IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 13488 OF 2024

BETWEEN:

SRI VENU @ VENUKRISHINA
S/O DEENDAYAL,
AGED ABOUT 40 YEARS,
R/AT NO.30,
AGARABATTI FACTORY ROAD,
UTTARAHALLI, BENGALURU- 560 061

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BIDADI POLICE STATION,
BIDADI, RAMANAGAR
REPRESENTED BY
STATE PUBLIC PROSECUTOR
KARNATAKA HIGH COURT BUILDING,
BENGALURU- 560 001

2. MS. NAYANA P.
D/O PRAKASH C. P.
AGED ABOUT 20 YEARS
R/AT SANJEEVAYYANA DODDI,
BIDADI, RAMANAGAR-562 109.

...RESPONDENTS

(BY SRI. MAHESHA P, HCGP FOR R1,
SRI. SATYANARAYANA S CHALKE, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE COMPLAINT DATED 30.03.2021 VIDE ANNEXURE-A, FIR BEARING CR.NO.106/2021 DATED 30.03.2021 REGISTERED BY THE RESPONDENT POLICE

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

FOR THE OFFENCE P/U/S 354C, 366, 342, 506 R/W 34 OF IPC VIDE ANNEXURE-B CHARGE SHEET BEARING NO.79/2021 DATED 21.05.2021 FOR THE OFFENCE P/U/S 384, 366, 342, 506 AND 34 OFIPC VIDE ANNEXURE-C, COGNIZANCE ORDER DATED 17.03.2022 IN C.C.NO.23/2021 BY PRL. SENIOR CIVIL JUDGE AND CJM AT RAMANAGARA VIDE ANNEXURE-D AND FURTHER PROCEEDINGS IN S.C.NO.33/2022 BEFORE THE PRL. DIST. AND SESSIONS JUDGE AT RAMANAGARA VIDE ANNEXURE-E AS AGAINST THE PETITIONER.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 27.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

1. This petition is filed by petitioner/accused No.2 under Section 482 of Cr.P.C., seeking to quash the proceedings in C.C.No.23/2021 on the file of the Principal Senior Civil Judge and CJM, Ramanagara, arising out of Crime No.106/2021 registered by the respondent No.1-Police on the basis of the complaint lodged by respondent No.2 for the offences punishable under Sections 384, 366, 342 and 506 read with Section 34 of IPC, and the subsequent proceedings in S.C.No.33/2022 pending on the file of the Additional District and Sessions Judge, Ramanagara.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 30.03.2021, alleging that on 24.03.2021, accused No.1 forcibly

took her from her residence in a car belonging to petitioner/accused No.2. Subsequently, on 25.03.2021, she was compelled to marry accused No.1 at a temple in Bengaluru. Thereafter, she was allegedly kept in illegal confinement and threatened with circulation of her inappropriate photographs. Based on the said complaint, the police registered a case, conducted investigation and filed the charge sheet against the accused persons.

3. Heard the learned counsel for the petitioner, learned HCGP and the learned counsel for respondent No.2.

4. The primary contention of the learned counsel for the petitioner is that neither the complaint nor the charge sheet discloses any specific overt act attributable to the petitioner. The only allegation against the petitioner is that respondent No.2 was taken in a car belonging to him. It is contended that there is no *prima facie* material to establish the petitioner's involvement in the alleged offences. Mere presence of the petitioner at the time of marriage or his acquaintance with accused No.1 cannot, by itself, constitute a ground to subject him to criminal prosecution. Hence, it is contended that continuation of the proceedings against the petitioner would

amount to an abuse of the process of Court. Accordingly, the learned counsel seeks to allow the petition.

5. Learned HCGP as well as learned counsel for respondent No.2 opposed the aforesaid prayer and contended that since the charge sheet has been filed by the Police and the statement of witnesses reveals the involvement of the petitioner in the alleged crime, the proceedings against the petitioner cannot be quashed, at this stage. Accordingly, they pray to dismiss the petition.

6. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and perused the documents available on record.

7. As could be gathered from the records, the only prima facie allegation against the petitioner is that respondent No.2 was taken in a car belonging to the petitioner. However, a perusal of the complaint and the charge sheet material does not disclose any specific overt act attributable to the petitioner so as to attract the ingredients of the alleged offences. Further, on perusal of the statement of witnesses also do not disclose the overt act of this petitioner, how he has shared the common intention with accused No.1, either to kidnap or to use criminal

force against the complainant-respondent No.2. Hence, Even if the allegations made in the complaint and the charge sheet are accepted in their entirety, they do not *prima facie* constitute the ingredients of the offences alleged against the petitioner. Further, the complaint averments themselves disclose that respondent No.2 had given a statement against her father before the Commissioner's Office and the Women Commission.

8. It is by now well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court

to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

9. Thus, on an overall consideration of the materials on record, I am of the considered view that even if the entire allegation in the complaint taken on their face value, still no *prima facie* case is made out against this petitioner for the offences he has been charge sheeted. As such, continuation of the criminal proceedings against the petitioner/accused No.2 would amount to an abuse of the process of Court.

10. Accordingly, I proceed to pass the following:

ORDER

i. The criminal petition is ***allowed***.

ii. The proceedings against the petitioner/accused No.2 in C.C.No.23/2021 on the file of the Prl. Senior Civil Judge & CJM, Ramanagara, arising out FIR in Crime No.106/2021 registered by the 1st respondent police based on the complaint lodged by respondent No.2 against the accused for the offences punishable under Sections 384, 366, 342, 506 read with Section 34 of IPC and further proceedings against the petitioner in S.C.No.33/2022 on the file of learned Addl. District and Sessions Judge, Ramanagara, are hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K