IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.5007 OF 2020

BETWEEN:

MR. NEELABH TEWARI
S/O MR. GOPAL DUTT TEWARI
AGED ABOUT 32 YEARS
RESIDING AT NO.D 705
KUMARADHARA BLOCK, NGV
BENGALURU-560047

...PETITIONER

(BY SRI. KARAN JOSEPH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING, BENGALURU
   (THROUGH KORAMANGALA POLICE STATION)
   BENGALURU

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

2. MS. PALLAVI SHARMA
   D/O MR. Y.K. SHARMA
   AGED ABOUT 28 YEARS
   RESIDING AT NO.13
   1ST CROSS, 1ST MAIN
   KORAMANGALA 7TH BLOCK
   BENGALURU-560017

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
R2 IS SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE PROCEEDINGS IN C.C.NO.2853/2020, INCLUDING CHARGE SHEET AND FIR IN

CR.NO.320/2019 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354(A) AND 354(D) OF IPC, FILED IN CONNECTION THEREWITH, PENDING BEFORE THE XLI ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU (KORAMANGALA POLICE STATION) (AT ANNEXURE-A) AND ALL FURTHER PROCEEDINGS PURSUANT THERETO AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 29.10.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

This petition is filed praying this Court to quash the proceedings initiated against the petitioner in C.C.No.2853/2020 including charge sheet and FIR in Cr.No.320/2019 for the offences under Sections 354A and 354D of IPC pending on the file of XLI A.C.M.M., Bengaluru and all further proceedings pursuant thereto.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for respondent No.1. Respondent No.2 is served and unrepresented.

3. The factual matrix of case of the complainant in the complaint that she was residing at Koramangala and this petitioner came to know through her parents in connection with

marriage alliance in July, 2019 and both were talking each other. It is the allegation against the petitioner that under the guise of dating, on 14.08.2019, this petitioner had requested the complainant to have the sexual relationship and the same was refused by complainant. Thereafter, the complainant had stopped communication with the petitioner. It is the allegation against the petitioner that inspite of complainant had refused the petitioner, the petitioner continued to follow the complainant, used to make phone calls and chat through whatsapp and requested her for sexual relationship and to spend time with him. Hence, complaint is lodged in this regard. The police having registered the case, investigated the matter and filed the charge sheet relying upon the statement of complainant who has been cited as CW1 and so also CW2 who came to know about the same through CW1 and he had also witnessed that the complainant and petitioner were moving each other. The prosecution also relies upon the statement of other witnesses i.e., CW3 to CW5. In view of registration of case and filing of charge sheet, the present petition is filed by the petitioner seeking for quashing of the proceedings initiated against him.

4. The main contention of the counsel appearing for the petitioner that having perused the charge sheet and entire proceedings ex facie, it is an abuse of process and nothing is made out to continue the criminal proceedings. The counsel vehemently contend that WhatsApp chats produced by complainant which is part of the charge sheet do not support the case of the complainant in any way and the said WhatsApp chats exonerate the petitioner as the same nothing discloses with regard to invoking the offences invoked against the petitioner. The counsel also vehemently contend that there is no evidence against the petitioner to connect him with the offences alleged in the charge sheet and there is no prima facie case. If no prima facie case, there is no need to continue the criminal proceedings. The learned Magistrate has mechanically and without any application of mind have taken cognizance of the offence and fails to apply its judicious mind. The order does not reflect that whether the learned Magistrate is satisfied about the existence of prima facie case or not.

5. The counsel in support of his arguments brought to notice of this court the conversation made through WhatsApp when the specific allegations are made that on particular date, made a request for sexual relationship and those relevant dates

does not disclose anything about the said fact and there is no even a single instance of the petitioner demanding any sexual favours from the complainant. It is contended that petitioner has, at all times, maintained that he is not interested in a casual or physical relationship with the complainant as is clear from the records produced by the complainant herself and form part of the charge sheet. By the complainant's own admissions and statements, it is evidently clear that her actions are motivated with a malafide intention to wreak vengeance and cause harm to the petitioner. The initiation of criminal prosecution ex facie malicious in nature and cannot form the basis of criminal proceedings and continuation of criminal prosecution is an abuse of process. If it is permitted to continue, it leads to miscarriage of justice since the complaint is a motivated one.

