

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.7447 OF 2025 (GM-RES)

CONNECTED WITH

WRIT PETITION NO.7322 OF 2025 (GM-RES)

IN W.P.NO.7447 OF 2025:

BETWEEN:

1 . SRI. B.S. YEDDYURAPPA
S/O LATE SIDDALINGAPPA,
AGED ABOUT 81 YEARS
R/AT NO.381, 6TH CROSS,
80 FEET ROAD, RMV II STAGE,
DOLLARS COLONY,
BENGALURU-560 094.

... PETITIONER

(BY SRI. C.V. NAGESH, SENIOR ADVOCATE FOR
SRI. SANDEEP PATIL,
KUMARI SWAMINI G. MOHANAMBAL AND
SRI. ABHISHEK M.K., ADVOCATES)

AND:

1 . THE CRIMINAL INVESTIGATING
DEPARTMENT (CID)
CARLTON HOUSE
PALACE ROAD,
BENGALURU-560 001,
REPRESENTED BY ITS
PUBLIC PROSECUTOR,

HIGH COURT OF KARNATAKA.

... RESPONDENT

(BY SRI.PROF.RAVIVERMA KUMAR, SENIOR ADVOCATE FOR
SRI.ASHOK N. NAIK, SPL.P.P.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF THE BNSS., 2023, PRAYING TO QUASH THE ORDER OF TAKING COGNIZANCE AND ISSUANCE OF SUMMONS DATED 28.02.2025 IN SPL.C.C.NO.420/2025 FOR OFFENCES UNDER SECTIONS 354A, 204, 214 READ WITH 37 OF IPC., AND SECTION 8 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT BY THE FAST TRACK SPECIAL COURT-I, BENGALURU (VIDE ANNEXURE-A) AND ALL FURTHER PROCEEDINGS THERETO PENDING ON THE FILE OF THE FAST TRACK SPECIAL COURT-1, BENGALURU, ETC.

IN W.P.NO.7322 OF 2025:

BETWEEN:

- 1 . ARUNA Y M
AGED ABOUT 42 YEARS
#507, 4TH CROSS,
SANTHOSH NAGAR,
PIPELINE ROAD, T. DASARAHALLI,
BANGALORE-560 057.
- 2 . RUDRESHA MARULASIDDIAH
S/O MARULASIDDIAH
AGED ABOUT 52 YEARS
#14, SOMAPURA, KENGERI HOBLI,
VIDYAPEETA POST, BSK 6TH STAGE
KENGERI, BENGALURU-560 060.
- 3 . MARISWAMY G.
S/O GANGADHARAYYA M.
AGED ABOUT 52 YEARS
#59 KAREGUDDADAHALLI,
CHIKKABANAVARA

BENGALURU-560 090.

...PETITIONERS

(BY SRI. C.V. NAGESH, SENIOR ADVOCATE FOR
SRI. SANDEEP PATIL,
KUMARI SWAMINI G. MOHANAMBAL AND
SRI. ABHISHEK M.K., ADVOCATES)

AND:

1 . THE CRIMINAL INVESTIGATION DEPARTMENT
(CID)
CARLTON HOUSE, PALACE ROAD,
BENGALURU-560 001,
REPRESENTED BY ITS
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA.

...RESPONDENT

(BY SRI.PROF.RAVIVERMA KUMAR, SENIOR ADVOCATE FOR
SRI. ASHOK N. NAIK, SPL.P.P.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF THE BNSS., 2023, PRAYING TO QUASH THE ORDER OF TAKING COGNIZANCE AND ISSUANCE OF SUMMONS DATED 28.02.2025 IN SPL.C.C.NO.420/2025 FOR OFFENCES UNDER SECTIONS 354A, 204, 214 READ WITH 37 OF IPC., AND SECTION 8 OF THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT BY THE FAST TRACK SPECIAL COURT-I, BENGALURU (VIDE ANNEXURE-A) AND ALL FURTHER PROCEEDINGS THERETO PENDING ON THE FILE OF THE FAST TRACK SPECIAL COURT-I, BENGALURU WITH RESPECT TO PETITIONERS, ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 25.10.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDERS THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

CAV ORDER

1. Aggrieved by the order dated 28.02.2025 passed in Spl.C.C.No.420/2025 arising out of Crime No.9/2024 pending on the file of Additional City Civil and Sessions Judge (FTSC-1), Bengaluru, wherein cognizance of the offences alleged has been taken by the Court and process has been issued against the accused, the present writ petitions are filed.

