

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

**DATED THIS THE 19<sup>TH</sup> DAY OF NOVEMBER, 2025**

**BEFORE**

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

**CRIMINAL PETITION NO.4932 OF 2024**

**(482 (Cr.PC)/528 (BNSS))**

**BETWEEN:**

1. SRI. REVANNA H.D.  
S/O H.D. DEVEGOWDA  
AGED ABOUT 66 YEARS  
R/AT CHENNAMBIKA NILAYA  
CHENNAMBIKA CIRCLE  
HOLENARASIPURA  
HASSAN-573 211.

... PETITIONER

(BY SRI. C.V. NAGESH, SENIOR ADVOCATE AND  
SRI. PRABHULING K.NAVADGI, SENIOR ADVOCATE  
ALONG WITH SRI. GIRISH KUMAR B.M., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
BY HOLENARASIPURA TOWN POLICE  
STATION, HOLENARASIPURA CIRCLE  
HASSAN-573 211.  
(NOW INVESTIGATED BY SPECIAL  
INVESTIGATION TEAM, CID  
BENGALURU, #1, CARLTON HOUSE  
PALACE ROAD, BENGALURU-560 001).  
REPRESENTED BY SPP OFFICE  
HIGH COURT OF KARNATAKA  
BENGALURU-560 001.

2. SMT. SHOBHA  
AGED ABOUT 47 YEARS  
RESIDING AT 17<sup>TH</sup> WARD  
NARASIMHANAYAKA NAGARA  
HOLENARASIPURA TOWN  
HASSAN-573 211.

... RESPONDENTS

(BY PROF. RAVIVARMA KUMAR, SENIOR ADVOCATE  
ALONG WITH SRI B.N. JAGADEESH, ADDL. SPP.,  
SMT. URMILA PULLAT AND  
SMT. INCHARA H.M., ADVOCATES FOR R.1;  
R.2: SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO QUASH THE FIR IN CRIME NO.107/2024 DATED 28.04.2024 VIDE ANNEXURE-A AS AGAINST THE PETITIONER HEREIN REGISTERED AT HOLENARASIPURA POLICE STATION, HASSAN DISTRICT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 354(A), 354(D), 506 AND 509 OF IPC PENDING ON THE FILE OF THE XLII ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU AND ETC.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 29.10.2025 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. This Criminal Petition is filed under Section 482 of the Criminal Procedure Code with the following prayers:

- "(i) *Quash the FIR in Crime No.107/2024 dated 28.04.2024 vide Annexure-A as against the petitioner herein registered at Holenarasipura Police Station, Hassan District, for offences that are made punishable under Section 354(A), 354(D), 506 and 509 of IPC pending on the file of the XLII Addl. Chief Metropolitan Magistrate, at Bengaluru, in the interest of justice.*
- (ii) *Pass such other order/s or grant such other relief/s as this Hon'ble Court deems fit to grant, in the interest of justice."*

2. On 28.04.2024, the complainant (respondent no.2) filed a complaint against the petitioner and his son with respondent no.1-Police, which reads as under:

"ರವರಿಗೆ,  
ರಾಜಾಧಿಕಾರಿಗಳು,  
ಹೊಳೆನರಸೀಪುರ ನಗರ ಪ್ರೋನ್ ರಾಜ್,  
ಹೊಳೆನರಸೀಪುರ.

ಮಾನ್ಯರೇ,

ವಿವರಣೆ: - ಹೊಳೆನರಸೀವು ರ ಶಾಸನ ಕಂಬ್ ದಿ. ರೇವಣ್ಣ ಕಾಗೂ ಕಾಸನ ಲೋಕನಂಬಾ ದ್ವೀಪದ ಸಂಸದ ವ್ಯಾಜ್ಲ್ ರೇವಣ್ಣ ಅವರಿಂದ ಲ್ಯೂರಿಕ ದೌಡನ್ಯ ಕಾಗೂ ಜೀವ ಬೆದರಿಕೆ ಇರುವ ಬಗ್ಗೆ ದೂರ

