HC-KAR
NC: 2026:KHC:63890
CRL.P No. 9059 of 2022
CNR: KAHC010424662022

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.9059 OF 2022

BETWEEN:

1. SRI. PRAMODA G.,
S/O V. GOVINDARAJU,
AGED ABOUT 32 YEARS,
R/AT NO.2327,
3RD CROSS, 4TH MAIN,
VINAYAKA NAGARA
(PADUVARAHALLI),
MYSURU-570012.

2. SRI. V. GOVINDARAJU,
S/O LATE VASUDEVAPPA,
AGED ABOUT 58 YEARS,
R/AT NO.2327,
3RD CROSS, 4TH MAIN,
VINAYAKA NAGARA
(PADUVARAHALLI),
MYSURU-570012.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. ABHISHEK PATIL, ADVOCATE FOR
SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY HEBBAL P.S. MYSURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560001.

2. MS. SOWMYA,
W/O MANJUNATH,
AGED ABOUT 34 YEARS,
R/AT NO.578, 7TH MAIN ROAD,
HEBBAL 1ST STAGE,
MYSURU-570016.

…RESPONDENTS

(BY SRI. M. DIVAKAR MADDUR, HCGP FOR R1;
R2 - SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 29.6.2022 (ANNEXURE-A) AND SUBSEQUENT FIR DATED 29.06.2022 REGISTERED AS CR.NO.59/2022 (HEBBAL P.S.,) AGAINST THE PETITIONERS FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354A, 354C, 384, 504, 506, 509 R/W 34 OF IPC, PENDING ON THE FILE OF THE V JMFC, MALALAVADI, JAYANAGARA, MYSURU (ANNEUXRE-B) THE SUBSEQUENT INVOCATION OF SECTIONS 376, 323 OF IPC AND ALL FURTHER PROCEEDINGS ARISING THEREFROM AS AGAINST THE PETITIONERS.

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 petitioners and the learned High Court Government Pleader appearing for respondent No.1/State. The respondent No.2/complainant though served is unrepresented.

2. This petition is filed praying this Court to quash the complaint dated 29.06.2022 (Annexure-A) and subsequent FIR dated 29.06.2022 registered as Crime No.59/2022 against the petitioners for the offence punishable under Sections 354A, 354C, 384, 504, 506, 509 read with Section 34 of IPC, subsequent invocation of Sections 376 and 323 of IPC.

3. The factual matrix of the case of the complainant in the complaint is that petitioner No.1 is the friend of her husband and her husband was working as a painter and petitioner No.1 used to visit their house frequently. It is the contended that petitioner No.1 had recorded her video while taking bath and making use of the same, he started blackmailing her and getting the sexual act. The petitioner No.1 even brought his father petitioner No.2 and asked her to sleep with him also. The complaint averments is very clear that petitioner No.1 subjected her for outraging the modesty and also abused in a filthy language and caused life threat. When such allegations are made, case is registered against both the petitioners.

4. The learned counsel for the petitioners would submit that the mahazar Annexure-C is very clear that when the mobile of the complainant was seized, not found any incriminating material in respect of the offence of Sections 354A and 354C of IPC and also ingredients of other offences. The learned counsel also brought to the notice of this Court column No.8 the details of crimes, wherein also both of them are conversating with each other and both of them even indulged making the reels and exchanging the words as husband and wife, but other materials are not found.

5. The learned High Court Government Pleader appearing for respondent No.1/State would submit that the statement of victim was recorded under Section 164 of Cr.P.C., wherein also she has reiterated the contents of the complaint and the matter requires investigation. The learned counsel would contend that specific accusation is made against petitioner No.1.

6. The learned counsel for the petitioners would submit that no such allegation is made against petitioner No.2,

except referring his name and taking him and insisting the victim to sleep with him.

7. When no such specific accusation is made against petitioner No.2 and only passing reference of petitioner No.2 is made, there cannot be any criminal prosecution against petitioner No.2. Even in the 164 statement of the victim also, she has reiterated the contents of the complaint and nothing is stated against petitioner No.2. There is no any specific overt-act allegations against petitioner No.2 and the FIR also does not disclose any offences against petitioner No.2. The Apex Court in the case of **DINESHBHAI CHANDUBHAI PATEL v. THE STATE OF GUJARAT** reported in **2018 (3) SCC 104,** has held that if the contents of the complaint does disclose the ingredients of the offence, the Court should not venture to quash the FIR and at the same time, held that, if no such ingredients are found against a person, the question of facing any criminal prosecution in the absence of any specific accusation does not arise. Hence, the learned counsel for the petitioners has made out the ground only in respect of petitioner No.2 and not in respect of petitioner No.1.

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

ORDER:

(i) The petition is partly allowed. The proceedings initiated against petitioner No.2 in Crime No.59/2022 is quashed.

(ii) The petition in respect of petitioner No.1 is rejected.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 10