IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.8920 OF 2022

BETWEEN:

1. MAHENDRA
S/O BELURAPPA
AGED ABOUT 63 YEARS,
R/AT 301/10, 36TH CROSS
7TH 'C' MAIN ROAD,
4TH BLOCK, JAYANAGAR
BENGALURU-560011.

2. ASHWIN MAHENDRA
S/O MAHENDRA
AGED ABOUT 36 YEARS,
R/AT 301/10, 36TH CROSS
7TH MAIN ROAD
4TH BLOCK, JAYANAGAR
BENGALURU-560011.

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Location: HIGH COURT OF KARNATAKA

3. ARUN S/O RAMANNA
AGED ABOUT 37 YEARS,
R/AT NO.17, 10TH 'A' CROSS
I G RAMANNA BADAVANE
PEENYA SAMLL INDUSTRIES
BANGALORE-560058.

...PETITIONERS

(BY SRI. P. USMAN, ADVOCATE FOR PETITIONER NOS.1 TO 3)

AND:

1. STATE OF KARNATAKA
BY HIGH GROUND P S
REP. BY THE SPP OFFICE
HIGH COURT OF KARNATAKA
BENGALURU -560001.

2. SRI. K. BABU
S/O KRISHNAPPA
AGED ABOUT 43 YEARS,
RESIDING AT NO.148
2ND FLOOR, 15TH MAIN
6TH CROSS, KEB LAYOUT
SANJAYANAGAR
BENGALURU-560094.

…RESPONDENTS

(BY SRI. MOHAMMED AYUB ALI, ADDL. SPP FOR R1;
SRI. S. BALAKRISHNAN, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE IMPUGNED FIR DATED 05.09.2022 IN CR.NO.134/2022 REGISTERED BEFORE HIGH GROUNDS POLICE STATION AND COMPLIANT DATED 05.09.2022 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 341, 354, 323, 447, 143, 504, 506, 149 OF IPC 1860 REGISTERED BY THE RESPONDENT NO.1, HIGH GROUND POLICE, PENDING ON THE FILE OF THE 8TH ADDITIONAL CMM COURT, NRUPATUNGA ROAD, BENGALURU CITY A COPY OF WHICH IS HEREIN PRODUCED AS ANNEXURES-A AND B.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

Heard learned counsel for the petitioners, learned Additional SPP for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed by the petitioners i.e., accused Nos.1 to 3 praying this Court to quash FIR dated 05.09.2022 in Crime No.134/2022 registered for the offence punishable under Sections 341, 354, 323, 447, 143, 504, 506 read with Sections 149 of IPC and grant such other relief.

3. The factual matrix of case of the complainant in the complaint is that these petitioners came along with 50 to 60 gunda elements without obtaining any permission and suddenly rushed to the BTV premises and wrongly restrained the female host Smt. Shilpa Gowda, dragged her and outraged her modesty. When another lady one Sabrina Banu came to rescue her, she was assaulted and abused in filthy language and other persons, who came to rescue both of them were subjected to assault and caused the life threat. Based on the complaint, case is registered against these three petitioners i.e., accused Nos.1 to 3, who are family members.

4. Learned counsel appearing for the petitioners in his argument would vehemently contend that this complaint was filed on 06.09.2022 and the endorsement made in the complaint is very clear. But, police have indulged in putting a anti-date while issuing the FIR as 05.09.2022, though complaint was given on 06.09.2022 and in the original complaint, date is mentioned as 06.09.2022 at Annexure-B. But, police have put the date and timings stating that complaint was received on 05.09.2022 at 22.50 hours and adopted an ingenious method in dispatching the FIR on the same day at 23.50 hours through HC 10517. The counsel would vehemently contend that Annexure-B is dated 05.09.2022 and though it is dated 05.09.2022 on the top, it was received on 06.09.2022. But, the petitioners have lodged the complaint on the previous day itself on 05.09.2022, but their complaint is numbered as Crime No.135/2022 and present complaint is numbered as Crime No.134/2022, even though the said complaint is belated. Hence, there is a clear bias on the part of the police in receiving the complaint and registering a crime.