ನಾನು ಅಡಗಿ ಮನೆಯಲ್ಲಿದ್ದಾಗೆ ಹಿಂದಿನಿಂದ ಬಂದು ಏ, ಮನುಷ್ಯತ್ವ ಹೊಟ್ಟೆ ಭಾಗದಲ್ಲಿ ಜಿಗುಷುತ್ತಿದ್ದು. ತನಗೆ ಎಣ್ಣೆ ಹಕ್ಕಿವಂತೆ ಶೋಭಾರನ್ನು ಕಳಿಸು ಎಂದು ಮನೆಯಲ್ಲಿ ತೆಲನ ಮಾಡುತ್ತಿದ್ದ ಹುಡುಗನ ಮೂಲಕ ಹೇಳಿ ಕಳಿಸುತ್ತಿದ್ದರು. ನಾನು ಹೆದರಿಕೊಂಡು ಮನಗೆ ಉಡುತ್ತಿದ್ದೆ. ಇದೇ ರೀತಿಯಲ್ಲಿ ಲೈಂಗಿಕ ಕಿರುಹುಳಗಳು ನನ್ನ ಮೇಲೆ ಅನೇಕ ಬಾರಿ ನಡೆದಿವೆ. ನಾನು ಈ ವಿಷಯವನ್ನು ಹೊರಗೆ ಯಾರಿಗಾದ್ಲು ಹೇಳಿಕೊಣ ಅಂದುಕೊಳ್ಳುತ್ತಿದ್ದೆ, ಆದ್ದರಿಂದ ಹೇಳಿಕೊಂಡರೆ ನನ್ನ ಮೇಲೆ ರಳಿತ ಹೊರಿಸುತ್ತಾರೆ, ನನ್ನ ಮೇಲೆ ರಳಿತನದ ಆರೋಪ ಹೊರಿಸುತ್ತಾರೆ ಇತ್ಯಾದಿಯಾಗಿ ಅಲ್ಲಿ ತೆಲನ ಮಾಡುತ್ತಿದ್ದವರು ಹೆದರಿಕೆ ಹುಟ್ಟಿಸಿದ್ದು. ರೇವಣ್ಣಿ ಲೈಂಗಿಕ ಕಿರುಹುಳಗಳು ಇಷ್ಟಕ್ಕೇ ನಿಂತಿಲ್ಲ. ನನ್ನ ಮೊಬೈಲ್ ಫೋನ್ ಮನೆಯಲ್ಲಿದ್ದ ಸಂಭರ್ಷದಲ್ಲಿ ಆ ನಂಬರಾಗೆ ಮೊದಲು ಹಲವಾರು ಬಾರಿ ಮಾಮೂಲಿ ಕರೆ ಮಾಡುತ್ತಿದ್ದು. ಆ ಸಂಭರ್ಷದಲ್ಲಿ ನನ್ನ ಮಗಳು ಮನೆಯಲ್ಲಿರುತ್ತಿದ್ದು. ಅದೇ ಅವಕಾಶ ಬಳಸಿಕೊಂಡು ಆನಂತರ ಸುಮಾರು ಸಲ ವಿಡಿಯೋ ಕಾಲ್ ಮಾಡಿ ನನ್ನ ಮಗಳ ಜೊತೆ ಅಸಭ್ಯ ಸಂಭಾಷಣೆ ಮೂಲಕ ಪ್ರಜೋದಿಸಿಲ್ಲ ಯಾತ್ರಿಸುತ್ತಿದ್ದು. ಆದ್ದರಿಂದ ಹೆದರಿಕೊಂಡು ನನ್ನ ಮಗಳು ಆ ನಂಬರನ್ನು ಬಾಕ್ ಮಾಡಿದಳು. ನಾನು ಈ ಎಲ್ಲಾ ಲೈಂಗಿಕ ಕಿರುಹುಳ, ಬತ್ತಡಿಗಳಿಂದಾಗಿ 4 ವರ್ಷಗಳು ಹಿಂದೆ ಅವರ ಮನೆ ತೆಲನವನ್ನು ಬಿಟ್ಟು ಬಂದೆ. ಇದರಿಂದ ಕೋರ್ಪಸೊಂಡ ಅವರು ನಾನು ವಾಸವಿದ್ದ ಮನಗೆ ವೇಲೀನರನ್ನು ತಳಿಸಿ ಆಶ್ರಯ ಯೋಜನೆಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದ ನಷ್ಟ ಮನೆಯಿಂದ ಆಚೆ ಹಾರಿಸಿ ಕಿರುಹುಳ ಹೊಟ್ಟಿರು. ಮನೆಯಲ್ಲಿರುತ್ತಾ ಎಲ್ಲಾ ವಸ್ತುಗಳನ್ನು ಮತ್ತು ಒಡವೆಗಳನ್ನು ತೂಡ ನಮಗೆ ಹೊಟ್ಟಿರುವದಿಲ್ಲ. ನಮ್ಮನ್ನು ಮನೆಯಿಂದ ಹೊರಹಾಕಿದ್ದಕ್ಕೆ ಹೊಳೆಸಿರ್ಸಿಪುರ ವೇಲೀನ್ ರಾಣಿಗೆ ದೂರು ನೀಡಲು ಹೋದಾಗೆ ಅವರು ದೂರು ಸ್ವೀಕರಿಸಲಿಲ್ಲ. ನಂತರ ನಾವು ಕಾಸನ ಜಿಲ್ಲಾದಿಕಾರಿಗೂ ದೂರು ಹೊಟ್ಟಿವು ನಮಗೆ ನ್ಯಾಯ ಸಿಗಲಿಲ್ಲ. ಅಧಿಕಾರಿಗಳು ನೀವು ಹೋಗಿ ಹೆಚ್.ಡಿ.ರೇವಣ್ಣ ಕಾಗೂ ಭವಾನಿಯವರ ಕಾಲಿಗೆ ಬಿಧ್ಯು ತ್ವರ್ಮೆ ತೇಳಿ ಆಗ ನಿಮ್ಮ ಸಮಸ್ಯೆಗೆ ಪರಿಹಾರ ನೀಗುತ್ತದೆ ಎಂದು ಹೇಳಿದರು.

ಇತ್ತೀಚೆಗೆ ಕಾಸನ ಜಿಲ್ಲೆಯಾದ್ಯಂತ ಪ್ರಷ್ಟಲ್ ರೇವಣ್ಣ ಅವರ ನಡೆಸಿದ್ದಾರೆ ಎನ್ನಲಾದ ಲೈಂಗಿಕ ದಾಜಿನ್ನು ದ ವಿಡಿಯೋಗಳ ವಾಟ್ಸ್ ಅಪನೆಲ್ಲಿ ಹರಿದಾದಿದ್ದು, ನನಗೂ ತೂಡ ತೆಲವು ವಿಡಿಯೋಗಳ ಬಂದಿರುತ್ತವೆ. ಅದರಲ್ಲಿ ಒಬ್ಬ ಮಹಿಳೆಯ ನಸ್ಸೊಂದಿಗೆ ಬಂಸುರಾಯವಚ್ಚಣ ರಸ್ತೆಯಲ್ಲಿರುವ ಅವರ ಗಸ್ಟಿಕದ ಗ್ರಾಹಿದ ತೊಣಿದ ಮನೆಯಲ್ಲಿ ತೆಲನ ಮಾಡಿಕೊಂಡಿದ್ದರು. ಆ ಮಹಿಳೆಯೊಂದಿಗೂ ಪ್ರಷ್ಟಲ್ ರೇವಣ್ಣ ಲೈಂಗಿಕ ದಾಜಿನ್ನು ನಡೆಸಿರುವ ವಿಡಿಯೋ ನೋಡಿ ನನಗೆ ಭಯ, ಆತಂಕ ಕಾಗೂ ಆಧಾತವಾಯಿತು. ಆ ಮಹಿಳೆಯ ವಿಡಿಯೋ ನೋಡಿ ನನ್ನ ಮನೆಯಲ್ಲಿ ಗಂಡ ಆತಂಕಕ್ಕೆ ಒಳಗಾಗಿ ನನ್ನ ಶೀಲವನ್ನು ತಂತಿಸುತ್ತಿದ್ದು, ನಿನ್ನ ವಿಡಿಯೋ ಆಚೆಗೆ ಬಂದರೆ

నమ్మ గతియేను? నీను తండ వ్రష్టుల్ రేవణ్ణింద దౌజన్యక్కే ఒళగాగిద్దియు ఇత్తుదియాగి వ్రష్టిస్తుట్టు, ఇదరింద ననగే మానసికవాగి కింసెయాగుత్తిదే. నాను అంధా కెలన మాడిల్ల, ఎందు నన్న పతెగే కేళుత్తలే ఇద్దేనే. ఆద్య అవరిగే సంశయ కాగెయే ఇదే. వ్రష్టుల్ రేవణ్ణ అవరింద కలవాయ మహిళులు మేలే నడేద ల్యాంపిక దౌజన్యగళు బగ్గె పెదర్ టిపి స్టువాహిని కాయికుము ప్రసారపాగిద్దన్న నోటి ననగాద అన్నాయి, దౌజన మత్తు నన్మోందిగే కెలన మాదికోండిద్ద మహిళులు అనుభవిస్తుటిరువ మానసిక కింసె కాగు కిరుకుళక్కే రానునాత్తుక పరికార పడెయలు ధ్వయ్ మాదికోండు స్టువాహినిగే బంధు కేళికే నీడిదే. కెచ్.డి.రేవణ్ణ, వ్రష్టుల్ రేవణ్ణ అవరింద ఆగియవ ల్యాంపిక దౌజన్య, కిరుకుళ, మానసిక కింసె సంబంధ స్టుజ్చెమీంద దూరస్న నీడుత్తిద్దేనే. నాను మానసికవాగి బకథ సోందియవుదరింద మత్తు నమగే జీవ భయ ఇయవుదరింద దయమాది సూతక భద్రతే కల్గిసి కాగు ననగే మత్తు నన్న మగళిగే నమ్మ ఇణ్ణిగే వియధవాగి ల్యాంపిక దౌజన్యవేసిగిద కెచ్.డి.రేవణ్ణ, మత్తు వ్రష్టుల్ రేవణ్ణ వియధ సూతక రానును తుమ కృగొట్టువంతే, నాను బింగళినల్లి నన్న పరిజయిస్తర జీతే ఇష్టకోండు అవర సకాయిదింద ఈ గణితేక్కతే దూరస్న తయారిస్తుట్ట, నాను ఖుద్ద రాణిగే కాజరాగి దూరస్న నీడలు జీవ భయ ఇయవుదరింద నన్న పెరిచయిస్తారింద కానన జిల్లా పేలినెరిగే కరే మాడిసి నిమ్మగళస్న బింగళినిగే కరేసికోండు, ముందిన తుమక్కుగి మనవి మాదికోళ్ళక్కిద్దేనే. కాగు నాను ఇయవ స్టుళద గౌఘృతే కాపాడలు కోరిదే.