6. The counsel appearing for the petitioner also brought to notice of this court the statement recorded by the learned Magistrate of the victim before the court on 14.10.2019 under Section 164 of Cr.P.C. Her statement is very clear that when both of them met each other, the petitioner kept on asking for sexual relationship. One night, they had a sexual intercourse. But he kept on asking for it and he kept on

messaging her. The specific statement is made that again on 21.09.2019, they met again and petitioner asked for sexual relationship and she left from there. After that, again and again he kept on asking the same. On 04.10.2019, petitioner messaged the complainant to meet her and discuss at the place of her choice. When she went to his office for the discussion as it was safer place, she waited in the office but petitioner did not come. On 5th, complainant went to the police station and told the police about daily keeps on messaging her by the petitioner. The very statement itself is very clear that both had a sexual intercourse with consent. Hence, the question of invoking of Sections 354A and 354D of IPC does not arise.

7. The counsel also brought to notice of this court the conversation dated 21.09.2019. On perusal of the same, it discloses that there is no demand of sexual relationship by the petitioner. The counsel brought notice of this court that on that date, she herself made the message that 'catch tonight' and she also messaged that 'drinking or watching something' and she says that 'she has half a bottle of vodka'. These are the conversations on particular date. But no such demand of any sexual relationship. But she replies that 'she had drinks and cuddle in her mind but yeah casual sex is still not okay'. The

counsel also brought to notice of this court the conversation dated 04.10.2019 since an accusation is made against the petitioner that there was demand of sexual relationship on that day also. But no such message on that date even long conversation was made between them.

8. The counsel also brought to notice of this court the statement of CW2 who is only a hearsay witness and there is no any material before the Court. The counsel also brought to notice of this court Annexure-C for having taken cognizance by the trial court and order at Annexure-C is that perused the charge sheet and the annexed document. There appear to be a prima facie case against the accused for the offence punishable under Section 354A and 354D of IPC. The counsel also brought to notice of this court Annexure-D i.e., Whatsapp Chats, so also Annexure-E and F. The counsel also brought to notice of this court Annexure-G that is the conversation between both of them dated 14.08.2019 and so also Annexure-H wherein there is number of missed calls by the complainant herself and list in this regard is given. Annexure-J discloses the conversation of both of them we can settle up things with talk, please reply to text and calls. The counsel also brought to notice of this court Annexure-K - email of complainant dated 14.09.2020. The

counsel brought to notice of this court Annexure-L wherein she has stated that the petitioner has apparently switched off his phone. The counsel relying upon all these documents would contend that the same clearly discloses that there was no such ingredients of the offence of Sections 354A and 354D of IPC.

9. The counsel in support of his arguments also would contend that petitioner had never met complainant but complainant initiates contact by sending a friend request on Facebook to petitioner and informs him that their families had explored an alliance which was rejected by the petitioner referring Annexure-D. Complainant herself proposes to get intimate with the petitioner since the allegation is that the petitioner and the complainant got intimate on 14.08.2019 and the complainant was not in favour of such relationship. But conversation is very clear that she herself has demanded sex. But she claims that she ended contact with the petitioner but petitioner through WhatsApp, asked for sexual favours. The counsel also brought to notice of this court the conversation of 19.09.2019 and on 21.09.2019 and complainant broadly alleges harassment on 04.10.2019 and conversation also taken place between them and allegation that complainant calls up the petitioner 61 times on his phone number but petitioner

does not respond. Thus, complaint was filed and FIR was registered on 08.10.2019 and on 14.10.2019, complainant records her for 164 statement retreating the same and charge sheet was filed on 22.11.2019. Even though there was no any material, but on 20.04.2025, complainant seeks for Rs.1 crore as settlement and makes allegations against her counsel also.

10. The counsel in support of his arguments relies upon judgment of this Court passed in **Crl.P.No.220/2018 connected with Crl.P.No.8868/2017** dated **25.09.2026** wherein petition was allowed and quashed the proceedings considering the material on record particularly for the offence under Section 354A(1) of IPC.