5. The counsel also brought to notice of this Court that the complaint given by these petitioners though was received on 05.09.2022, crime number is given as 135/2022, wherein

offences are invoked under Sections 341, 323, 504, 506 read with Section 34 of IPC. But, FIR in respect of this complaint is concerned, shown as dispatched on 06.09.2022 i.e., next day at 5.00 a.m., though complaint was given on 05.09.2022 itself and receipt of information is mentioned as 05.09.2022 at 23.05 hours. Hence, it is very clear and evident that the said FIR is also sent through very same HC 10517 i.e., Habeebulla K. and both the FIRs have reached the Court on the next day on 06.09.2022 at 11.00 a.m. Hence it is a clear case of manipulation of present complaint by the police, even though complaint was given on the next day on 06.09.2022, but indulged in mentioning that FIR received on the previous day, but both the FIRs have reached the Court on the next day at 11.00 a.m. and there is endorsement to that effect.

6. The counsel also would vehemently contend that, no doubt, these petitioners went to the office on 05.09.2022, as there was an interim order granted in favour of the petitioners in O.S.No.584/2022 and they went with the injunction order granted in favour of these petitioners and with an oblique motive, lodged the false complaint making an allegation. The counsel also would submit that, in order to invoke Section 354 of IPC, outraging the modesty of a women,

the said lady has not lodged any complaint, but the police have invoked the offence under Section 354 of IPC on the basis of allegation of outraging the modesty of the said lady i.e., Shilpa Gowda, who is a habitual complainant. The counsel also brought to notice of this Court that a similar complaint outraging the modesty was also filed through the said lady Shilpa Gowda and one more case is also registered and the same is challenged before this Court in Crl.P.No.4432/2024 and this Court while granting an interim order, taken note that when the complaint was filed on 06.03.2024, FIR was registered against respondent No.2, who is the complainant and immediately on the next day, this false case complaint is registered against the petitioners and brought to notice of this Court that complainant is a habitual complainant and earlier also, similar complaint was filed and this Court granted stay in the present petition and BTV office was found locked on 29.11.2021, since the owner had locked the premises. Hence, the question of BTV office was running on 06.03.2024 does not arise. Hence, it is clear that in view of civil dispute between the complainant and the petitioners, there was a civil suit and when the injunction order was granted against them, a false complaint is lodged. The injunction was also granted on the

very same day i.e., 05.09.2022 and Annexure-C is very clear to that effect and the order passed by the Court is also very clear that injunction is granted against the complainant party, restraining them from lifting, or transfer the movable assets, files, documents, contents, technical equipments belonging to the TV Channel, office which exclusively belongs to the plaintiff i.e., petitioners herein as stated in the memo and list of movables dated 03.02.2022. When such an order was passed, the present complaint is filed with an oblique motive.

7. The counsel also vehemently contend that in order to invoke the criminal jurisdiction, there must be necessary ingredients and the same has not been made out and the property belongs to the petitioners, the question of invoking 447 of IPC does not arise. The counsel also would vehemently contend that the complaint is filed by one Babu and not by alleged victim of the incident that she is a habitual complainant, making such an allegation of Section 354 of IPC. Learned counsel appearing for the petitioners also would submit that when the complaint at the earliest point of time was given by the petitioners, police have filed the 'B' report which clearly disclose bias in receiving the second complaint and giving anti time and also earlier crime number.

8. Per contra, learned counsel appearing for the respondent No.2 would submit that in respect of crime registered against the complainant party in Crime No.135/2022, already police have filed the 'B' report and notice was issued and the same is not challenged. The counsel would submit that with regard to the incident is concerned, CCTV footage clearly depicts that an incident has taken place. The counsel also would contend that mob had entered the premises and these petitioners had indulged in manipulation of cases and registered several cases. The counsel also would contend that 164 statement and so also 161 statement was recorded and also brought to notice of this Court the documents and synopsis filed before this Court that there was dispute between the parties with regard to running the BTV channel and there is a dispute with regard to ownership and also contend that Writ Petition was filed before this Court in W.P.No.12339/2023 as per Document No.1 and an application was filed in the petition to implead and an order was passed to conduct the investigation and file a report and material produced along with the synopsis is very clear with regard to quashment of criminal proceedings, including the charge sheet and summoning order will not justify at the time of quashing the FIR.