## ଧନ୍ୟବାଦଗଛୋଠିଗେ

ನ್ನಳಿ: ಬೆಂಗಳೂರು

ଦିନାଂକ: 28-04-2024

ತಮ್ಮ ವಿಶ್ವಾಸಿ,  
Sd/-

H.S. ಶೋಭಾ

## ನರಸಿಂಹನಾಯಕ ನಗರ

17ನೇ ವಾರ್ಡ್

ಹೊಂಗನರಸೀಷ್ಟರ ಕಾಸನ ಜಿಲ್ಲೆ "

3. On the date of filing of the complaint, the petitioner was a Member of Legislative Assembly from Holenarasipura Constituency and his son was a Member of Parliament from Hassan Constituency.

4. The allegations made against the petitioner herein in the complaint is that, the complainant was a distant relative of the petitioner and was working as a maid/cook in his house and at that time, she was subjected to sexual harassment by the petitioner as well as his son.

5. The specific allegations of sexual harassment against the petitioner mentioned in the complaint reads as follows:

- '1. When she used to go to the storeroom, he used to hold her hand and pull her;
- 2. In the guise of giving fruits, he used to touch her body;
- 3. He used to remove her saree pin and subject her to sexual harassment.'

6. It is further alleged in the complaint that she was threatened by other employees of the house that if she dared to complain against the petitioner or his other family members, it would be met with dire consequences. However, unable to bear the harassment, complainant left the job in the house of the petitioner about four years prior to filing of the complaint. Angered by which, petitioner using his influence with the help of Police got the complainant thrown out of her house which was granted to her under the Ashraya Scheme and had it demolished. When the complainant tried to give a complaint in the Police Station thereafter, the Police/Deputy Commissioner refused to receive the same and instead they suggested that she should go and fall at the feet of the petitioner and his wife and beg for mercy. On account of the alleged threat that the complainant was subjected to, she was not dare enough to lodge a complaint, but recently when complaints were lodged against the son of the petitioner by other persons and

proceedings were initiated against him, complainant-respondent no.2 took courage and lodged a complaint against the petitioner and his son. It is further alleged that the life threat continues and she has also requested for suitable protection. Further, the complaint is lodged in a secret place at Bengaluru.

7. After receipt of the complaint, respondent no.1-Police have registered a FIR in Crime No.107/2024 in the Court of the Principal Civil Judge (Jr.Dn.) and JMFC, Holenarasipura, Hassan District for the offences punishable under Sections 354A, 354D, 506 and 509 of the Indian Penal Code, 1860 (for short 'IPC').

8. Aggrieved by the same, the petitioner has preferred the present criminal petition on 27.05.2024.

9. The case of the petitioner is that, the allegations in the complaint even if presumed to be true, do not constitute an offence as alleged in the FIR.

Even otherwise, it is submitted that in the light of Section 468 of Cr.P.C., cognizance of the alleged offences cannot be taken, as the complaint has been lodged after a lapse of three years, the limitation which is prescribed under Section 468 of Cr.P.C. for the offence punishable with an imprisonment of three years and below. On the said ground, it is prayed that FIR be quashed.

10. However, during the pendency of the proceedings, a police report under Section 173 of Cr.P.C. (charge sheet) came to be filed against the petitioner herein and it reads as under:

"1 ನೇ ಆರೋಡಿ ಹೆಚ್.ಡಿ ರೇವಣ್ಣ ರವರ ಮೇಲಿನ ದೋಷಾರೋಪಣಿ:

