IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 8471 OF 2024

BETWEEN:

SRI UJWAL KUMAR B DODDAMANI
@ JUWAL KUMAR BASAVARAJ DODDAMANI
S/O BASAVARAJ F DODDAMANI
AGED ABOUT 29 YEARS
R/AT NISARGA NAGAR
TEACHERS COLONY
BYGADI TOWN AND TALUK
HAVERI - 581 106

...PETITIONER

(BY SRI. S BALAKRISHNAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ELECTRONIC CITY PS.
REP BY SPP
HIGH COURT BUILDING
BANGALORE-560 001

2. XXX

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. M.K. GIRISH, ADVOCATE FOR R2)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNNS) OF CR.P.C PRAYING TO QUASH / SET ASIDE THE ENTIRE PROCEEDINGS IN S.C.NO.237/2023 (FIR NO.102/2023 OF ELECTRONIC CITY POLICE STATION) ON THE FILE OF THE VI ADDL. DIST. AND SESSIONS JUDGE, BANGALORE RURAL DISTRICT AT BANGALORE, FOR THE OFFENCE P/U/S 376 AND 417 OF IPC.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 18.11.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash the proceedings against the petitioner-accused in S.C.No.237/2023, arising out of Crime No.102/2023 registered by Electronic City Police Station for the offence punishable under Sections 376 and 417 of IPC, presently, pending on the file of VI Additional District and Sessions Judge, Bengaluru Rural District at Bengaluru (for short, 'the learned Sessions Judge').

2. The brief facts of the case are that, on 25.05.2023, respondent No.2 - complainant lodged the complaint before respondent No.1-police alleging that, he came to know the accused, Dr. Ujwal Kumar, through her friend Dr. Suman in February 2022. As the accused was unemployed, she secured a job for him as a Physician Assistant at Narayana Hrudayalaya. It is alleged that, on 14.05.2022, the accused invited the complainant to his flat at Dodda Thoguru, Electronic City, Bengaluru, for dinner and offered her a cool drink. After

consuming the same, she became drowsy and, taking advantage of the situation, the accused allegedly had sexual intercourse with her against her will.

3. It is further alleged that, when respondent No.2 questioned the petitioner about the incident, he assured her that he would marry her and requested her not to disclose the incident to anyone. Thereafter, in connection with the proposed marriage, he called her to his house on about five to six occasions till 22.09.2022 and had sexual intercourse with her. He also represented that he would solemnize a registered marriage with her before the Sub-Registrar and, for that purpose, obtained her Aadhaar Card, SSLC marks card and signatures on blank sheets, e-stamp papers and other documents. However, he failed to marry her as promised.

4. It is further alleged that, when respondent No.2 contacted the petitioner on 24.05.2023, he blocked her phone number. Thereafter, when she contacted his mother, she informed her that the petitioner would be married to one Abhishiktha Maladar and disconnected the call. Hence, respondent No.2 lodged the complaint against the petitioner-accused.

5. On the strength of said complaint, FIR came to be registered against the petitioner in Crime No.102/2023 for the aforementioned offences. Subsequently, respondent No.1-Police investigated the case and laid charge sheet against the petitioner for the aforementioned offences. Accordingly, the learned Sessions Judge took cognizance of the offences. Aggrieved by the same, the petitioner preferred this petition.

6. Heard the learned counsel for the petitioner, the learned HCGP for respondent No.1-State and the learned counsel for respondent No.2.

7. Apart from urging several contentions, learned counsel for the petitioner primarily contended that, the complaint averments clearly discloses that, the prosecutrix being a major and Doctor by profession, voluntarily visited the house of the petitioner on 14.05.2022 and had sexual intercourse with him. Thereafter, they both were sexually involved till September 2022. The complaint was lodged after lapse of one month on the allegation that, the petitioner offered a cool drink (Thums-up) to respondent No.2. After consuming the same, she became drowsy and, taking advantage of the situation, the accused allegedly had forcible sexual intercourse

with her against her will. However, the said allegation is not supported by any scientific/medical evidence. He also contended that, the sexual act was not committed by the accused each time with the promise of marriage and the respondent had not consented for the same with a misconception. In such circumstance, it cannot be said that, the act of the petitioner comes within the ambit of Section 375 or 417 of IPC as per the law laid down by the Hon'ble Apex Court in catena of judgment. The FSL reveals no such seminal stains or permotosa were detached in the articles sent for FSL. As such, the medical report also does not corroborate to the victim's case. Accordingly, learned counsel prays that the petition be allowed. To buttress his contention, he relied on the following judgments:

i. Kunal Rameshbhai Kalyani Vs. State of Gujarat & Another - 2026 SCC Online SC 1818.