9. Learned Additional SPP for respondent No.1-State would submit that it requires an investigation and without investigation, the Court cannot come to the conclusion that with malafides the complaint is filed.

10. In reply to this argument of learned Additional SPP for respondent No.1, learned counsel for petitioners would vehemently contend that M/s. Eaglesight Media Private Limited was registered and both the petitioners as well as one Mr. Kumar was also part of it. But, when the dispute has arisen, he had started quoting for different company using the name M/s. Eaglesight Media Private Limited and there is a civil dispute between the parties and there cannot be any clog to the civil dispute.

11. Having heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned Additional SPP for respondent No.1, the points that would arise for consideration of this Court are:

(1) Whether the petitioners have made out the ground to quash the FIR dated 05.09.2022 in Crime No.134/2022 invoking Section 482 of Cr.P.C.?

(2) What order?

Point No.(1)

12. Having heard learned counsel appearing for the petitioners, learned counsel appearing for respondent No.2 and learned Additional SPP for respondent No.1 and the documents produced before the Court, it is clear that complainant party has given complaint on 05.09.2022 and the same is evident from the FIR in Crime No.135/2022 and specific allegation is that though the complaint was given on 05.09.2022 in respect of present complaint, the police have put anti timings in the FIR. But, on perusal of the original complaint which is produced as Annexure-B, it is very clear that the said complaint was given on 06.09.2022 and when the complaint was dated 06.09.2022 and the police have made an endorsement that complaint was given on 05.09.2022 and crime number was mentioned as 134/2022. But, when the petitioners have given the complaint on 05.09.2022 itself, but in an ingenious method, crime number is given as 135/2022 and the Court has to take note that the said FIR was dispatched on the next day at 5.00 a.m. But, the fact that while dispatching the present complaint, time and date was mentioned as 05.09.2022 at 23.50 hours in the late night, but complaint is dated 06.09.2022. But, both the FIRs have reached the Court on the next day at 11.00 a.m. It is

to be noted that dispatching timing is different, but the FIRs are handed over to the same HC in the late night in respect of this complaint and also in the morning at 5.00 a.m. in respect of complaint of the petitioners and both the FIRs have reached at 11.00 a.m. Hence, there is a clear case of bias on the part of the police as contended by the petitioners, in view of anti dating and the very registration of the case by the police is with malafide intention at the instance of the complainant party. Apart from that, in respect of case of the petitioners herein, filed 'B' report.

13. It is also to be noted that in respect of subsequent complaint given by the petitioners, the same is registered as Crime No.135/2022 and police have filed the 'B' report. Hence, it is clear that there is involvement by the police in the present case for registration of present case. It has to be noted that Annexure-C is very clear that there was a civil suit between both the parties in O.S.No.584/2022 and an injunction was granted in favour of the petitioners as against the defendants dated 05.09.2022. When such order was passed, this alleged incident has taken place on the very same day i.e., on 05.09.2022. It is rightly pointed out by learned counsel appearing for the petitioners that one Shilpa Gowda is the

victim, but not complainant, whose modesty was outraged. But, she has not given any complaint and one Babu had lodged the complaint. It is also important to note that on behalf of the said lady, one more complaint is lodged invoking the very same offence under Section 354 of IPC in the year 2024. Hence, it is clear that the complainant party, who allegedly running the channel by name BTV made use of women employee for initiating the criminal prosecution in the present case and in the subsequent complaint, she makes a similar allegation regarding outraging of her modesty and it is a classic case of using the women employee to settle the civil dispute of Media rights, such allegations are made invoking Section 354 of IPC.

14. It is also not in dispute that there is a civil dispute between the parties and suit was already filed and on the date of the alleged incident, injunction was granted in favour of the petitioners and Annexure-C is evident regarding granting injunction against the complainant party. The Apex Court in several judgments held that if any dispute between the parties which is civil in nature, the Court has to examine the material cautiously and this Court already pointed out that taking advantage of alleged outraging the modesty of one Shilpa Gowda, though she has not lodged the complaint in the present

case, offence under Section 354 of IPC is invoked at the instance of complainant party.

15. The judgment of the Apex Court in **VIJAYSARATHY vs. SUDHA SEETHARAM** reported in **(2019) 16 SCC 739** is very clear that attempt to cloak a civil dispute with a criminal colour, despite absence of ingredients necessary to constitute criminal offence, the criminal proceedings can be quashed.

16. This Court would like to rely upon the recent judgment of the Apex Court in **SUMIT BANSAL vs. MGI DEVELOPERS AND PROMOTERS AND ANOTHER** reported in **(2026) 6 SCC 366,** wherein considered the principles laid down in the judgment of Apex Court in **STATE OF HARYANA vs. BHAJAN LAL** reported in **1992 SUPP (1) SCC 335.** Having perused the principles laid down in the said judgment, it is very clear that allegations are made in the first information report, complaint and even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused which is held in first principle. So also, the seventh principle is very clear that where a criminal proceeding is manifestly attended with mala

fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to covert and personal grudge. It is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it.

17. This Court would like to rely upon the judgment of the Apex Court in **INDIAN OIL CORPN. vs. NEPC INDIA LTD. AND OTHERS** reported in **(2006) 6 SCC 736**, wherein while exercising the power under Section 482 of Cr.P.C., for quashing criminal complaint alleging commission of various offences, held that if dispute arising from breach of contract and when civil remedy available and availed of, remedy under criminal law, held not barred if the allegations disclose a criminal offences. The allegations contained in the complaint, taken on their face value, if, on facts, constituted offences under Penal Code, while dealing with issue of maintainability of the petition under Section 482, it is held that however, current practice of misuse of criminal process to put undue pressure in civil disputes deprecated. The Apex Court also dealt with regard to breach of contract, filing of criminal complaint, scope and

maintainability. It is held that, if it is found that a frivolous criminal complaint had been filed knowing well that remedy lay only in civil law, person who filed such complaint should himself be made accountable in accordance with law at the end of such proceeding. So also, the Apex Court held that the Court should exercise the power under Section 250 Cr.P.C. frequently where there is malice or frivolousness or ulterior motives on the part of the complainant is found. In this judgment in paragraph No.12 also while considering point No.1, categorically held that a given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil

disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors.

18. The Apex Court also taken note of the principles laid down in the judgment in **G. SAGAR SURI vs. STATE OF U.P.** reported in **(2000) 2 SCC 636** and extracted paragraph No.8, which reads as hereunder:-

> *"It is to be seen if a matter, which is essentially of a civil nature, has been given a cloak of criminal offence. Criminal proceedings are not a short cut of other remedies available in law. Before issuing process a criminal court has to exercise a great deal of caution. For the accused it is a serious matter. This Court has laid certain principles on the basis of which the High Court is to exercise its jurisdiction under Section 482 of the Code. Jurisdiction under this section has to be exercised to prevent abuse of the process of any court or otherwise to secure the ends of justice".*

19. Having considered misuse and abuse of powers, the dispute between the parties is essentially of a civil nature, has been given a cloak of criminal offence and criminal proceedings are not a short cut of other remedies available in

law. Hence, the Court held that High Court is to exercise its jurisdiction under Section 482 of the Code and so also jurisdiction under this section has to be exercised to prevent abuse of the process of any Court. The Apex Court has also made an observation that one positive step that can be taken by the Courts, to curb unnecessary prosecutions and harassment of innocent parties, is to exercise their power under Section 250 Cr.P.C. more frequently, where they discern malice or frivolousness or ulterior motives on the part of the complainant.

20. This Court also would like to rely upon judgment of the Apex Court in **SARDAR ALI KHAN vs. THE STATE OF UTTAR PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT & ANR.** reported in **(2020) 12 SCC 51,** wherein the Apex Court particularly in paragraph No.9 held that when the dispute is of civil nature, for which civil suits are pending, allowing the 2nd respondent to pursue his complaint in criminal proceedings is nothing but abuse of the process of law. Hence, held that, criminal proceedings are fit to be quashed.

21. Moreover, this Court has at innumerable instances expressed its disapproval for imparting criminal color to a civil dispute, made merely to take advantage of a relatively quick relief granted in a criminal case in contrast to a civil dispute. Such an exercise is nothing but an abuse of the process of law which must be discouraged in its entirety.

