



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 3839 OF 2022

BETWEEN:

SRI. K.S. VISHWA KIRAN
S/O LATE K.N. SRINIVAS GUPTA
AGED ABOUT 58 YEARS,
OCCUPATION: MANAGER AT KOTAK
MAHINDRA BANK, BIDAR KARNATAKA,
NO.110/C, 1ST MAIN ROAD,
NEAR RAGAVENDRA MATT,
GIRINAGAR, BANGALORE - 560 081

...PETITIONER

(BY SRI. PRATEEK CHANDRAMOULI, AND
SRI. ANIRUDH KULKARNI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY HEBBAL POLICE STATION,
BENGALURU, REPRESENTED
BY LEARNED SPP, HIGH
COURT, BENGALURU - 01.

2. SRI. RAMAIAH K.N.,
S/O NARAYANASWAMY
AGED ABOUT 35 YEARS
R/A. NO.14, DEVANAHALLI
TALUK, KONAGINABELE,
BANGALORE RURAL DIST.

...RESPONDENTS

(BY SMT. K.P. YASHODHA, HCGP FOR R1
R2 - SD - UNREPRESENTED)

THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO A. QUASH
THE ORDER DATED 21.02.2022 PASSED BY THE LXX ADDITIONAL





CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, (CCH-71), BENGALURU IN P.C.R. NO. 07/2022, REGISTERING P.C.R. THE COMPLAINT U/S 200 OF CR.P.C. FOR THE OFFENCE P/U/S 3(2)(V) AND 3(2)(VA) OF SC/ST (POA) ACT AND SECTION 420, 354, 354B, 506 AND 509 OF IPC, PRODUCED AT ANNEXURE-A.

THIS CRL.P, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE M G UMA

ORAL ORDER

The petitioner being accused No.2 is seeking to quash the orders dated 21.02.2022 and 23.02.2022 passed by the learned LXX Additional City Civil and Sessions Judge and Special Judge Bengaluru (CCH-71), in PCR No.7/2022, and to quash the FIR registered in Crime No.51/2022 of Hebbal police station, for the offence under Sections 420, 354, 354B, 506 and 509 of Indian Penal Code (for short IPC) and Sections 3(2) (v) and 3 (2) (va) of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act (for short SC & ST Act)

2. Brief facts of the case of that, respondent No.2 as complainant filed PCR No.7/2022, before the Trial Court, alleging commission of the offence by accused Nos. 1 & 2. It is stated that the accused had approached the complainant who was working as a broker for the purpose of obtaining copies of



the document and had paid Rs.10,000/-. Later, when he obtained the copies as per the instructions by the accused and wanted to hand over the same, he could not do that. On the date of incident, one Smt. Anjinamma had came near Hebbal bus stop and waiting for the complainant and in the meantime, the accused had tried to outrage her modesty and also abused the complainant in filthy language referring to his caste. Therefore, he requested the Trial Court to take cognizance of the offence and to initiate legal action. The matter was referred to investigation under Section 156(3) of Cr.PC. The FIR was registered in Crime No.51/2022 of Hebbal police station and the investigation was undertaken. In the meantime, the petitioner being accused No.2 has approached this Court seeking to quash the criminal proceedings initiated against him.

3. Heard Sri Prateek Chandramouli and Sri Anirudh Kulkarni, learned counsels for the petitioner and Smt. K.P.Yashodha, learned High Court Government Pleader for respondent No.1. Perused the materials on records.



4. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the Petitioner has made out any grounds to allow the petition and to quash the criminal proceedings initiated against him?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

5. Respondent No.2 as the complainant filed the private complaint, narrating the incident in detail. Even though the complaint runs into several pages, nothing could be made out as to how the accused have committed the offence. It is only stated by the complainant that the accused have referred to him as of inferior caste and abused him. He also referred to one Smt. Anjinamma, and stated that the accused have tried to outrage her modesty and abused her in filthy language. But Smt. Anjinamma had never chosen to file any complaint against the accused. It is also not clear as to why the complainant is holding the brief for Smt. Anjinamma to file the



complaint on her behalf. The allegations made in the complaint are bald and without any particulars. The allegations do not suggest that the accused were knowing that the complainant and Anjinamma belong to any particular caste and the offence was committed only in view of the fact that they belong to SC or ST with an intention to defame them by referring to their caste. It is also not clear that such an offence was committed within the public eyes. Under this circumstances, I am of the opinion that, it is an yet another case of misuse of the special enactment, which was enacted to safeguard the interests of the marginalized. Even if the investigation is undertaken, no purpose will be served as there are no specific averments made in the complaint itself. Therefore, I am of opinion that, continuation of the criminal proceedings is nothing but a abuse of process of law and therefore, the criminal proceedings is liable to be quashed.

6. Accordingly, I answer the above point in the Affirmative and proceed to pass the following:

ORDER

- (i) The petition is ***allowed.***



(ii) The order dated 21.02.2022 registering PCR No.7 of 2022, the order dated 23.02.2022 passed by the learned LXX Additional City Civil and Sessions Judge and Special Judge Bengaluru (CCH-71) referring the complaint for investigating and the FIR in Crime No.51/2022 of Hebbal police station, registered for the offences under Sections 420, 354, 354B, 506 and 509 of IPC and Sections 3(2) (v) and 3 (2) (va) of the SC & ST Act, are hereby quashed against accused No.2.

In view of disposal of the main petition, pending IA No.1 of 2023 stands disposed of.

Sd/-
(M G UMA)
JUDGE

SPV
List No.: 1 Sl No.: 28