ii. Mallikarjun Desai Goudar Vs. State of Karnataka - 2023 SCC Online Kar 8

iii. Amol Bhagwan Nehul Vs. State of Maharashtra & Another - 2025 SCC Online SC 1230.

8. The learned HCGP for respondent No.1-State and the learned counsel for respondent No.2 by opposing the prayer of the petitioner contended that since the charge sheet has been filed and the statements of witnesses reveal the *prima facie* case against the petitioner, the proceedings cannot be quashed against the petitioner. They further contended that, in the complaint it is specifically stated that, the petitioner offered a cool drink (Thums-up) to respondent No.2. After consuming the same, she became drowsy and, taking advantage of the situation, the accused allegedly had forcible sexual intercourse with her against her will. Further the statement of CW.5, friend of respondent No.2 clearly reveals about the administering of cool drink (Thums-up) by the petitioner on 14.05.2022. The said statement corroborates to the complaint averments. Further, the medical report of the victim reveals that sexual violence cannot be ruled out. In such circumstance, the prima facie case is made out against the petitioner. Accordingly, they pray to dismiss the petition.

9. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and perused the entire materials on record.

10. As could be gathered from complaint averments, the specific contention of respondent No.2 is that, the petitioner came into contact with her in month of May, 2022 and on 14.05.2022, the petitioner invited her to his house for dinner and he gave cool drink (Thumsup) for her and after having the same she became semi-conscious, at that time the petitioner committed forcible sexual intercourse with her. On the next day, when she woke up she observed that she was undressed and on enquiry, the petitioner informed that, he would marry her. Thereafter, on five to six occasions on the pretext of marriage discussion, he called her and had sexual intercourse with her. Subsequently, he did not respond to her call. This averment prima facie discloses that, the sexual act committed on the victim not with her free consent and initially, the same was committed by administering stupefying or unwholesome substance, by which she was unable to understand the nature and consequences of that to which she gives consent as per Section 375(5) of IPC.

11. The statement of CW.5 further corroborates to the complaint averments in respect of the incident dated 14.05.2022 that respondent No.2 called him to the house of the petitioner stating that, the petitioner arranged a party on that

night and next day, it came to his knowledge about the said act. No doubt, the FSL Report does not reveal seminal stains or permotosa in the articles sent for examination. However, the medical report of respondent No.2 reveals that sexual violence cannot be ruled out. In such circumstance, the statement of respondent No.2 prima facie corroborates with statement of CW.5 and the medical certificate.

12. The Hon'ble Apex Court in the case of ***STATE OF U.P Vs. NOUSHAD - 2013 SUPREME (SC) 1043*** held that, the consent if given by a person under the fear of injury or under misconception of facts and if the person doing the act knows, or reason to believe that the consent was given in consequence of fear or misconception, such consent will be vitiated, since the alleged consent said to have not voluntarily obtained. In the instant case, the petitioner initially committed the sexual act with respondent No.2 by making her semi-conscious by offering cool drink (Thums-up). Subsequently, he continued the said act with the promise of marriage, which shows that the petitioner had no intention to marry her right from the beginning and committed sexual intercourse totally under misconception of fact. As such, the prima facie case is made out against the petitioner for the alleged offences. Hence, the

statement of respondent No.2 and other witnesses have to be tested in a detailed trial. As such, without expressing any opinion on the merits of the case, I am of the view that, proceedings cannot be quashed against the petitioner at this stage. Accordingly, the petition is ***dismissed.***

SD/-
(RAJESH RAI K)
JUDGE

PKS/K