



CNR: KAHC010412072022

NC: 2026:KHC:49442
WP No. 18058 of 2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF SEPTEMBER, 2026
BEFORE**

**THE HON'BLE MR. JUSTICE V SRISHANANDA
WRIT PETITION NO. 18058 OF 2022 (GM-RES)**

BETWEEN:

DR. ASHWIN HEBBAR K
S/O G K HEBBAR
AGED ABOUT 44 YEARS

...PETITIONER

(BY SRI. SATISH. K, ADVOCATE)

AND:

1. THE STATE BY SHIMOGGA
WOMEN POLICE STATION
REPRESENTED BY INSPECTOR OF POLICE
SHIMOGGA - 577 201.

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...RESPONDENTS

(BY SRI. SURYA MUKUNDARAJ, APP;
R2 -SERVED)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
FROM THE R1 IN RESPECT OF THE IMPUGNED COMPLAINT DTD
12.08.2022 ANNEXURE-L AND IMPUGNED FIRST INFORMATION





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REPORT IN CRIME NO.70/2022 DTD 12.08.2022 ANNEXURE-MQUASH THE IMPUGNED COMPLAINT DTD 12.08.2022 GIVEN BY THE R2 TO THE R1 ANNEXURE-L AND THE IMPUGNED FIRST INFORMATION REPORT DTD 12.08.2022 VIDE CRIME NO.70/2022 REGISTERED BY THE R1 ANNEXURE-M AND ALL FURTHER PROCEEDINGS THEREON.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Sathish K, learned counsel appearing for the petitioner and Sri. Surya Mukundaraj, learned High Court Government Pleader for respondent No.1.

2. This petition is filed under Article 226 and 227 of the Constitution of India read with Section 482 Cr.PC with the following prayer;

"a) CALL for records from the Respondent Nos. 1 in respect of the impugned Complaint dated 12/08/2022 (ANNEXURE L) and impugned First Information Report in Crime No. 70/2022 dated 12/08/2022 (ANNEXURE - M);

b) ISSUE WRIT OR ORDER QUASHING the impugned Complaint dated 12/08/2022 given by the 2nd Respondent to the 1st Respondent (ANNEXURE - L) and the impugned First Information Report dated 12/08/2022 vide Crime No. 70/2022 registered by the 1st Respondent (ANNEXURE-M) and all further proceedings thereon, in the interest of justice and equity."



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3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under; respondent No.2 was working as a Junior Resident under the petitioner

wherein the petitioner was working as a

. Complaint alleges that there was sexual harassment imparted to her by the petitioner herein. The matter was referred to Internal Local Committee and the said matter was closed.

4. However thereafter, a regular complaint came to be lodged and police have registered the case based on the complaint in Crime No.70/2022 on 12.08.2022 for the offence punishable under Section 354A of IPC. The gist of the complaint averments would reveal that the alleged incident has taken place on 15.07.2022 between 03.30 p.m. to 03.40 p.m. when she had visited the petitioner. There was an indecent touch of the complainant by the petitioner besides uttering indecent words.



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5. Police after registering the case investigating the matter. In the meantime petitioner has approached this Court with the aforesaid prayer.

6. Sri Sathish K, learned counsel for the petitioner reiterating the grounds urged in the petition would contend that in view of the statement made by the complainant before the Internal Local Committee and matter being closed, as an afterthought only with an intention to malign the petitioner, billeted complaint came to be filed after a period of 28 days and therefore, FIR needs to be quashed.

7. Per contra, Sri Surya Mukundaraj, learned Addl. Public Prosecutor would support the registration of the case and would contend that all available defences for the petitioner can be placed before the Investigation Officer and appropriate report would be filed by the Investigation Officer if there is no truth in the complaint averments.



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8. Respondent No.2 was notified in both the addresses, the registered cover was delivered, but there was no response and as such, service held sufficient.

9. In the light of the arguments put forth on behalf of the petitioner and the learned Additional SPP, this Court perused the material on record meticulously.

10. On such perusal of the material on record, incident has admittedly occurred in the chambers of the petitioner, which is a OPD section, wherein the petitioner was sitting and the respondent No.2 entered the said chamber and at that juncture incident has occurred. The matter was immediately reported to the Internal Local Committee and there was an enquiry and some report has been filed. Admittedly such reports would not be sufficient enough to close the criminal case unless an investigation takes place as the offence under Section 354A of IPC is a cognizable offence.



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11. Delay in lodging the complaint cannot be a ground for quashing the FIR that too at the inception stage. At the most, delay in filing the FIR can be a defence that is available to the accused if the charge sheet is filed during the trial.

12. Likewise, the other grounds that are argued in the petition are more in the nature of defence in the trial which would not be sufficient enough to quash the pending FIR having regard to the settled parameters which are required to quash the pending FIR.

13. Accordingly, without expressing any opinion on the merits of the matter this Court does not find merits in any one of the grounds to quash the pending FIR.

14. Hence, the following;

ORDER

I. Petition is ***dismissed***.

II. All the available defences is kept open.



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III. The petitioner is granted liberty to challenge the adverse report, if any, filed against him.

**Sd/-
(V SRISHANANDA)
JUDGE**

RU, List No.: 1 SI No.: 43