HC-KAR
NC: 2026:KHC:61605
CRL.P No. 4831 of 2022
CNR: KAHC010235562022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.4831 OF 2022

BETWEEN:

1. SRI. RAVIKUMAR H.,
S/O HUCHAPPA,
AGED ABOUT 32 YEARS,
R/A NO.73, 3RD CROSS,
YADIYUR COLONY,
JAYANAGAR 7TH BLOCK,
BENGALURU-560011.

…PETITIONER

(BY SRI. MANOJ K., ADVOCATE FOR
SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

1. STATE OF KARNATAKA,
BY BANASHANKARI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU-560009.

2. KUM. SAVITHA S/O LATE ANAND KUMAR,
AGED ABOUT 30 YEARS,
R/AT NO.429, 9TH MAIN,
5TH CROSS 'B' MAIN,
BANASHANKARI 1ST STAGE,
SRINIVASA NAGAR, BENGALURU-50.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. AMIT ANAND DESPANDE, ADVOCATE FOR R2)

CNR: KAHC010235562022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN S.C.NO.1619/2018 (CR.NO.116/2017 OF BANASHANKARI P.S.) ON THE FILE OF THE LIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 376, 504 AND 417 R/W SECTION 149 OF IPC.

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 the learned counsel for the petitioner, the learned High Court Government Pleader appearing for respondent No.1/State and the learned counsel for respondent No.2/complainant.

2. This petition is filed by accused No.1 praying this Court to quash the charge-sheet for the offences punishable under Sections 376, 504, 417 read with Section 149 of IPC.

3. The factual matrix of the case of the complainant is that the complaint was given on 22.02.2017, wherein an allegation is made that in the guise of marrying the complainant, the petitioner took her to different places and subjected her for sexual act and thereafter, when she insisted,

he did not marry her. When the request was made by CW1 and CW2, both of them were also abused in a filthy language and hence, complaint was lodged and police investigated the matter and filed the charge-sheet and while filing the charge-sheet also cited CW1 to CW20 as witnesses and further statement of victim as well as witnesses were also recorded.

4. The learned counsel for the petitioner would submit that the allegations made in the complaint is baseless and no such act was done by the petitioner and he is an innocent. The learned counsel contend that a false case has been registered and the contents of the FIR that the petitioner had physical relationship with the complainant on several occasions, that itself establishes that there is no forced sex which is otherwise by consensus. The learned counsel contend that according to the complainant the alleged incident was occurred at different places on the way to the Goravanahalli, Tumkur District and it is a public place and vehicles are moving in the said place and hence, the question of subjecting her for sexual act does not arise. The learned counsel also would submit that there is a delay in lodging the complaint and falsely implicated accused

Nos.2 to 6. Hence, accused Nos.2 to 6 have also filed the petition before this Court in Crl.P.No.10134/2021 and the same was allowed by quashing the order dated 21.03.2022. The Court has to take note of the said fact into consideration. The learned counsel would submit that the Scientific Officer, Biology Section, Regional Forensic Science Laboratory, Mysore, in her report has specifically stated that seminal stains was not detected and spermatozoa was also not detected and hence, it is a clear case of abuse.

5. Per contra, the learned counsel for respondent No.2/complainant would submit that the petitioner had suppressed the fact that he was already married and pretended that he is going to marry her and made false promise and subjected her for sexual act and also abuse was made when the complainant insisted him to marry her. CW1 and CW2 also went and requested the petitioner to marry the complainant, but he abused them in a filthy language. The police have investigated the matter and filed the charge-sheet and it is a matter of trial regarding the grounds which have been urged in the petition.

6. The learned High Court Government Pleader appearing for respondent No.1/State reiterates that based on the complaint, investigation was conducted and collected the material.

7. Having heard the learned counsel for the respective parties, the Court has to look into the allegations made against the petitioner and specific allegation is made against him that he promised the complainant that he will marry her and subjected her for sexual act and repeatedly he has done the same. The learned counsel for the petitioner contend that there is no any scientific evidence before the Court and no stains are found. All these factors have to be considered during the course of trial and not at the stage of invoking the provisions of Section 482 of Cr.P.C. Specific allegations are made and accusation is made for the offence under Sections 376, 420, 504 read with Section 149 of IPC so also Section 504 of IPC is invoked for having abused the complainant when CW1 and CW2 requested to marry her and statement of CW2 is also recorded in respect of the said incident apart from CW1 statement and the same has to be tried before the Trial Court.

8. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 39