11. The counsel also relies upon judgment of the Apex Court reported in **2024 SCC ONLINE SC 759** in the case of **ACHIN GUPTA vs STATE OF HARYANA AND ANOTHER** and brought to notice of this court discussion made in paragraphs 24, 30, 31 and 35, wherein discussion was made with regard to principles laid down in the judgment **State of A.P. vs Vangaveeti Nagaiah ([2009] 12 SCC 466)**. The Court has to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly

inconsistent with the accusations made while exercising the power under Section 482 of Cr.P.C. The counsel also brought to notice of this Court, the discussion made in paragraph 30 wherein the judgment of **State of Haryana vs Bhajan Lal (1992 Supp (1) SCC 335** was referred wherein it is held that the Court has to look into the category 7 as indicated where the criminal proceeding is manifestly attended with mala fide. The counsel also brought to notice of this court paragraph 31 wherein detailed discussion was made keeping the said judgment and so also paragraph 35 wherein taken note of recent pronouncements of the Apex Court in **Mahmood Ali vs State of U.P. (2023 SC Online SC 950)** that the legal principle applicable apropos Section 482 of the Cr.P.C was examined and criminal proceedings is quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious.

12. The counsel also relies upon the judgment of the Apex Court reported in **2025 SCC ONLINE SC 1165** in the case of **G V ADHIMOOLAM AND OTHERS vs INSPECTOR OF POLICE AND ANOTHER** and brought to notice of this Court paragraphs 29 and 30, wherein also the Apex Court discussed

the scope of Section 482 of Cr.P.C., if complaint is manifestly frivolous or vexatious.

13. The counsel also relies upon judgment of the Apex Court reported in **2023 SCC ONLINE SC 947** in the case of **SALIB @ SHALU @ SALIM vs STATE OF U.P. AND OTHERS** and brought to notice of this court paragraph 28 wherein also discussed that court while exercising its jurisdiction on Section 482 of Cr.P.C or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

14. The counsel also relies upon judgment of the Apex Court reported in **(2025) 2 SCC 604** in the case of **NARESH ANEJA @ NARESH KUMAR ANEJA vs STATE OF UTTAR PRADESH AND ANOTHER** and brought to notice of this court paragraphs 18 to 20, 23 to 25 wherein also discussion is made with regard to exercising the powers under Section 482. The Court cannot conduct a mini-trial but instead is to be satisfied that prima facie the offences as alleged are made out and so also invoking of Section 354 of IPC in paragraph 20. In

paragraph 23 to 25 taken note of statement under Section 164 of Cr.P.C of the complainant and also the charge sheet material.

15. The counsel relies upon judgment of the Apex Court reported in **(2019) 13 SCC 350** in the case of **MOHD. AKRAM SIDDIQUI vs STATE OF BIHAR AND ANOTHER** wherein discussed that whether defence case when may be considered while hearing the argument at quashment. Where document is relied upon is public document or where veracity thereof is not disputed by complainant. The defence evidence under inherent power of High Court is not absolutely barred. The counsel brought to notice of this court the discussion made in paragraph 5 of the Judgment.

16. The counsel also relies upon the judgment reported in **2025 SCC ONLINE CAL 220** in the case of **DEEPAK SINGH vs STATE OF WEST BENGAL AND ANOTHER,** High Court of Calcutta and brought to notice of this Court paragraphs 15 to 25 wherein discussion was made with regard to Section 354C and 354D for an offence of stalking and punishment for sexual harassment. Both Section 354A and 354B and ingredients of the offence also discussed.

17. The counsel relies upon the judgment reported in **2024 SCC ONLINE CAL 6948** in the case of **SATYABRATA BARIK vs STATE OF WEST BENGAL AND ANOHTER** and brought to notice of this Court paragraphs 22 to 30 wherein discussion was made for invoking of offence under Section 354D of IPC with regard to perpetrator's gender; unwanted contact; repetition and absence of interest was discussed.

18. The counsel relies upon the judgment reported in **(2022) 1 HCC (DEL) 314** in the case of **DR. KARUNAKAR PATRA vs STATE** and brought to notice of this Court paragraphs 12 to 16 wherein discussed that the Court has to take note of invoking of an offence at the drop of a hat to register one's displeasure at the conduct of another individual.

19. The counsel referring these judgments would vehemently contend that the court has to take note of conduct of the complainant.

