HC-KAR

CNR: KAHC010285242024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4935 OF 2024

BETWEEN:

KRISHNA
AGED ABOUT 75 YEARS
S/O LATE EREGOWDA
R/O HEMMANAHALLI
ATHAGURU HOBLI
MADDUR TALUK
MANDYA DISTRICT-571 401

...PETITIONER

(BY SRI. SHIVARAMU H.C, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MADDUR POLICE
MADDUR TOWN AND TALUK
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

2. XXX
XXX

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

THIS CRL.P IS FILED U/S 482 OF CR.PC PRAYING TO QUASH THE PROCEEDINGS IN SPL. CASE NO.7/2024 ON THE FILE OF THE PRL. DIST. AND SESSIONS JUDGE, MANDYA

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

REGISTERED U/S.114, 323, 324, 363, 366, 376D, 504, 506 R/W SEC. 34 OF IPC AND SEC. 4, 5(G), 6, 9(G), 10, 14, 15, 17 OF POCSO ACT, U/S 66(E), 67(B) OF I.T. ACT AND U/S 3(1)(r), 3(1)(s), 3(1)(w)(i)(ii),3(2)(V), 3(2)(va) OF SC AND ST (POA) AMENDMENT ACT, 2015, AND PASS SUCH OTHER ORDERS IN FAVOUR OF THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C. seeking to quash the proceedings in Special Case No.7/2024 arising out of FIR registered in Crime No. 376/2023 by the 1st respondent police for the offences punishable under Sections 114, 324, 366, 370(A), 376D, 504, 506 read with Section 34 of IPC, Sections 4, 5(G), 6, 9(G), 10, 14, 15, 17 of Protection of Children from Sexual Offences Act, Sections 66(E), 67(B) of Information and Technology Act and Section 3(1)(r), 3(1)(s), 3(1)(w)(i)(ii), 3(2)(va) of SC & ST (Prevention of Attrocities) Amendment Act, 2015, pending on the file of the Principal District and Sessions Judge, Mandya.

2. The factual matrix of the case is that respondent No.2 lodged a complaint alleging that her daughter, who was

studying in II PUC, had gone to witness Yuva Dasara on 04.11.2023. It is alleged that the accused, namely Punith, took her to Nikitha Lodge at Shivapura, where Punith and his two friends, namely Manjunath and Siddharth, sexually assaulted and physically harassed her. It is further alleged that on 09.11.2023, Punith and his friend Bharath came to the house of respondent No.2 and threatened her family with dire consequences, besides threatening to circulate the nude photographs and videos of her daughter on social media, and abused them by taking the name of their caste.

3. Based on the said complaint, respondent No.1-police registered FIR in Crime No.376/2023 against the accused persons, excluding the petitioner herein. However, after completion of investigation, the charge sheet came to be filed implicating the petitioner as accused No.2, alleging that he was managing the affairs of Nikitha Lodge at Shivapura and, knowing fully well that the victim was a minor, permitted accused No.1 to occupy a room, thereby facilitating him to commit a forcible sexual act upon the victim in the said lodge.

Aggrieved by the filing of the charge sheet against him, the petitioner has preferred the present petition.

4. Heard the learned counsel for the petitioner and learned HCGP. There is no representation for respondent No.2.

5. The primary contention of the learned counsel for the petitioner is that the complaint was lodged against accused No.1 and that the entire charge-sheet material does not disclose any specific allegation against the petitioner. It is contended that the petitioner neither conspired with nor assisted accused No.1 in committing the alleged sexual act against the daughter of respondent No.2. It is further contended that respondent No.1-police have not placed any material to establish that the petitioner is either the owner or managing the affairs of Nikitha Lodge at Shivapura, as alleged in the charge sheet. Therefore, even if the entire allegations in the charge sheet are taken at their face value, no offence is made out against the petitioner. Accordingly, he seeks to allow the petition.

6. The prayer is opposed by the learned HCGP contending that the accusation column in the charge sheet discloses that the petitioner, being the person managing the affairs of Nikitha Lodge, knowing fully well that the victim was a minor girl, permitted accused No.1 to occupy a room without verifying and obtaining the necessary documents. In such circumstances, it is contended that a prima facie case is made out against the petitioner and, therefore, the proceedings cannot be quashed. Accordingly, he seeks dismissal of the petition.

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

8. A careful scrutiny of the complaint averments and the charge-sheet material reveals that there is no specific allegation against the petitioner. The specific case of respondent No.2 is that accused No.1 committed a forcible sexual act upon her daughter. Though the charge sheet alleges that the petitioner accommodated accused No.1 and the daughter of respondent No.2 in a room in Nikitha Lodge, no

material is placed on record to establish that the petitioner was either the owner or managing the affairs of the said lodge. Even the title deeds pertaining to the lodge have not been produced by respondent No.1-police. Except the bald allegation that the petitioner provided a room in the lodge to accused No.1, the charge sheet does not disclose any specific date, time or other particulars constituting the alleged act of the petitioner. More importantly, the documents produced by the learned counsel for the petitioner disclose that the trial has already commenced and that the victim, her mother and other material witnesses have turned hostile to the prosecution case. There is no incriminating evidence deposed against the petitioner.

9. In view of the aforesaid circumstances, even if the entire allegations in the charge sheet are taken at their face value, no offence is made out against the petitioner for which he has been charge-sheeted. Therefore, continuation of the proceedings against the petitioner would amount to an abuse of the process of the Court. Accordingly, I proceed to pass the following:

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ORDER

(i) The petition is allowed.

(ii) The proceedings in Special Case No.7/2024, arising out of Crime No.376/2023 registered by respondent No.1- police for the offences punishable under Sections 114, 324, 363, 366, 370A, 376D, 504, 506 read with Section 34 of IPC; Sections 4, 5(G), 6, 9(G), 10, 14, 15 and 17 of the Protection of Children from Sexual Offences Act; Sections 66(E) and 67(B) of the Information Technology Act; and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i) and (ii), 3(2)(v) and 3(2)(va) of the SC & ST Prevention of Atrocities)Amendment Act, pending on the file of the Principal District and Sessions Judge, Mandya, insofar as petitioner is concerned, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS
List No.: 1 Sl No.: 29