HC-KAR

NC: 2026:KHC:62060
CRL.P No. 13799 of 2024

CNR: KAHC010734692024

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. 13799 OF 2024

BETWEEN:

SRI SNEHAMAYI KRISHNA
AGED ABOUT 54 YEARS,
S/O LATE SRI. L.SIDDAPPA,
R/AT NO.335, BANDIPALYA,
GANAPATHY ASHRAMA POST,
MYSURU-570025.

...PETITIONER

(BY SRI.ARUNA SHYAM M., SR.COUNSEL FOR
SRI.NISHANTH S.K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH KRISHNARAJA P.S.,
REPRESENTED BY THE SPP,
HIGH COURT BUILDING,
BENGALURU-560001.

2. ROOPA M.J.,
AGE NOT KNOWN TO THE PETITIONER,
FATHER NAME KNOWN TO THE PETITIONER,
SECRETARY,
SRI.CHAMUNDESHWARI
DEVELOPMENT AUTHORITY,
MYSURU-570010.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

…RESPONDENTS

(BY SRI.MAHESHA P., HCGP FOR R-1;
SMT. K.S.ANASUYA DEVI, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND QUASH THE FIR AND COMPLAINT IN CR.NO.0111/2024 REGISTERED BY THE RESPONDENT KRISHNARAJA P.S., FOR THE OFFENCE P/U/S 132 AND 351 OF BNS, 2023 PENDING ON THE FILE OF THE HONBLE IV JMFC, MYSURU.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

This petition is filed under Section 528 of BNSS to quash the FIR against the petitioner/accused in Crime No.111/2024 dated 14.12.2024 registered by Krishnaraja Police Station, Mysore, for the offences punishable under Sections 132 and 351 of BNS, 2023, pending on the file of IV JMFC Court, Mysuru.

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 14.12.2024, alleging that she was working as the Secretary of the Chamundeshwari Area Development Authority, Mysuru. It is

alleged that on 12.12.2024, at about 2:00 p.m., while she was discharging her official duties in her office, the petitioner, along with some Police personnel attached to respondent No.1-Police Station, suddenly entered her chamber. When she questioned the Police about their sudden entry without her permission, they informed her that the petitioner had lodged a complaint alleging misappropriation of sarees belonging to the Chamundeshwari Temple. It is further alleged that when she requested the Police to show the notice authorising the search or enquiry, the petitioner, who was standing beside the Police personnel, suddenly raised his voice, threatened her by stating that he would teach her a lesson and further shouted that he had already lodged a complaint against the Chief Minister and that harassing her was not a big thing for him. Despite her best efforts to convince him, the petitioner did not heed her request and continued to shout loudly, thereby obstructing her from discharging her official duties. On the basis of the said complaint, respondent No.1-Police registered an FIR against the petitioner in Crime No.111/2024 dated 14.12.2024 for the

aforementioned offences. Aggrieved by the same, the petitioner preferred this petition.

3. I have heard the learned Senior Counsel appeared on behalf of learned counsel for the petitioner and learned HCGP for respondents.

4. Apart from urging several other contentions, the learned Senior Counsel primarily contended that, on a plain reading of the FIR and the averments made in the complaint, no offence whatsoever is made out against the petitioner either under Sections 132 or 351 of the BNS. Placing reliance on the complaint lodged by the petitioner against respondent No.2, he submitted that, on 12.12.2024, the petitioner had lodged a complaint alleging theft and sale of sarees belonging to the Chamundeshwari Temple under the supervision of respondent No.2. Though the Police received the said complaint, they did not register an FIR against respondent No.2. Instead, they took the petitioner to the office of respondent No.2 for the purpose of enquiry. He further contended that the averments made in the complaint clearly disclose that the petitioner was standing behind the Police officials and that the enquiry was being

conducted by respondent No.2 with the Police personnel. At that juncture, the petitioner is alleged to have responded in a loud voice. Except for the said allegation, there is absolutely no averment to indicate that the petitioner either used criminal force or issued any threat to deter a public servant from discharging her official duties or abused respondent No.2. Therefore, the essential ingredients of the alleged offences are not attracted.

5. The learned Senior Counsel further submitted that there is a delay of two days in lodging the complaint, as the alleged incident occurred on 12.12.2024, whereas the complaint came to be lodged only on 14.12.2024. Though respondent No.2 is a public servant, the complaint does not disclose any explanation for the said delay. In the circumstances, he contended that the complaint was lodged by respondent No.2 as a counterblast to the complaint filed by the petitioner against her on 12.12.2024, with an intention to wreak vengeance against him. Accordingly, he prays to allow the petition.

6. *Per contra*, the learned HCGP opposed the prayer made in the petition, contending that the investigation is still at a

nascent stage. He submitted that the averments made in the complaint clearly disclose that the petitioner, in a loud voice, threatened respondent No.2 by stating that he would not spare her and further asserted that he had already lodged a complaint against the then Chief Minister. By such conduct, the petitioner allegedly obstructed respondent No.2 from discharging her official duties, thereby attracting the offences punishable under Sections 132 and 351 of the BNS. He further submitted that CCTV footage relating to the incident is also available and, therefore, the matter requires a detailed investigation. Accordingly, he prays to dismiss the petition.