2. Petitioner in W.P.No.7447/2025 is accused of committing an offence which is punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 ('the POCSO Act' for short) and Sections 354A, 204, 214 read with Section 37 of IPC. Petitioner is accused no.1 before the trial Court.

3. Petitioners in W.P.No.7322/2025 have been accused of committing an offence which is punishable under Sections 204, 214 read with Section 37 of IPC. Petitioners are accused nos.2 to 4 before the trial Court.

4. For the sake of convenience, the parties are referred to as per their status before the trial court.

5. The charges made against accused no.1 is as follows:

"ಆರೋಪಿ-1: ಬಿ.ಎಸ್. ಯಡಿಯೂರಪ್ಪ:

ದಿನಾಂಕ: 02-02-2024 ರಂದು ಬೆಳಗ್ಗೆ ಸುಮಾರು 11-15 ಗಂಟೆಗೆ ಪಿಯಾದುದಾರರಾದ ಮೃತ ಮಮತ ಸಿಂಗ್ ರವರು, ತಮ್ಮ ಮಗಳು ನೊಂದ ಬಾಲಕಿಯಾದ 17 ವರ್ಷದ ಸಾಕ್ಷಿ-2 ರವರು ಬೆಂಗಳೂರು ನಗರ ಸದಾಶಿವನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿದ ನಂ.381, ಧವಳಗಿರಿ 6ನೇ ಕ್ರಾಸ್, ಆರ್.ಎಂ.ವಿ 2ನೇ ಹಂತ, ಬೆಂಗಳೂರು ರಲ್ಲಿ ಆರೋಪಿ-1 ರವರನ್ನು ಭೇಟಿ ಮಾಡಿ, ಪಿಯಾದುದಾರರು ತಮ್ಮ ಮಗಳ ಮೇಲೆ ಈ ಹಿಂದೆ ಆದಂತಹ ಅತ್ಯಾಚಾರ ಪ್ರಕರಣ ಮತ್ತು ಇತರೆ ವಿಚಾರಗಳಲ್ಲಿ ನ್ಯಾಯ ಒದಗಿಸಿಕೊಡುವಂತೆ ಕೇಳಿಕೊಂಡಿದ್ದು, ಆ ದಿನ ಆರೋಪಿ-1 ರವರು ಪಿಯಾದುದಾರರೊಂದಿಗೆ ಮಾತನಾಡುತ್ತಾ ನೊಂದ ಬಾಲಕಿಯ ಬಲಗೈನ ಮಣಿಕಟ್ಟನ್ನು (Wrist) ತಮ್ಮ ಎಡಗೈ ನಿಂದ ಹಿಡಿದುಕೊಂಡಿದ್ದು, ನಂತರ ಆರೋಪಿ-1 ರವರು ನೊಂದ ಬಾಲಕಿಯನ್ನು "ಒಳಗೆ ಬಾ" ಎಂದು ಹೇಳಿ ಹಾಲ್‌ನ ಪಕ್ಕದಲ್ಲಿ ಇದ್ದಂತಹ ಸೋಪಾ ಮತ್ತು ಟೇಬಲ್‌ಗಳು ಇರುವ ಒಂದು ಮೀಟಿಂಗ್ ರೂಮಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಬಾಗಿಲ ಚಿಲಕವನ್ನು ಭದ್ರಪಡಿಸಿ ನೊಂದ ಬಾಲಕಿಯ ಬಳಿ ಬಂದು ನಿನಗೆ "ನಿನ್ನ ಮೇಲೆ ರೇಪ್ ಮಾಡಿದಂತಹ ಆರೋಪಿಯ ಮುಖ ನೆನಪಿದೆಯೇ" ಎಂದು ಕೇಳಿದಾಗ, ನೊಂದ ಬಾಲಕಿಯು "ಹೌದು ನೆನಪಿದೆ" ಎಂದು 02 ಬಾರಿ ಹೇಳಿದ ನಂತರ ಆರೋಪಿ-1 ರವರು ಆಗ ನಿನಗೆ ಎಷ್ಟು ವಯಸ್ಸು ಎಂದು ಕೇಳಿದಾಗ ನೊಂದ ಬಾಲಕಿ ಆರೂವರೆ ವರ್ಷ ಎಂದು ಹೇಳುವಾಗ ಆರೋಪಿ-1 ರವರು ತಮ್ಮ ಎಡಗೈನಿಂದ ನೊಂದ ಬಾಲಕಿಯ ಬ್ರಾ ಒಳಗೆ ಕೈ ಹಾಕಿ ಆಕೆಯ ಬಲ ಎದೆಯನ್ನು ಹಿಡಿದು ತಕ್ಷಣ ನೊಂದ ಬಾಲಕಿಯು ಗಾಬರಿಗೊಂಡು ತನ್ನ ಎಡಗೈನಿಂದ ಆರೋಪಿ-1 ರವರ ಕೈಯನ್ನು ತಳ್ಳಿ ಸ್ವಲ್ಪ ದೂರ ಹೋಗಿ ನಿಂತು 'ಬಾಗಿಲು ತೆಗೆಯಿರಿ' ಎಂದು ಹೇಳಿದ್ದರಿಂದ ನಂತರ ಆರೋಪಿ-1 ರವರು ತನ್ನ ಜೇಬಿನಲ್ಲಿದ್ದ ಸ್ವಲ್ಪ ಹಣ ತೆಗೆದು ನೊಂದ ಬಾಲಕಿಯ ಕೈಯಲ್ಲಿ ಇಟ್ಟು ಮುಂದೆ ಹೋಗಿ ಡೋರ್ ಲಾಕ್ ತೆಗೆದು ಹೊರಗೆ ಹೋಗಿರುತ್ತಾರೆ. ನಂತರ ಆರೋಪಿ-1 ರವರು ಹಾಲ್‌ನಲ್ಲಿ ಕುಳಿತಿದ್ದ ಪಿಯಾದುದಾರರಾದ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ನಿಮ್ಮ ಕೇಸಿನಲ್ಲಿ ನಾನು ಏನೂ ಮಾಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರಿಗೂ ಸಹ ತಮ್ಮ ಜೇಬಿನಿಂದ ಸ್ವಲ್ಪ ಹಣ ತೆಗೆದುಕೊಟ್ಟು ಕಳುಹಿಸಿರುತ್ತಾರೆ. ಪಿಯಾದುದಾರರು ತಮ್ಮ ಫೇಸ್ ಬುಕ್ ಅಕೌಂಟ್‌ನಲ್ಲಿ ಕೃತ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ

ವಿಡಿಯೋ ಅಪ್‌ಲೋಡ್ ಮಾಡಿದ ನಂತರ ದಿನಾಂಕ: 20.02.2024 ರಂದು ಆರೋಪಿ-1 ರವರ ಸಹಚರರಾದ ಆರೋಪಿ-2, 3 ಮತ್ತು 4 ರವರ ಮುಖಾಂತರ ಸಾಕ್ಷಿ-1 ಮತ್ತು 2 ರವರನ್ನು ತಮ್ಮ ಮನೆಗೆ ಕರೆಯಿಸಿಕೊಂಡು, ಮನವೊಲಿಸಿ, ಆರೋಪಿ-2 ರವರ ಕಡೆಯಿಂದ ಪಿರ್ಯಾದುದಾರರ ಫೇಸ್‌ಬುಕ್ ಖಾತೆಯಿಂದ ಅವರು ಫೋನ್ ಮಾಡಿದ್ದ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಅಳಿಸಿಸಿ (ಡಿಲೀಟ್ ಮಾಡಿಸಿ), ನಂತರ ಅವರ ಐ-ಪೋನ್ ಗ್ಯಾಲರಿಯಿಂದಲೂ ಸಹ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಡಿಲೀಟ್ ಮಾಡಿಸಿ ನಂತರ ಆರೋಪಿ-1 ರವರು ಆರೋಪಿ-3 ರವರಿಗೆ ಹೇಳಿ ಸಾಕ್ಷಿ-1 ರವರಿಗೆ ರೂ 2 ಲಕ್ಷ ನಗದು ಹಣವನ್ನು ಕೊಡಿಸಿ ಇತರ ಆರೋಪಿತರೊಂದಿಗೆ ಸೇರಿ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಕಲಂ:8 ಫೋಕ್ಸೋ ಆಕ್ಟ್ & 354(ಎ), 204, 214 ಸಹಿತ 37 ಐಪಿಸಿ ಅಡಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾರೆ.