ಈ ನ್ಯಾಯಾಲಯದ ವ್ಯಾತೀಯಲ್ಲಿ ಬರುವ ಕಾಸನ್ ಜಿಲ್ಲೆಯ ಹೆಚ್ನರಸೀಪುರ ವಿಧಾನಸಭಾ ದೇಶದ 2018 ರಿಂದ ಇಲ್ಲಿಯವರ್ಗೂ ಕಾಲಿ ಶಾಸಕರಾಗಿರುವ ದೋಷಾರೋಪಣಿ ಪತ್ರ ಕಾಲಂ ನಂಬರ: 12 ರಲ್ಲಿ ನಮೂದಿಸಿದ 1 ನೇ ಆರೋಡಿ ಹೆಚ್.ಡಿ ರೇವಣ್ಣ ಬಿನ್ ಹೆಚ್.ಡಿ ದೇವಗೌಡ ಇವರು, ಹೆಚ್ನರಸೀಪುರದಲ್ಲಿ ಇರುವ ತಮ್ಮ ಚೆನ್ನಾಂಬಿಕಾ ನೀಲಯ-ಶ್ರೀ ಲಕ್ಷ್ಮೀ ನರಸಿಂಹ ಸ್ಥಾಮಿ ಅನುಗ್ರಹ ಕೆಸರಿನ ವಾಸದ ಮನೆಯಲ್ಲಿ, ತಮ್ಮ ಮತ್ತು ತಮ್ಮ ಪತ್ನಿ ಶ್ರೀಮತಿ ಭವಾನಿ ರೇವಣ್ಣ ರವರ ಶಿವಾರಸ್ಸಿನ ಮೇರೆಗೆ ಹೆಚ್ನರಸೀಪುರದ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಮೆಟ್ರಿಕ್ ನಂತರದ ಬಾಲಕಿಯರ ವಿಧ್ಯಾಧಿನೀಲಯದಲ್ಲಿ ಗುತ್ತಿಗೆ ಆಧಾರದಲ್ಲಿ ಅಡಗೆ ಕೆಲಸಕ್ಕೆ ಸಹಾಯಕರಾಗಿ

ನೇಮಿನಲ್ಲಿಟ್ಟಂತಹ ದೋಷಾರೋಪಣ ಪತ್ರ ಕಾಲಂ ನಂಬರ್: 14 ರಲ್ಲಿ ನಮೂದಿಸಿದ ಸಂತುಷ್ಟ ಮಹಿಳೆ ಸಾಫ್ಟ್-1 ರವರು ಕಾಸ್ಟೇಲ್‌ನಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ್ರಿ ತಮ್ಮ ಮನೆಯಲ್ಲಿ 2019 ರಿಂದ 2022 ರ ಹರೆಗೆ ಮನೆ ಕೆಲಸಕ್ಕೆ ಬಳಸಿಕೊಳ್ಳಲಾಗುತ್ತಿದ್ದು, ಅವರನ್ನು 2020 ರಲ್ಲಿ, 1 ನೇ ಆರೋಡಿಯವರು ತಮ್ಮ ಮನೆಯಲ್ಲಿ ಅವರ ಕೆಂಡತಿಯಾದ ಶ್ರೀಮತಿ ಭವಾನಿ ರೇವಣ್ಣ ರವರು ಮನೆಯಲ್ಲಿ ಇಲ್ಲದೇ ಇರುವ ಸಮಯ ನೊಡಿಕೊಂಡು, ಮನೆ ಕೆಲಸ ಮಾಡುವಾಗ ಸಂತುಷ್ಟ ಮಹಿಳೆ ಸಾಫ್ಟ್-1 ರವರನ್ನು ತಮ್ಮ ಕೊರಡಿಗೆ ಬಾರಮ್ಮ ಏಕೆ ಕೆಳಗೆ ಹೋಗುತ್ತಿರುತ್ತಾ, ನಾನೇನು ಮಾಡಲ್ಪೂ ಬಾ ಎಂದು ಆಗಾಗ ಕರೆಯಿತ್ತಿದ್ದದ್ಲದೇ, ಸಾಫ್ಟ್-3 ಸಾಫ್ಟ್-4 ಹಾಗೂ ಇತರೆ ಕೆಲಸದವರಿಗೆ ಹಣ್ಣ ಕೊಡುವ ನೆವಡಲ್ಲಿ ಅವರ ಹೊಳೆನರಸೀಪುರದ ವಾಸದ ಮನೆಯ ವೇದಲನೇಯ ಮಹಡಿಯಲ್ಲಿದ್ದ ಮನೆಯೊಳಗಿನ ಸ್ಥಾರ ರಾಮಿಗೆ ಕರೆಸಿಕೊಂಡು, ಒಬ್ಬೊಬ್ಬರಿಗೂ ಹಣ್ಣ ಹೆಚ್ಚು ರಾಮಿನಿಂದ ಹೊರಗಡೆ ಕೆಳಹಿಸುತ್ತಾ, ಸಂತುಷ್ಟ ಮಹಿಳೆ ಸಾಫ್ಟ್-1 ರವರಿಗೆ ಲ್ಯಾಂಗಿಕ ಕಿರುತುಳ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಅವರಿಗೆ ಯಾವಾಗಲೂ ಕೊನೆಯಲ್ಲಿ ಹಣ್ಣ ಕೊಡಲೆಂದು ಇರಿಸಿಕೊಂಡು, ಇತರೇ ಕೆಲಸಗಾರರೂ ಹಣ್ಣ ಪಡೆದುಕೊಂಡು ರಾಮಿನಿಂದ ಹೊರಗೆ ಹೋದ ನಂತರ ಸಂತುಷ್ಟ ಮಹಿಳೆ ಸಾಫ್ಟ್-1 ರವರ ಇಚ್ಛೆಯ ವಿರುದ್ಧವಾಗಿ ರೈ ಹಿಡಿಯ ಎಳೆದು, ಅವರ ಮೈ ರೈ ಯನ್ನು ಮುಟ್ಟಿ, ಹತ್ತಿರಕ್ಕೆ ಎಳೆದುಕೊಂಡು ಲ್ಯಾಂಗಿಕ ಕಿರುತುಳ ನೀಡಿ ರೈತ್ತು ಎಸಿಗಿರುವ ಬಗ್ಗೆ ತಸಿಹಿಂದ ಸಾಬಿತಾಗಿದ್ದರಿಂದ ಕಲಂ: 354, 354(A) ಬಿ.ಹಿ.ಸಿ ರೇತ್ತೆ ದೋಷಾರೋಪಣ ಪಟ್ಟಿ ಸಲ್ಲಿಸಿದೆ."