7. I have given my anxious consideration both on the submission and perused the FIR, complaint and other materials placed by the learned counsel for the petitioner.

8. As could be gathered from the records, it is not in dispute that the petitioner lodged a complaint against respondent No.2 on 12.12.2024, alleging misappropriation of sarees belonging to the Chamundeshwari Temple by respondent No.2, who was working as its Secretary. However, the Police did not register an FIR on the basis of the said complaint. Instead, on the same

day, the Police visited the office of respondent No.2 along with the petitioner for the purpose of enquiry. As rightly contended by the learned Senior Counsel for the petitioner, the averments made in the complaint further disclose that respondent No.2 herself questioned the Police personnel as to why they had entered her chamber without her permission. At that time, the Police informed her that they had visited the office in connection with the enquiry into the complaint lodged by the petitioner. The complaint averments also disclose that the petitioner was standing beside the Police personnel during the said enquiry. Further, the complaint does not disclose any allegation that the petitioner assaulted respondent No.2 or used criminal force against her with an intention to deter her from discharging her official duties. The only allegation is that, when respondent No.2 questioned the Police personnel, the petitioner, in a loud voice, threatened that he would teach her a lesson and stated that he had already lodged a complaint against the Chief Minister and that harassing her was not a big thing for him. In the backdrop of the aforesaid allegations, the question that arises for consideration is whether the alleged act

of the petitioner attract the provisions of Sections 132 of the BNS. In this regard, the Hon'ble Apex Court, in the case of ***K. Dhananjay v. Cabinet Secretary & Ors., in SLP (Crl.) No.5905/2022***, while considering the scope of the corresponding provisions, has held that merely shouting at or threatening the staff would not, by itself, constitute assault as contemplated under Section 353 of IPC/ 132 OF BNS. There must be some positive act on the part of the offender to constitute the alleged offence.

9. Further, the Co-ordinate Bench of this Court, while dealing with similar circumstances in Crl.P.No.10483/2022, in respect of the offences punishable under Sections 353 and 506 of the IPC, has held that, to constitute an offence under Section 353 of the IPC, a person must have assaulted or used criminal force in deterring the public servant from discharging the official duties. The term 'criminal force' is defined under Sections 349 and 350 of IPC, which contemplates the use of criminal force means causing injury, fear or annoyance to the person against whom criminal force is used.

10. As discussed *supra*, admittedly, there is no allegation of assault or use of criminal force by the petitioner against respondent No.2. Therefore, the essential ingredients of the offence punishable under Section 132 of the BNS are not attracted. Similarly, the complaint does not disclose that the petitioner threatened respondent No.2 with any specific injury or dire consequences. The alleged statement that harassing respondent No.2 was not a big thing for him, as he had already lodged a complaint against the Chief Minister, by itself, does not satisfy the essential ingredients of criminal intimidation under Section 351 of BNS.

11. It is also pertinent to note that there is a delay of two days in lodging the complaint. Though the alleged incident took place on 12.12.2024, respondent No.2 lodged the complaint only on 14.12.2024. If the incident had occurred in the manner alleged, there was no apparent impediment for respondent No.2, being a public servant, to lodge the complaint immediately. Further, the Police personnel who were allegedly present at the spot could also have taken appropriate action in accordance with law.

12. In the aforesaid circumstances, the sequence of events, particularly the fact that the petitioner had lodged a complaint against respondent No.2 on 12.12.2024 and the present complaint came to be lodged thereafter, gives rise to a reasonable inference that the present complaint was lodged as a counterblast to the complaint filed by the petitioner, with an intention to wreak vengeance against him. In such circumstances, the Hon'ble Apex Court, in the case of ***Mahmood Ali v. State of U.P.***, reported in **(2023) 15 SCC 488**, at paragraph Nos.11 to 14, held as under:

> ***"11.*** *At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the 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 circumstances the court owes a duty to look into the FIR with care and a little more closely.*
>
> ***12.*** *We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the*

necessary ingredients to constitute the alleged offence. Therefore, 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.

13. *In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances 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 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*

14. *State of A.P. v. Golconda Linga Swamy [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held : (Golconda Linga Swamy case [State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522 : 2004 SCC (Cri) 1805] , SCC p. 527, paras 5-7)*

"5. … Authority of the court exists for advancement of justice and if any attempt is made to abuse that

authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, 1960 SCC OnLine SC 21 : AIR 1960 SC 866] , this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (SCC OnLine SC para 6)

(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it

accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death."

(emphasis supplied)

13. 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.

14. By collocating the above findings of the Hon'ble Apex Court and the Co-ordinate Bench of this Court to the facts and circumstances of the present case, I am of the considered view that, even if the entire averments made in the complaint and the F.I.R.. are taken at their face value, no offence is made out

against the petitioner. In such circumstances, permitting the registration of the FIR and continuation of further proceedings against the petitioner would amount to an abuse of the process of Court. Accordingly, I proceed to pass the following:

ORDER

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

ii. The proceedings against petitioner/accused in Crime No.111/2024 dated 14.12.2024 registered by Krishnaraja Police Station, Mysore, for the offences punishable under Sections 132 and 351 of BNS, 2023, on the file of IV JMFC Court, Mysuru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 10