6. The charges made against accused no.2 is as follows:

"ಆರೋಪಿ-2 ಅರುಣ್ ವೈ ಎಂ:

ಪಿರ್ಯಾದುದಾರರು ತಮ್ಮ ಫೇಸ್ ಬುಕ್ ಅಕೌಂಟ್‌ನಲ್ಲಿ ಕೃತ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಡಿಯೋ ಅಪ್‌ಲೋಡ್ ಮಾಡಿದ ನಂತರ ದಿನಾಂಕ: 20-02-2024 ರಂದು ಆರೋಪಿ-2 ರವರು ಆರೋಪಿ-1 ರವರ ಸೂಚನೆಯ ಮೇರೆಗೆ ಆರೋಪಿ-3 ಮತ್ತು 4 ರವರೊಂದಿಗೆ ಪಿರ್ಯಾದುದಾರರನ್ನು ಮತ್ತು ನೊಂದ ಬಾಲಕಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಅವರನ್ನು ಆರೋಪಿ-1 ರವರ ಮನೆಗೆ ಕರೆತಂದು ಪಿರ್ಯಾದುದಾರರ ಮನವೊಲಿಸಿ ಪಿರ್ಯಾದುದಾರರ ಫೇಸ್‌ಬುಕ್ ಖಾತೆಯಿಂದ ಅವರು ಫೋನ್ ಮಾಡಿದ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಅಳಿಸಿಸಿ (ಡಿಲೀಟ್ ಮಾಡಿ), ನಂತರ ಅವರ ಐ-ಪೋನ್ ಗ್ಯಾಲರಿಯಿಂದಲೂ ಸಹ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಡಿಲೀಟ್ ಮಾಡಿಸಿ ನಂತರ ಆರೋಪಿ-1 ರವರ ಆದೇಶದಂತೆ ಆರೋಪಿ-3 ರವರ ಕಡೆಯಿಂದ ಪಿರ್ಯಾದುದಾರರಾದ ಶ್ರೀಮತಿ ಮಮತ ಸಿಂಗ್ ರವರಿಗೆ ರೂ. 2 ಲಕ್ಷ ನಗದು ಹಣವನ್ನು ಕೊಡಿಸಿ ಇತರ ಆರೋಪಿಗಳೊಂದಿಗೆ ಸೇರಿ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಕಲಂ: 204, 214 ಸಹಿತ 37 ಐಪಿಸಿ ಅಡಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾರೆ.

7. The charges made against accused no.3 is as follows:

"ಆರೋಪಿ-3 ರುದ್ರೇಶ್ ಎಂ. ಬಿನ್ ಲೇಟ್ ಮರುಳಸಿದ್ದಯ್ಯ:

ಪಿರ್ಯಾದುದಾರರು ತಮ್ಮ ಫೇಸ್ ಬುಕ್ ಅಕೌಂಟ್‌ನಲ್ಲಿ ಕೃತ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಡಿಯೋ ಅಪ್ ಲೋಡ್ ಮಾಡಿದ ನಂತರ ದಿನಾಂಕ: 20-02-2024 ರಂದು ಆರೋಪಿ-1 ರವರ ಸೂಚನೆಯ ಮೇರೆಗೆ ಆರೋಪಿ-3 ಮತ್ತು ಆರೋಪಿ-4 ರವರು ಸಾಕ್ಷಿ-25 ಮಹೇಶ್ ರವರೊಂದಿಗೆ ಪಿರ್ಯಾದುದಾರರ ಮನೆಗೆ ಹೋಗಿ, ಆರೋಪಿ-2 ರವರೊಂದಿಗೆ ಸೇರಿ ಪಿರ್ಯಾದುದಾರರನ್ನು ಮತ್ತು ನೊಂದ ಬಾಲಕಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಅವರನ್ನು ತಮ್ಮ ಕಾರಿನಲ್ಲಿ ಆರೋಪಿ-1 ರವರ ಮನೆಗೆ ಕರೆತಂದು ಪಿರ್ಯಾದುದಾರರ ಮನವೊಲಿಸಿ ಪಿರ್ಯಾದುದಾರರ ಫೇಸ್‌ಬುಕ್ ಖಾತೆಯಿಂದ ಅವರು ಪೋಸ್ಟ್ ಮಾಡಿದ್ದ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಅಳಿಸಿಸಿ (ಡಿಲೀಟ್ ಮಾಡಿಸಿ), ಅವರ ಐ-ಫೋನ್ ಗ್ಯಾಲರಿಯಿಂದ ಸಹ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಡಿಲೀಟ್ ಮಾಡಲು ಸಹಕರಿಸಿ ನಂತರ ಆರೋಪಿ-1 ರವರ ಆದೇಶದಂತೆ ಪಿರ್ಯಾದುದಾರರಾದ ಮಮತ ಸಿಂಗ್ ರವರಿಗೆ ರೂ.2 ಲಕ್ಷ ನಗದು ಹಣವನ್ನು ನೀಡಿ ಇತರೆ ಆರೋಪಿಗಳೊಂದಿಗೆ ಸೇರಿ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಕಲಂ: 204, 214 ಸೆಕ್ಷನ್ 37 ಐಪಿಸಿ ಅಡಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾರೆ."