11. As can be seen from the charge sheet, the petitioner has been accused of committing the offences punishable under Sections 354 and 354A of IPC.

12. Prof. Ravi Varma Kumar, learned Senior Counsel along with Sri. B.N.Jagadeesha, learned Additional SPP appearing for respondent no.1-State has

raised the preliminary objection contending that the criminal petition becomes infructuous in the light of the police report having been filed and cognizance having been taken by the trial Court in respect of the offences alleged against the petitioner herein as both of them have not been challenged in the instant criminal petition and what is challenged is only the FIR. It is further submitted that the complaint is a composite complaint, wherein, the allegations of sexual harassment and threat to life have been made against both the petitioner and his son and in respect of other accused (son of the petitioner) cognizance has been taken, police report has been filed for the offences punishable under Sections 201, 376, 376(2)(k), 354, 354A, 354B, 354D, 506, 509 IPC and Section 66E of the Information Technology Act, 2000 and the trial has already commenced.

13. Per contra, learned Senior Counsel for the petitioner submits that the petition was preferred

before this Court, before filing of the police report by the State and it is submitted that it does not require any amendment and if the petitioner is able to show that there is no *prima facie* case made out from the complaint, FIR and the police report or if the petitioner is able to show that taking cognizance by the Court of the offences alleged is prohibited under law, the petitioner would be entitled to the relief prayed for.

14. Reliance is placed on the judgment of the Hon'ble Apex Court in the case of ***Anand Kumar Mohatta and Another vs. State (NCT of Delhi), Department of Home and Another*** reported in ***(2019) 11 SCC 706***, wherein, paragraphs 14, 15 and 16 read as under:

***"14. First, we would like to deal with the submission of the learned Senior Counsel for Respondent 2 that once the charge-sheet is filed, petition for quashing of FIR is untenable. We do not see any merit in this submission, keeping in mind the position of this Court in Joseph Salvaraj A. v. State of Gujarat. In Joseph Salvaraj A, this Court while deciding the question whether the High Court could***

*entertain the Section 482 petition for quashing of FIR, when the charge-sheet was filed by the police during the pendency of the Section 482 petition, observed : (SCC p. 63, para 16)*

*"16. Thus, from the general conspectus of the various sections under which the appellant is being charged and is to be prosecuted would show that the same are not made out even prima facie from the complainant's FIR. Even if the charge-sheet had been filed, the learned Single Judge could have still examined whether the offences alleged to have been committed by the appellant were prima facie made out from the complainant's FIR, charge-sheet, documents, etc. or not."*

**15.** Even otherwise it must be remembered that the provision invoked by the accused before the High Court is Section 482 CrPC and that this Court is hearing an appeal from an order under Section 482 CrPC. Section 482 CrPC reads as follows:

**"482. Saving of inherent powers of the High Court.—**Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice."

**16.** *There is nothing in the words of this section which restricts the exercise of the power of the Court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It is settled principle of law that the High Court can exercise jurisdiction under Section 482 CrPC even when the discharge application is pending with the trial court. Indeed, it would be a travesty to hold that proceedings initiated against a person can be interfered with at the stage of FIR but not if it has advanced and the allegations have materialised into a charge-sheet. On the contrary it could be said that the abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge-sheet after investigation. The power is undoubtedly conferred to prevent abuse of process of power of any court."*

15. Thus, for the reasons assigned to by the Apex Court in the aforementioned judgment, in my opinion, the petitioner can maintain the criminal petition even if the police report is filed subsequent to filing of the FIR.

