

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR. JUSTICE V. SRISHANANDA

CRIMINAL PETITION NO.3167/2022

BETWEEN:

VASANTH ADITHYA. J

;

... PETITIONER

(BY SRI. B. RAMESH., ADVOCATE)

AND:

1. STATE BY KARNATAKA
ULSOOR POLICE STATION,
ULSOOR,
BENGALURU,
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDINGS,
BENGALURU-560 001.

2.

...RESPONDENTS

(BY SRI. K.RAHUL RAI, HCGP FOR R1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 CR.P.C PRAYING TO QUASH THE INVESTIGATION IN CR.NO.50/2022 ON THE FILE OF THE IACMM, BANGALORE INITIATED BY THE 1ST RESPONDENT POLICE FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 324, 354, 341, 506, 509 OF IPC AND SEC.67 OF I.T ACT.

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

ORDER

Heard Sri. B. Ramesh, learned counsel for the petitioner and learned HCGP for respondent No.1- State.

2. Petition under section 439 Cr.P.C. is filed for the following reliefs:-

"a. Call for records.

b. Quash the investigation in Crime No.50/2022 on the file of 1st Additional Chief Metropolitan Magistrate at Bengaluru initiated by the 1st respondent police for the section 324, 354, 341, 506 and 509 of the Indian Penal Code and under section 67 of the Information Technology Act, 2000.

c. To pass such other suitable order as this Hon'ble Court deems fit to be maintainable in the facts and circumstances of the case in the interest of justice and equity."

3. The brief facts of the case are as under:

One _____ lodged a complaint with Halasur police station which was registered in Crime No.50/2022 for the offences punishable under Section 67 of Information Technology Act, 2000 and sections 506, 509, 341, 324 and 354 of IPC.

The gist of the complaint is that the complainant is working with Kreetam Law Associates as a intern. When she requested for law intern certificate from the petitioner,

there was a small altercation and exchange of few words and it is also alleged that water bottle was thrown against her and she sustained injury on the right side of her chest and also took out mobile phone of the complainant and threw it away. Some obnoxious and objectionable messages were also sent to the mobile phone of the complainant. Based on the said complaint, police registered the case and are investigating the matter.

5. Learned counsel for the petitioner submits that earlier to the filing of the present complaint by the complainant, the very petitioner had also lodged a complaint with the police and no action has been taken against the same. He also contends that the petitioner is a law abiding citizen. A small incident has been blown out of proportion by the police in active collusion with the complainant and therefore sought for quashing of the complaint.

6. Per-contra, learned HCGP opposed the bail petition and contended that the matter is under investigation and if

there is any truth in the incident, police will necessarily file final report or the police themselves may file 'B' final report in the incident and it is too premature for this Court to consider the prayer at this stage and sought for dismissal of the petition.

7. Perused the materials on record in the light of the rival contentions of the parties.

8. Admittedly, the petitioner and the complainant are known to each other. According to the complainant, in respect of the incident, she has lodged a complaint with the police at the first instance and as a counter blast to the complaint lodged by the petitioner herein, the complaint came to be lodged with the subject matter of this petition. It is also found that no action has been taken against the complaint that is lodged by the petitioner herein. The petitioner was called by the police and his statement has been recorded in respect of the incident. The police may consider the statements and file appropriate report after investigation. Relief under section 482 Cr.P.C. as sought

for by the petitioner at this stage cannot be granted by this Court for more than one reason. Firstly, the investigation is still under progress and police may file appropriate report after thorough investigation. Secondly, expressing any opinion at this stage in respect of the merits of the matter, the rights of the parties would be put to jeopardy. Thirdly, no Court can stop an investigation in respect of a cognizable offence unless a particular person makes out a case that the very complaint is frivolous in nature and results in abuse of process of court.

9. In the case on hand, since the complaint came to be lodged by the petitioner himself about the incident at the first instance, it presupposes some altercation has taken place in the chambers of the petitioner. Who is the aggressor party, what exactly that transpired are all subject matter of the investigation and after thorough investigation, police may file appropriate report under section 173 Cr.P.C. Till such time, this Court cannot form any opinion by considering the material on record at this

stage. It is needless to emphasize that the police is required to consider the complaint averments made by the petitioner at the first instance and also take into consideration the explanation offered by the petitioner before the police when his statement came to be recorded. With the aforesaid observations, no case is made out at this stage. Hence, this Court pass the following:

ORDER

The Criminal Petition is **dismissed**.

In view of dismissal of the main matter, I.a.No.1/2022 for stay does not survive for consideration. Accordingly, it is disposed of.

**Sd/-
JUDGE**

*mn/-