8. The charges made against accused no.4 is as follows:

"ಆರೋಪಿ-4 ಜಿ.ಮರಿಸ್ವಾಮಿ ಬಿನ್ ಲೇಟ್ ಗಂಗಾಧರಯ್ಯ :

ಪಿರ್ಯಾದುದಾರರು ತಮ್ಮ ಫೇಸ್ ಬುಕ್ ಅಕೌಂಟ್‌ನಲ್ಲಿ ಕೃತ್ಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ವಿಡಿಯೋ ಅಪ್‌ಲೋಡ್ ಮಾಡಿದ ನಂತರ ದಿನಾಂಕ 20.02.2024 ರಂದು ಆರೋಪಿ-1 ರವರ ಸೂಚನೆಯ ಮೇರೆಗೆ ಆರೋಪಿ-4 ಮತ್ತು ಆರೋಪಿ-3 ರವರು ಸಾಕ್ಷಿ-25 ಮಹೇಶ್ ರವರೊಂದಿಗೆ ಪಿರ್ಯಾದುದಾರರ ಮನೆಗೆ ಹೋಗಿ, ಆರೋಪಿ-2 ರವರೊಂದಿಗೆ ಸೇರಿ ಪಿರ್ಯಾದುದಾರರನ್ನು ಮತ್ತು ನೊಂದ ಬಾಲಕಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಅವರನ್ನು ತಮ್ಮ ಕಾರಿನಲ್ಲಿ ಆರೋಪಿ-1 ರವರ ಮನೆಗೆ ಕರೆತಂದು ಮನವೊಲಿಸಿ ಪಿರ್ಯಾದುದಾರರ ಫೇಸ್‌ಬುಕ್ ಖಾತೆಯಿಂದ ಅವರು ಪೋಸ್ಟ್ ಮಾಡಿದ್ದ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಅಳಿಸಿಸಿ (ಡಿಲೀಟ್ ಮಾಡಿಸಿ), ಅವರ ಐ-ಫೋನ್ ಗ್ಯಾಲರಿಯಿಂದ ಸಹ ವಿಡಿಯೋ/ಫೋಟೋವನ್ನು ಡಿಲೀಟ್ ಮಾಡಲು ಸಹಕರಿಸಿ ನಂತರ ಆರೋಪಿ-1 ರವರ ಆದೇಶದಂತೆ ಆರೋಪಿ-3 ರವರ ಕಡೆಯಿಂದ ಪಿರ್ಯಾದುದಾರರಾದ ಶ್ರೀಮತಿ ಮಮತ ಸಿಂಗ್ ರವರಿಗೆ ರೂ.2 ಲಕ್ಷ ನಗದು ಹಣವನ್ನು ಕೊಡಿಸಿ ಇತರೆ ಆರೋಪಿಗಳೊಂದಿಗೆ ಸೇರಿ ಕೃತ್ಯದಲ್ಲಿ ಭಾಗಿಯಾಗಿ ಕಲಂ: 204, 214 ಸೆಕ್ಷನ್ 37 ಐಪಿಸಿ ಅಡಿ ಶಿಕ್ಷಾರ್ಹ ಅಪರಾಧವೆಸಗಿರುತ್ತಾರೆ."