16. As per the police report, which is filed after the investigation, it is alleged against the petitioner that when his wife was not there in the house, he used

to call the complainant to his room and used to say 'why are you going down, come here, I will not do anything to you'. He used to get her and other workers to the storeroom and he used to give other workers the fruits and used to send them out and at the end, he used to hold the hand of the complainant, pull her and he used to touch her body and used to harass her sexually. On the said grounds, the petitioner has been charged with the offences under Sections 354 and 354A of IPC. The offences under Sections 354D, 506 and 509 of IPC are given up.

17. It is the contention of the petitioner that the difference in the police report and the complaint against the petitioner herein is not based upon any material collected during investigation, but is a minor alteration of the statement of the complainant in order to harass the petitioner herein, as the complaint against him is politically motivated due to the animosity with the present ruling establishment holds against him

and under the circumstances, to decide the case on hand, the averment in the complaint alone will have to be considered. It is contended that a little change in the version of the complainant has been incorporated in the police report so as to attract the provision of Section 354 of IPC, wherein the punishment prescribed is imprisonment for a period upto five years, so that the delay in filing of the complaint is saved. However, it is further submitted that even otherwise, based on the complaint given by the complainant, no FIR could have been registered against the petitioner herein, as the contents of the complaint do not allege commission of an offence by the petitioner which warrants imprisonment beyond three years and the complaint is hit by law of limitation as contemplated under Section 468 of Cr.P.C. It is submitted that when the police could not have registered the complaint, question of taking up the case for investigation against the petitioner herein does not arise.

18. Per contra, the learned Senior Counsel for the State submits that what is prescribed under Section 468 of Cr.P.C. is a bar to taking cognizance of certain offences after the lapse of the period of limitation and not registering the FIR. It is also submitted that Section 473 of Cr.P.C. provides for extension of the period of limitation in certain cases. It is submitted that even if the argument of the petitioner were to be accepted that the allegations made in the complaint do not attract punishment of imprisonment beyond three years, the investigation reveals that the petitioner has committed an offence under Section 354 of IPC for which the imprisonment can be upto five years and even otherwise, this is a fit case for condoning the limitation as per Section 473 of Cr.P.C and it is submitted that the trial court has not committed any error in taking cognizance against accused No.1/petitioner for the offences alleged. On the said grounds, it is prayed that the criminal petition be dismissed.

19. A bare reading of the complaint and the police report and the materials produced disclose that the major offences alleged are against accused No.2, the son of the petitioner herein. In respect of accused No.1, the version of the complainant is slightly varied and incorporated in the police report from what she had given earlier in the complaint. The difference in language has attracted the provisions of Section 354 of IPC.

20. Section 354A of IPC reads as under:

**"354A. Sexual harassment and punishment for sexual harassment.-(1) A man committing any of the following acts-**

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

*shall be guilty of the offence of sexual harassment.*

*(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.*

*(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."*

21. Section 354 of IPC reads as under:

**"354. Assault or criminal force to woman with intent to outrage her modesty.**—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine."

22. Perusal of the police report along with the materials produced reveals that the petitioner is primarily charged on the allegations made by the complainant and not from any independent witnesses. Under the given peculiar facts and circumstances of the case, I am of the opinion that the petitioner is required

to be charged with the offences made out as per the version in the complaint rather than the charge laid out against the petitioner in the police report. The allegation in the complaint against the petitioner attracts the provision of 354A of IPC and not Section 354 of IPC.

23. As the punishment prescribed under Section 354A of IPC is three (03) years and below, the question that arises for consideration in the instant petition is:

*Whether the police could have registered the FIR after a lapse of three (03) years and could have taken up the matter for investigation?*

24. Section 468 of Cr.P.C reads as under:

**"468. Bar to taking cognizance after lapse of the period of limitation.—(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.**

(2) *The period of limitation shall be—*

- (a) *six months, if the offence is punishable with fine only;*
- (b) *one year, if the offence is punishable with imprisonment for a term not exceeding one year;*
- (c) *three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.*

(3) *For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment."*

25. Section 469 of Cr.P.C reads as under:

**"469. Commencement of the period of limitation.—(1) The period of limitation, in relation to an offender, shall commence,—**

- (a) *on the date of the offence; or*
- (b) *where the commission of the offence was not known to the person aggrieved by the offence or to any police officer, the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or*

*(c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*

*(2) In computing the said period, the day from which such period is to be computed shall be excluded."*

26. Section 473 of Cr.P.C reads as under:

***"473. Extension of period of limitation in certain cases.—***

*Notwithstanding anything contained in the foregoing provisions of this Chapter, any Court may make cognizance of an offence after the expiry of the period of limitations, if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary so to do in the interests of justice."*

27. A bare perusal of the aforementioned sections reveal that what is barred is taking cognizance of an offence after the period of limitation as defined in Section 468 of Cr.P.C., subject to condonation of the same as per Section 473 of Cr.P.C. No where it is

stated that if a complaint is presented to the police and based on the contents of the complaint, if the police are of the opinion that the accused can be charged only with the offence punishable for three (03) years or below, then they cannot register the FIR.