22. The learned counsel in support of his arguments relies upon the judgment of the Apex Court in the case of **BINOD KUMAR AND OTHERS v. STATE OF BIHAR AND ANOTHER** reported in **(2014) 10 SCC 663**, wherein it is discussed with regard to the quashment of complaint – civil liability cannot be converted to criminal liability and the same amounts to abuse of process of Court. In the case on hand, the allegation made in the complaint is that petitioner No.1 had parted with money as a loan. When such being the case, the question of invoking Section 420 of IPC does not arise.

23. The learned counsel also relies upon the judgment of the Apex Court in the case of **PARAMJEET BATRA v. STATE OF UTTARAKHAND AND OTHERS** reported in **(2013) 11 SCC 673** and contend that when a dispute is of civil nature, matters to be considered and weighed by the High Court

exercising the power under Section 482 of Cr.P.C. Whether essential ingredients of criminal offence are present or not has to be judged by the High Court.

24. The learned counsel also relies upon the judgment of the Apex Court in the case of **INDER MOHAN GOSWAMI AND ANOTHER v. STATE OF UTTARANCHAL AND OTHERS** reported in **(2007) 12 SCC 1,** wherein the Apex Court discussed with regard to exercising of inherent power under Section 482 of Cr.P.C. With regard to duty and approach of High Court while exercising said power it is held that the same has to be exercised sparingly, carefully and with great caution. No hard and fast rule can be laid down for exercise of extraordinary jurisdiction under Section 482 of Cr.P.C.

25. The learned counsel also relies upon the judgment of the Apex Court in the case of **ANAND KUMAR MOHATTA AND ANOTHER v. STATE (NCT OF DELHI), DEPARTMENT OF HOME AND ANOTHER** reported in **(2019) 11 SCC 706,** wherein it is held that when a civil dispute is converted into criminal case to harass the accused, the Court can exercise power to quash criminal proceedings.

26. This Court would like to rely upon the judgment of the Apex Court in **DINESHBHAI CHANDUBHAI PATEL vs. STATE OF GUJARAT AND OTHERS** reported in **(2018) 3 SCC 104,** wherein the Apex Court held that, if complaint does not disclose any committing of such an offence, the Court can exercise the power under Section 482 of Cr.P.C. If complaint discloses committing of an offence, then cannot exercise the power.

27. This Court also would like to rely upon judgment in **PEPSI FOODS LTD. vs. SPECIAL JUDICIAL MAGISTRATE** reported in **(1998) 5 SCC 749**, wherein the Apex Court has categorically held that on the face of records, if no case is made out, there cannot be criminal prosecution.

28. This Court also would like to rely upon judgment of the Apex Court in **STATE OF HARYANA AND OTHERS vs. BHAJAN LAL AND OTHERS** reported in **1992 SUPP (1) SCC 335,** particularly taking note of guideline Nos.(4) and (5) in paragraph No.102, the Apex Court held that if complaint does not disclose the ingredients of offence, it amounts to an abuse of process. The guideline No.(7) is also very clear that if complaint is filed with regard to the civil dispute giving a

criminal colour with an intent to wreck vengeance, there cannot be criminal prosecution.

29. Having considered the material available on record, it prima facie discloses that while registering the case itself, the police have played a role and put a anti-date in the complaint, though complaint is dated 06.09.2022, but endorsement is made as 05.09.2022 and dispatched the FIR through the same person and both the FIRs have reached the Court on the next day at 11.00 a.m. Apart from that, there is a civil dispute between the parties regarding running of media channel. This Court has also taken note of the fact that the taking the name of the very same lady, two cases were registered against these petitioners, particularly invoking the offence under Section 354 of IPC and other allied offences. Hence, it is a clear case of abuse of process and in order to wreck vengeance criminal colour is given to the civil dispute. Hence, the petitioners have made out the case to quash the proceedings.

Point No.(2)

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

ORDER

(i) The criminal petition is ***allowed***

(ii) The FIR dated 05.09.2022 in Crime No.134/2022 registered for the offence punishable under Sections 341, 354, 323, 447, 143, 504, 506 read with Sections 149 of IPC against the petitioner is hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

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