9. In short, the allegations against accused no.1 are that, the mother and her minor daughter, aged 17 years went and met accused no.1, who is the Ex-Chief Minister of Karnataka with a view to get justice for an earlier sexual assault committed against the minor daughter and at that time, accused no.1 took the minor daughter into a room and molested her. Thereafter, the complainant had uploaded a video regarding the incident in her Facebook account. Accused No.1 again got the complainant and her daughter to his house through accused nos.2 to 4, convinced the complainant and her daughter through accused no.2 and got the uploaded video deleted. It is also alleged that accused no.1 tried to pay money to the complainant and her daughter so that they would keep quiet.

10. In respect of other accused, it is alleged that they actively collaborated with accused no.1 in getting the video and photographs deleted regarding the alleged incident and also facilitated the attempt to pay money to

complainant and her daughter so that they would keep quiet.

11. The trial Court first took cognizance of the alleged offences on 04.07.2024. The same was challenged by the petitioners by way of W.P.No.15522/2024 c/w. W.P.No.18538/2024, wherein, this Court came to the conclusion that the allegations made and the materials collected requires a full-blown trial. However, due to the bald laconic and cryptic order of the trial Court passed while taking cognizance of the offences alleged, the impugned order was set aside by allowing the writ petitions in part and the matter was remitted back to the trial Court.

This Court in the aforesaid writ petitions has passed the following order insofar as it relates to accused no.1:

- "(i) Writ Petition is allowed in part.*
- (ii) The order of taking cognizance by the concerned Court dated 4-07-2024 passed in Crime No.9 of 2024 (Special C.C.No.1283 of 2024) qua accused No.1 stands obliterated.*
- (iii) The crime, the investigation and the final report, all remain intact.*

- (iv) The matter is remitted back to the hands of the concerned Court to pass appropriate orders on the final report so placed before it by the CID, bearing in mind the observations made in the course of the order.*
- (v) It is made clear that this Court has not answered any of the contentions so advanced by both the learned senior counsel, except the submission with regard to the order of taking cognizance.*
- (vi) All other contentions shall remain open. The petitioner is at liberty to avail all such remedy, as is available in law, at the appropriate stage before the appropriate forum."*

It has passed the following order insofar as it relates to accused nos.2 to 4 are concerned:

- "(i) Writ Petition is allowed in part.*
- (ii) The order of taking cognizance by the concerned Court dated 4-07-2024 passed in Crime No.9 of 2024 (Special C.C.No.1283 of 2024) qua accused Nos.2, 3 and 4 also stands obliterated.*
- (iii) The crime, the investigation and the final report, all remain intact.*
- (iv) The matter is remitted back to the hands of the concerned Court to pass appropriate orders on the final report so placed before it,*

by the CID, bearing in mind the observations made in the course of the order.

(v) It is made clear that this Court has not answered any of the contentions so advanced by both the learned senior counsel, except the submission with regard to the order of taking cognizance.

(vi) All other contentions shall remain open. The petitioners are at liberty to avail all such remedy, as is available in law, at the appropriate stage, before the appropriate forum."

12. Subsequently, the trial Court has again passed the order taking cognizance of the offences alleged against accused nos.1 to 4 on 28.02.2025, which is impugned in the present writ petitions.

13. Learned Senior Counsel for the petitioners has contended that the allegations made against the accused are not sustainable in the eye of law. He has submitted that the investigation conducted by the Police do not disclose any offences as alleged against accused nos.1 to 4.

14. However, the aforementioned contention of the petitioners has been negated by this Court in

W.P.No.15522/2024 c/w. W.P.No.18538/2024, wherein, it has been observed that the allegations made against the accused if held to be true, do constitute an offence and whether the said allegations are true or false can be determined only after a full-blown trial. The said order of this Court has attained finality as the same has not been challenged by either of the parties. Thus, though the learned Senior counsel for the petitioners has argued the matter at length regarding the fact whether the allegations made against the accused even if were to be held as true, does not constitute an offence as alleged, the same is not open for reconsideration in the light of the order passed in W.P.No.15522/2024 c/w. W.P.No.18538/2024.