20. The counsel also filed the documents on 29.10.2026 as this court has directed to produce the statement of witnesses.

21. Per contra, the counsel appearing for the respondent/State would contend that the case of the complainant that both of them came in contact in connection with marriage alliance, but they were dating each other. The material particularly 164 statement discloses that both of them had sexual intercourse. The allegation against the petitioner that thereafter also, the petitioner has continued to ask for sexual favour repeatedly. The counsel relies upon the WhatsApp chats and contend that court has to take note of the same particularly the chat dated 04.10.2019. The specific allegations are made in the complaint as well as in the 164 statement before the learned Magistrate that petitioner sent the message to meet her and discuss with her at the place of her choice but he did not meet her. The counsel also vehemently contend after denial from the complainant also, the petitioner kept on asking her to meet and take a day leave from work and spend time/d/ay with him. When she met him once to resolve and listen to what he is saying, he dragged her as she denied sexual favour that is dated 10.11.2019. The whatsapp chats clearly show that many times, petitioner has asked the complainant to meet him. Based on the complaint, the Police have investigated the matter and recorded the

statement and cited witnesses particularly CW1 and CW2 and other witnesses. The counsel would contend that it is a matter of trial and the documents which have been relied upon by the petitioner cannot be considered at this stage and court cannot conduct a mini trial and defence also cannot be considered at the time of quashing the proceedings. Hence, prayed this court to dismiss the petition.

22. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, the point that would arise for consideration of the petition is:

1. Whether it is a fit case to exercise the powers under Section 482 of Cr.P.C to quash the proceedings initiated against the petitioner under Sections 354A and 354D of IPC?
2. What order

Point No.1:

23. Having heard the learned counsel appearing for the respective parties and also considering the material on record and also the principles laid down in the judgments referred supra, it is very clear that the case is based on frivolous

litigation and the court can exercise the powers under Section 482 of Cr.P.C. If any public document discloses that the case is registered on personal vengeance, the same also can be looked into in view of the judgment of **MOHD. AKRAM SIDDIQUI** case referred supra. The specific allegations made in the complaint as well as in the charge sheet against the petitioner that both of them came in contact in connection with marriage alliance and the same is not in dispute. It is not in dispute that they were in touch with each other from July 2019. The counsel also brought to notice of this court the whatsapp messages and synopsis filed by the petitioner and also 164 statement wherein it is very clear that both of them had sexual intercourse earlier. But it is the allegation against the petitioner that he kept on insisting her for sexual favour though it is stated that once in life. The allegations dated 21.09.2019 and 04.10.2019 that both of them met on 21.09.2019, but she has refused and again 04.10.2019. Having perused the conversation of 04.10.2019, it is very clear that the same is with regard to the sexual act is concerned, particularly at 10:49, she had replied that he always had an option to clearly say, you just wanna fuck around, but manipulating her into this has left her with

trust issues. All this conversation is with regard to a sexual favour.

24. The specific allegation made in 164 statement as well as in her statement that when he made a request to meet, she intentionally suggested the place of working, she went but he did not come to meet her. All these materials to be considered during the course of trial, not at the stage of considering the petition under Section 482 of Cr.P.C. The disputed issues as well as facts could be considered only during the course of trial. No doubt, the principles laid down in the judgments referred supra, it is clear that only in a case of frivolous and vexatious complaints are filed, court can quash the same. But in the case on hand, court has to look into the materials available on record particularly the conversation dated 04.10.2019. No doubt, the counsel appearing for the petitioner brought to notice of this court that the complainant demanded for crores of rupees to settle the issues. The same is an issue once again that whether it is a demand made by the complainant or not and the same is a question of trial. No doubt, she has given missed call on several times. The court has to take note that when the meeting date and time was fixed and when he did not respond, those calls were given and

the same cannot be termed as a frivolous complaint. But the fact that both of them are in contact with each other in connection with marriage alliance. The specific allegations are made for the offences under Section 354A and also Section 354D of IPC and the same has to be considered by the Trial Court and not at this stage. Thus, I do not find any grounds to exercise the powers under Section 482 of Cr.P.C. Hence, answered the above point as negative.

Point No.2:

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

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

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