28. The petitioner in the course of the arguments has relied upon the following judgments:

1. Cheminova India Ltd. v. State of Punjab [(2021)8 SCC 818]
2. Bharat Damodar Kale v. State of A.P. [(2003)8 SCC 559]
3. Mohammad Wajid v. State of U.P. [2023 SCC Online SC 951]
4. Karan Menon v. State of Karnataka [Order dated 29.06.2022 passed in Crl.P.No.9334/2018]
5. Imran Siddiqui v. State of Karnataka [Order dated 26.07.2022 passed in W.P.Nos.10023/2022 c/w 10029/2022]
6. Sharif Ahmed v. State of Uttar Pradesh [2024(4) Supreme 224]
7. B.Durga Ram v. The State & another [Order dated 02.06.2022 passed in Crl.P.No.2072/2017]

8. State of Punjab v. Sarwan Singh [(1981)3 SCC 34]

29. Respondent No.1 has relied upon the following judgment:

1. Sarah Mathew v. Institute of Cardio Vascular Diseases by its Director Dr. K.M.Cherian and Others [(2014)2 SCC 62]

30. The case of the petitioner is that based on the ratio of the aforementioned judgments, the police could not have registered the FIR itself by virtue of the provision of Section 468 of Cr.P.C.

31. However, the learned counsel for the petitioner has failed to show, from the aforementioned judgments, how a FIR could not have been registered by the Police by virtue of Section 468 of Cr.P.C. As already mentioned above, Section 468 of Cr.P.C. provides for bar to taking cognizance after lapse of the period of limitation. Cognizance is taken by the Courts and not by the Police. Before taking cognizance, the

Court is required to apply its mind taking into consideration the offences alleged and if the offences alleged are less than three years and below, as on the date of the complainant making the complaint, the Court by virtue of Section 468 of Cr.P.C. cannot take cognizance of the same, however subject to condonation of the delay in accordance with Section 473 of Cr.P.C.

32. In the instant case, the petitioner has been charged with the offences under Sections 354 and 354A of IPC. As the offence under Section 354 of IPC attracts a punishment upto five years, the trial court has taken cognizance of the same without examining the fact that the complaint was lodged after a lapse of more than four years.

33. However, reading of the complaint as a whole, I am of the opinion, even if the allegations are held to be true, it discloses an offence to have been committed by the petitioner herein under Section 354A

of IPC and not Section 354 of IPC as he is charged in the police report, as reading of the complaint in entirety, one cannot attribute intent to outrage the modesty of a woman as against the petitioner, which is required to fulfill the conditions as contemplated in Section 354 of IPC. However, it satisfies the requirement of sexual harassment as contemplated under Section 354A of IPC.

34. As the maximum punishment prescribed under Section 354A of IPC is for a period of three years, it is essential to consider whether it is a fit case to extend the period of limitation or not as per Section 473 of Cr.P.C.

35. The criminal petition is filed for quashing the FIR and not for setting aside the cognizance taken by the trial court. However, in the course of the arguments, it is submitted that cognizance was taken on 09.09.2024 by the XLII Additional Chief Judicial Magistrate, Bengaluru City, and the case has been

numbered as C.C.No.29064/2024. As there was an offence alleged punishable under Section 354 of IPC, the trial court has not considered the question of delay. Now, as this Court is of the opinion that the allegations made in the complaint attract the provision of Section 354A of IPC and not Section 354 of IPC, I am of the opinion that it is a fit case to remand the matter back to the trial court to consider afresh as to whether it is a fit case for condonation of delay or not and pass appropriate orders thereafter in respect of taking cognizance of the offence alleged against the petitioner under Section 354A of IPC.

36. Hence, the following:

**ORDER**

- (i) The criminal petition is partly allowed;
- (ii) The order passed by XLII Additional Chief Judicial Magistrate, Bengaluru City, taking cognizance of the offence alleged against the petitioner under Section 354 of IPC is hereby set aside;

(iii) The matter stands remanded back to the trial court to consider whether it is a fit case to condone the delay and pass appropriate orders thereafter in respect of the offence alleged against the petitioner under Section 354A of IPC.

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

hkh./PGG/CH