

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 29<sup>TH</sup> DAY OF JUNE, 2022

BEFORE

THE HON'BLE Mr. JUSTICE HEMANT CHANDANGOUDAR

**CRIMINAL PETITION No.9334 OF 2018**

**BETWEEN:**

SRI KARAN MENON

...PETITIONER

(BY SMT.N.PADMAVATHI, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
CIRCLE INSPECTOR OF POLICE  
CYBER CRIME  
BANGALORE - 560001

- 2.

...RESPONDENTS

(BY SRI.S.VISHWAMURTHY, HCGP FOR R1;

SRI.C.M.DHANANJAYA, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. BY THE PETITIONER PRAYING TO QUASH THE ENTIRE PROCEEDING IN CR.NO.159/2017 ON THE FILE OF THE 1ST ADDITIONAL CHIEF METORPOLITAN MAGISTRATE AT BANGALORE BY ALLOWING THIS CRIMINAL PETITION WITH COST.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

FIR was lodged by the second respondent alleging that the petitioner-accused used to talk to her online and harass and threatened her by sending nude messages to her and family members. The police registered FIR for the offences punishable under Section 43A, 67, 66D, 66E, 67A of the Information Technology Act, 2000 (for short 'the IT Act') and under Section 354(D) of IPC. Taking exception to the same, this petition is filed.

2. Learned counsel for the petitioner submits that the offences alleged against the petitioner-accused are punishable with imprisonment for three years and with fine and the final report has not been filed by the police even after lapse of more than five years from the date of alleged incident. The cognizance cannot be taken by the learned Magistrate after three years from the date of offences as specified under Section 468 (2)C of the IPC.

3. On the other hand learned High Court Government Pleader appearing for the respondent No.1-State submits that the allegations made in the FIR discloses the commission of cognizable offence and the allegations requires to be investigated and at this stage the registration of the FIR cannot be interfered with.

4. I have examined the submissions made by the learned counsel for the parties.

5. The offences alleged against petitioner-accused are punishable with imprisonment for a period of three years. In the present case, the FIR was registered on 07.06.2017 and till date the police have not completed the investigation and submitted the final report with the learned Magistrate. A perusal of the order sheet indicates that the further investigation is not stayed by this Court.

6. Section 468(2)C of Cr.P.C specifies that no Court shall take cognizance of the offences punishable with imprisonment for a period of three years after the expiry of three years from the date of alleged incident. In the present case, the alleged incident was taken place in the year 2014 and the FIR was lodged on 07.06.2017 and till date the final report has not been

submitted by the police. Hence, in view of the bar contained in Section 468(2)C of Cr.P.C., the registration of FIR requires to be quashed.

7. Even otherwise, the alleged incident has taken place in the year 2014 and the FIR was lodged on 07.06.2017 without offering any plausible explanation. Hence, it is implied that the FIR lodged was with ulterior motive to wreak vengeance the petitioner-accused and with revengeful intent. Accordingly, I pass the following:

**ORDER**

- i. Criminal petition is allowed.
- ii. The impugned FIR in Cr.No.159/2017 registered by the Cyber Crime Police Station, Bengaluru pending on the file of 1st Addl.CMM Court, Bengaluru is hereby quashed.

iii. The first respondent is hereby directed to release the articles seized from the petitioner in pursuance to registration of impugned crime forthwith.

Sd/-  
**JUDGE**

RKA