HC-KAR

CNR: KAHC010474462024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 9302 OF 2024

BETWEEN:

SHRI SHARATH BABU A.S
S/O SUDHAKAR BABU A,
AGED ABOUT 23 YEARS,
R/AT NO.07, GATTIGERE, 4TH CROSS,
BEML V STAGE, RAJARAJESHWARI NAGAR,
BENGALURU - 560 098

...PETITIONER

(BY SRI. DHARANESHA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY RAJARAJESHWARI NAGARA P.S,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU - 560 001.

2. XXX
XXX

...RESPONDENTS

(BY SRI. MAHESHA P, HCGPF FOR R1,
SRI. S.S. GUTTAL, ADVOCATE FOR THE IMPLEADING APPLICANT)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE IMPUGNED ORDER DATED 10.06.2024 PASSED BY THE HON'BLE LIII ADDITIONAL CITY CIVIL AND SESSIONS SPECIAL JUDGE, BENGALURU CITY IN

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THEIR S.C.NO.99/2022 ARISING OUT OF CRIME NO.202/2021 OF RAJARAJESHWARI NAGARA POLICE STATION, REGISTERED FOR THE OFFENCES P/U/S 420, 376, 313, 323, 504, 506 OF THE IPC.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

1. This petition is filed under Section 482 of Cr.P.C., seeking to set aside the order dated 10.06.2024 passed by the learned LIII Additional City Civil and Sessions Special Judge, Bengaluru, in S.C.No.99/2022, arising out of Crime No.202/2021 registered by the 1st respondent-Police for the offences punishable under Sections 420, 376, 313, 323, 504 and 506 of IPC, whereby the application filed by the petitioner under Section 227 of Cr.P.C. seeking discharge came to be dismissed.

2. The factual matrix of the case is that, on 29.10.2021 at about 11.45 a.m., the prosecutrix lodged a complaint before the 1st respondent-Police against the petitioner alleging that she had come in contact with the petitioner, who was her colleague working at HDFC Bank.

Subsequently, they fell in love with each other and became intimate. During November 2020, the petitioner invited her to his residence bearing No.69, 5th Cross, Gattigere, Rajarajeshwari Nagar, stating that a pooja was arranged at his residence and that his parents wanted to see her. However, on reaching the said residence, she found nobody present. Taking advantage of the situation, the petitioner allegedly committed forcible sexual intercourse with her. Thereafter, he threatened her that he would commit suicide if she failed to cooperate with him, lodged a complaint against him or informed her parents. It is further alleged that, by emotionally blackmailing her, the petitioner had sexual intercourse with her on three to four occasions at different hotels.

3. In September 2021, when the prosecutrix informed the petitioner that she was pregnant, he promised to marry her and, acting upon such assurance, she underwent abortion at Human Divine Hospital, Katriguppe. It is further alleged that, even during the said process, the petitioner represented himself as her husband in the hospital records. Subsequently, when the prosecutrix requested the petitioner to marry her, he refused

and allegedly assaulted her and attempted to take away her life. On account of the same, the prosecutrix, having suffered depression, attempted to commit suicide and underwent treatment at Manovana Manasika Arogya Kendra.

4. Thereafter, on 29.10.2021, the prosecutrix lodged the complaint against the petitioner, which came to be registered in Crime No.202/2021 for the offences punishable under Sections 376, 313, 420, 323, 504 and 506 of IPC. The 1st respondent-Police, after investigation, filed the charge-sheet on 08.12.2021 for the aforesaid offences. In the meantime, on 01.11.2021, the prosecutrix committed suicide. Accordingly, the learned Magistrate took cognizance of the offences and committed the case to the learned Sessions Judge, where it was registered as S.C.No.99/2022.

5. Before the learned Sessions Court, the petitioner filed an application under Section 227 of Cr.P.C. seeking discharge. Upon considering the charge-sheet materials, including the oral and documentary evidence placed on record, the learned Sessions Judge rejected the said application. Aggrieved by the same, the petitioner is before this Court.

6. Heard the learned counsel for the petitioner, learned counsel appearing for prosecutrix, so also the learned HCGP.

7. Apart from urging several other contentions, learned counsel for the petitioner primarily contended that, on perusal of the FIR and charge-sheet materials, there is no material against the petitioner to attract the offences punishable under Sections 376, 313, 420, 323, 504 and 506 of IPC. According to him, the prosecutrix was a major, aged about 22 years, and had voluntarily engaged in consensual sexual intercourse with the petitioner. Even as per the averments in the complaint, the prosecutrix and the petitioner were sexually involved on several occasions, travelled together to different places and stayed in lodges. Hence, the essential ingredients of Section 376 of IPC or the other alleged offences are not made out against the petitioner.

