HC-KAR
NC: 2026:KHC:59643
CRL.P No. 7890 of 2019
CNR: KAHC010447292019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

CRIMINAL PETITION NO.7890 OF 2019

BETWEEN:

MR. SRIKANTH GANESAN
S/O A S GANESAN
AGED ABOUT 49 YEARS
R/A NO.C-303
SRADDHA SILVER SPRINGS
THUBRAHALLI
BENGALURU-560066

ALSO:
BUSINESS SERVICE
AVATER BUILDING
ITPL, WHITEFIELD
BENGALURU-560066

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. PRAVEEN KUMAR HIREMATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
   REP. BY WHITEFIELD POLICE STATION
   WHITEFIELD
   BENGALURU-560066

2. PARAMJEET KAUR
   D/O RAJINDER SINGH
   AGED ABOUT 35 YEARS
   R/AT A1002, SHILPTHA ROYAL

CNR: KAHC010447292019

K R PURAM
BENGALURU CITY
KARNATAKA-560036

…RESPONDENTS

(BY SRI SUHAS GOWDA M, HCGP FOR R1;
SERVICE OF NOTICE TO R2 H/S V/O DT.12.10.26)

THIS CRL.P IS FILED U/S 482 OF CR.P.C. PRAYING TO QUASH THE COMPLAINT DATED 10.06.2019 FILED BY THE DE-FACTO COMPLAINANT BEFORE THE RESPONDENT POLICE WHICH IS PENDING ON THE FILE OF ADDL.C.J.M., BENGALURU RURAL DISTRICT IN CR.NO.261/2019 (ANNEXURE-A) AND ETC.

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

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

ORAL ORDER

This petition is filed praying this Court to quash the complaint dated 10.06.2019 filed by the defacto complainant before the respondent police which is pending on the file of Additional Chief Judicial Magistrate, Bangalore Rural District in Cr.No.261/2019 at Annexure-A and also quash the FIR registered in Cr.No.261/2019 at Annexure-B.

2. Heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader

appearing for respondent No.1. Though notice of respondent No.2 is served, respondent No.2 is unrepresented.

3. The factual matrix of case of the complainant that complainant and petitioner/accused were working in the same company and this petitioner is working as a Reporting Manager in the said company. The allegation made in the complaint that this petitioner subjected the complainant for sexual assault outraging modesty of a woman and he used to harass the complainant in the work place. Hence, the complaint was given under the Prevention, Prohibition and Redressal Act 2013 (PoSH Act) regarding harassment of a woman at workplace. Based on the said allegation, a Internal Complaint Committee (ICC) was constituted. The allegation in the said complaint that the said Committee failed to conduct proper investigation and give relief to her. Hence, she filed the complaint invoking offence under Section 354 of IPC against the petitioner.

4. The counsel appearing for the petitioner would vehemently contend that when such complaint was filed, ICC in its enquiry files a report stating that complainant's misunderstanding clubbed with her irritation with the accused

made the complainant to allege that accused has been harassing the complainant. The respondent police have ignored the same and fallen to the trap of the complainant and registered the FIR. The counsel would vehemently contend that it will not attack the offence under Section 354 of IPC and also would vehemently contend that the complaint does not disclose specific events, dates or allegations. The omnibus allegations are made in the complaint. Apart from that earlier also when the complaint was given, committee was constituted and committed not find any such harassment meted out to the complainant and recommendations were also made that both of them were having good relationship and friendship and they used to travel together and exchanging the messages in WhatsApp and there are no material to comes to a conclusion that she was subjected to sexual harassment. The counsel would vehemently contend that this complaint is offshoot when she fails to get any relief before the PoSH committee and an allegation is made that committee has not properly conducted the investigation. The counsel would vehemently contend that Annexure-B is the FIR and Annexure-C is the memorandum of

charge framed by the committee. The counsel also brought to notice of this Court that point-wise response to the charges of the complainant was given as per Annexure-D and Enquiry Committee clearly says that there was no such incident of harassment and given the report as per Annexure-E and even recommendations made also that no such incident was taken place and committee strongly feels that the complainant has not filed the complaint with any malicious intention and the complainant is not realizing the fact that all the personal interactions of the accused was with the permission of the complainant. The committee cannot conclude even for a moment that the accused acted without permission of the complainant and committee further recommends that the complaint be moved completely out of the purview of the accused department so that there are no more opportunities for future interactions between two. The counsel would vehemently contend that when the complainant fails to get any favourable relief by the committee, an after thought, filed the present complaint and if it is continued, it amounts to abuse of process.

5. Per contra, the counsel appearing for the State would submit that though complainant fails to appear before the court but court has to take note of the allegations made in the complaint wherein specific allegations are made that petitioner has harassed the complainant by using abusive language, putting hands on her shoulders, asking for long drives and saying to stay in his house, sending obscene messages and romantic songs were playing in the cabin when she was in the cabin. Hence, matter requires investigation.

6. Having heard the counsel appearing for the petitioner and also the counsel appearing for the State and taking into note of contents of the complaint, no doubt, in the complaint it is stated that both of them working in the same company and nothing is specifically stated that on what date incident was taken place. Except making general allegation that the petitioner was using abusive language and he put hands on her shoulders, no specific date is mentioned and with regard to sending obscene messages and playing romantic songs also, no specific allegations are made in the complaint. Having read the complaint, it discloses that an omnibus statement is made that

the petitioner was misbehaving with the complainant and no specific date is mentioned that on what date such offence was taken place. When allegation of sexual exploitation of women at work place was made, the company has formed a Committee with regard to enquire into the matter. The counsel also brought to notice of this court the recommendations given by the said committee wherein it is stated that they have not found any substance of material with regard to outraging her modesty and making any sexual harassment except both of them moved together and also moving freely and exchanging their words through WhatsApp messages. The recommendation of the report of ICC is very clear that except free movement between both of them not found any such material. The ICC has taken lot of strain and effort to understand the state of mind of the complainant and the complainant emotions for initiating such a case and even an observation is made that sometime when the relationship was strained between them, the accused started keeping a distance and the complainant started feeling losing her importance in the team when they were working in the team and also issue found that there was a

misunderstanding and complainant started feeling that accused is targeting her and favouring other team members and these differences were found between them and nothing is found. It has to be noted that when the committee was constituted and report was given stating that nothing is found with regard to sexual harassment. The accusation is also a general allegation in the complaint and omnibus statement is made and in the complaint nothing is stated that on what date the incident was taken place and only a general reference was made that the petitioner has harassed. But the fact is that the petitioner is a Reporting Manager and they were having cordiality for about 2 years when they were working together in the same company and she was transferred to Bangalore in July 2018 and working as Learning and Development Manager at Conduent Business Services in their ITPL Bangalore. When report goes against complainant when the committee was constituted under the PoSH Act, the present complaint is filed and the contents of the complaint also general in nature. When such being the case, there cannot be any criminal prosecution against the petitioner. No doubt, the report of PoSH Committee is distinct and the

same will not come in the way of criminal proceeding particularly to invoke Section 354 but having perused the contents of the complaint, no prima facie case is found to continue the criminal proceedings against the petitioner and if it is continued, it amounts to miscarriage of justice and it is nothing but an abuse of process.

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

ORDER

The petition is allowed.

The complaint dated 10.06.2019 at Annexure-A and FIR registered in Cr.No.261/2019 at Annexure-B against the petitioner are hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN