgment of the Apex Court in **STATE OF KARNATAKA vs. M. DEVENDRAPPA AND ANOTHER** reported in **(2002) 3 SCC 89** and brought to notice of this Court particularly the discussion made in this judgment that judicial process 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. The counsel also relied upon judgment of the Apex Court in **VINEET KUMAR AND OTHER vs. STATE OF UTTAR PRADESH AND ANOTHER** reported in **(2017) 13 SCC 369** is with regard to exercising the power under Sections 482 and 164 of Cr.P.C. and discussed in detail, if proceedings attended with mala fides and/or maliciously instituted with ulterior motive to wreaking vengeance due to personal grudge, the Court can exercise the power under Section 482 of Cr.P.C.

6. The counsel also relies upon judgment of the Apex Court in **MOHAMMAD WAJID & ANR. vs. STATE OF U.P. & ORS.** dated **08.08.2023.** So also, the judgment of the Apex Court in **PRADEEP KUMAR KESARWANI vs. THE STATE OF UTTAR PRADESH & ANR.** dated **02.09.2025.** The counsel relying upon these judgments would vehemently contend that if the contents of the complaint does not disclose committing of an offence, the Court can exercise the power under Section 482 of Cr.P.C. The counsel also brought to notice of this Court the

judgment of the Apex Court in **RAJIV THAPAR & ORS. vs. MADAN LAL KAPOOR** dated **23.01.2013.**

7. Per contra, the learned High Court Government Pleader for respondent No.1 would submit that allegations made in the complaint Annexure-B is very clear that both of them were having acquaintance with each other and subjected her for sexual act and also specific accusation is made in the complaint and there are ingredients of offence under Sections 417 and 420 of IPC that with a promise to marry her, collected an amount of Rs.5,00,000/- and sexual harassment is also alleged in the complaint.

8. Having heard learned counsel appearing for the petitioner and also the learned High Court Government Pleader for the respondent No.1, no doubt, the material discloses that they were in cordial terms earlier and were friends, but allegation is made that making a false promise to marry, subjected her for sexual act and collected an amount of Rs.5,00,000/-. Learned counsel appearing for the petitioner also relies upon WhatsApp chat, wherein both of them had chat with each other in the WhatsApp. When the material discloses

that they were in touch with each other and were even chatting with each other and also specific accusation is made, whether she was subjected to sexual act as contented in the complaint and whether she was cheated by the petitioner by collecting an amount of Rs.5,00,000/- has to be probed by the Investigating Officer. This Court cannot quash the FIR and the Court has to only look into the contents of the complaint and if contents of the complaint does disclose committing of an offence and the matter has to be investigated and the truth has to be unearthed by the Investigating Officer.

9. The Apex Court also in the judgment of in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104** in paragraph No.30 held that Court should not venture to quash the FIR, unless the complaint does not disclose the commission of an offence. Having taken note of serious allegations made in the complaint, no doubt, earlier complaint was also withdrawn on the previous day of filing of the fresh complaint, but that document is also very clear that at the time of withdrawal of the complaint, specific reasons are given on the same day while

filing the fresh complaint and the said withdrawal is only for limited period and this document also can be made use of by the counsel appearing for the petitioner at the time of trial, but not at this stage.

10. No doubt, principles relied upon by learned counsel for the petitioner in judgments referred supra in ***State of Hariyana's*** case, ***Pradeep Kumar Kesarwani's*** case and so also ***Rani Thapar's*** case, no dispute with regard to judicial process 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 and in the absence of such material, there cannot be any prosecution. But, in the case on hand, when the FIR was registered and the law was set in motion, Investigating Officer has to investigate the matter and it is the domain of the Investigating Officer to investigate regarding accusation made in the complaint, subjecting her for sexual act as well as availing of Rs.5,00,000/- from her and the same has to be unearthed by the Investigating Officer.

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

ORDER

The criminal petition is ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

ST
List No.: 1 Sl No.: 27