15. The petitioners have contended that the complainant is not a rustic or an innocent villager. That she is very well informed person having worldly knowledge of how to utilize law to her advantage. It is further contended that she is in the habit of making allegations against other persons with an ulterior motive. It is submitted that there has been an inordinate unexplained delay in filing of the

complaint against the accused herein. It is submitted that even though she met the Police Commissioner a couple of days, prior to filing of the complaint and after the incident, has not whispered anything to him. It shows that the complaint is filed against the petitioners with an ulterior motive.

16. It is also contended that the complaint is filed only with political vendetta against the petitioners. It is submitted that accused No.1 is an aged person, who is suffering from several diseases and it is unimaginable for him to commit the offences alleged. It is also submitted that all other witnesses who were present in the house of accused No.1 when the alleged incident took place, they have given statements to the police in favour of the accused and against the version of the complainant, which requires quashing of the proceedings against the petitioners herein. It is submitted that it is only the complainant and her daughter who have made statements against the accused, which cannot be sustained in the light of the statements made by other persons. It was also brought to the notice of

the Court that the prosecution did not make the statements of several persons who had deposed in favour of the accused as part of the police report.

17. Though the petitioners have been successful to show certain inconsistency in the case of the prosecution, as mentioned above, the same have been considered by this Court in W.P.No.15522/2024 c/w. W.P.No.18538/2024 and it has been held that taking into consideration the other material produced by the prosecution, the guilty or innocence of the accused, can be established only after a full-blown trial and the same has attained finality.

18. Thus, the only question that arises for consideration in the instant petitions is whether the trial Court has taken cognizance of the offences alleged and issued process to the accused in the manner known to law?

19. Perusal of the impugned order shows that the trial Court has mentioned the allegations in brief and the materials produced in the police report. It has also considered the provisions of law which prescribes the

manner in which the cognizance has to be taken and process has to be issued. It has also considered the case laws in respect of the said provisions. It has to be borne in mind that the trial Court need not conduct a mini trial while taking cognizance. It has considered whether there are sufficient materials produced for proceeding against the accused. It is required to apply its mind and form an opinion by analyzing the materials produced before it. The impugned order shows that the trial Court has done so. I do not see any error in the manner in which the trial Court has taken cognizance of the offences alleged against the accused and the process that has been issued.

20. Another apprehension is raised by the accused alleging that the proceedings have been initiated against the accused out of political vendetta and there is a possibility that the prosecution may insist upon the trial Court for presence of accused No.1, who is aged and infirm to be present in the Court on every date of hearing and that itself would be a great harassment for him. It is also submitted that the observations made while disposing of

W.P.No.15522/2024 c/w. W.P.No.18538/2024 and the present petitions may influence the trial Court and a clarification may be made in this regard.

21. Taking into consideration the age of accused No.1 and also the peculiar facts and circumstances of the case, I am of the opinion that the presence of accused No.1 should not be insisted by the trial Court, unless it is necessary and it should normally entertain any application made by accused No.1 from being exempted from personal appearance.

22. Any observations made by this Court in exercise of its power under Section 482 of Cr.P.C. is only to decide the case on hand unless otherwise specifically mentioned. In the instant case, the trial Court is required to decide the case based on the evidence let-in by the parties concerned without being influenced by any of the observations made by this Court.

23. Hence, the following:

ORDER

- i. The impugned order passed in Spl.C.C.No.420/2025 pending on the file of Additional City Civil and Sessions Judge (FTSC-1), Bengaluru, taking cognizance and issuing summons to the accused under the various provisions of the Indian Penal Code, 1860 and the Protection of Children from Sexual Offences Act, 2012, is upheld;
- ii. The trial Court shall not insist upon the presence of accused No.1 unless it is necessary during the course of the trial and will entertain the exemption application filed on behalf of accused No.1, unless his presence is essential;
- iii. The trial Court shall decide the case based on the evidence let-in during the course of the trial without being influenced by the observations of this Court in the orders passed in W.P.Nos.15522/2024 c/w 18538/2024 as well as in the instant petitions;
- iv. It is needless to state that the petitioners are having the liberty to file necessary application before the trial Court including the one for discharge;

v. The writ petitions stand ***disposed of*** accordingly.

**Sd/-
(M.I.ARUN)
JUDGE**

hkh./PGG/VMB