8. He further contended that the petitioner and the prosecutrix were in a relationship and that the prosecutrix had voluntarily undergone abortion. According to him, thereafter, she suffered depression and ultimately committed suicide. After

her death, another complaint came to be lodged, pursuant to which the police registered the FIR and the investigation is under progress. In such circumstances, the ingredients of Sections 376, 313, 420, 323, 504 and 506 of IPC are not attracted against the petitioner. It was further contended that the learned Sessions Judge, without properly appreciating the documentary evidence, statements of witnesses and other materials placed on record by the petitioner, proceeded to reject the application filed under Section 227 of Cr.P.C. seeking discharge.

9. He further contended that there is an inordinate delay in lodging the complaint. Though the alleged incident is stated to have occurred during the period from August to November 2020, the complaint came to be lodged only in October 2021. Such unexplained delay casts serious doubt on the allegations made against the petitioner. Accordingly, he prayed that the petition be allowed.

10. The prayer is vehemently opposed by learned counsel appearing for respondent No.2 and learned HCGP, contending that the averments in the complaint and charge-

sheet prima facie disclose that the petitioner initially had sexual intercourse with respondent No.2 forcibly and thereafter threatened her not to disclose the same either to the police or to her family members. It is further contended that, when she became pregnant, the petitioner forced her to undergo abortion. In support of the said allegations, there are documentary materials in the charge-sheet, including scan and sonography reports.

11. With regard to the alleged delay in lodging the complaint, it is submitted that the offences were continuing from the year 2020 till the date of lodging of the complaint and, therefore, the delay cannot be termed as inordinate. It is further contended that, on account of the acts of the petitioner, the prosecutrix ultimately committed suicide. In such circumstances, since there are prima facie materials available on record against the petitioner and the scope of an application under Section 227 of Cr.P.C. is limited, the learned Sessions Judge was justified in rejecting the application for discharge. Accordingly, they prayed for dismissal of the petition.

12. I have given my anxious consideration on the submissions of learned counsel for both the parties and perused the material on record.

13. At the outset, this petition is directed against the order passed on an application filed under Section 227 of Cr.P.C. seeking discharge. It is well settled that discharge can be granted only when, upon consideration of the material on record, the Court finds that there is no prima facie case against the accused. Keeping the said principle in mind, when the merits of the case are examined, it is not in dispute that the petitioner and the prosecutrix were colleagues working in HDFC Bank and, in the course of time, they became intimate. The averments in the complaint specifically disclose that, in November 2020, the prosecutrix visited the residence of the petitioner pursuant to his representation that a pooja had been arranged at his house. However, on reaching there, she found that nobody was present. It is alleged that, taking advantage of the situation, the petitioner forcibly had sexual intercourse with her and thereafter threatened and blackmailed her and continued to have sexual intercourse with her on several

occasions. The documents placed before this Court by the learned HCGP and learned counsel appearing for the prosecutrix disclose that the prosecutrix had become pregnant and that she subsequently underwent abortion. The said fact is prima facie supported by the diagnostic and ultrasonography reports produced along with the charge-sheet. Thus, the material on record prima facie indicates that the prosecutrix conceived as a result of her relationship with the petitioner and thereafter underwent abortion. The charge-sheet further discloses that the prosecutrix suffered depression on account of the alleged acts of the petitioner and, when he failed to marry her, she ultimately committed suicide. In this regard, a separate case has been registered against the petitioner and the same is stated to be under investigation.

14. In the present case, the police have conducted a detailed investigation and laid the charge-sheet against the petitioner for the aforesaid offences. Thereafter, upon rejection of the application for discharge, charges have been framed against the petitioner and the matter is now set down for trial, wherein the witnesses are being examined. At this stage, this

Court, while exercising jurisdiction under Section 482 of Cr.P.C., cannot undertake a detailed appreciation or evaluation of the evidence as would be required at the stage of trial.

15. Having regard to the limited scope of an application under Section 227 of Cr.P.C. and the prima facie materials available on record, the learned Sessions Judge was justified in holding that the petitioner was not entitled to be discharged from the offences alleged against him. On an overall consideration of the material on record, I am of the considered view that the impugned order does not call for interference. Accordingly, the petition being devoid of merits, stands ***dismissed***.

In view of dismissal of the petition, pending I.As., if any, are disposed of.

SD/-
(RAJESH RAI K)
JUDGE

PKS/List No.: 1 Sl No.: 3