

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

WRIT PETITION NO.21462 OF 2021 (GM-RES)
CONNETED WITH
CRIMINAL PETITION NO.774 OF 2021

IN WRIT PETITION NO.21462 OF 2021

BETWEEN

SRI BHEEMASHANKAR S GULED
S/O. LATE SHAMARAO,
R/AT NO. 23, PARVATHI NILAYA,
2ND MAIN ROAD, MSH LAYOUT,
1ST STAGE, ANAND NAGAR,
RT NAGAR POST,
BENGALURU

PRESENTLY R/AT NO. A1,
NEW PWD APARTMENT,
8TH MAIN, 1ST CROSS,
VASANTH NAGAR,
BANGALORE - 560 052

... PETITIONER

(BY SRI T SESHAGIRI RAO, ADVOCATE)

AND

SRI SURESH P
S/O. PUTTASWAMY,
R/O. APT 303, BLOCK-B,
TEAM ROYAL APARTMENT,
VR LAYOUT, 1ST MAIN,
1ST CROSS, 6TH BLOCK,

KORAMANGALA,
BENGALURU - 560 095

... RESPONDENT

(BY SRI NATARAJ G., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE, PRAYING TO QUASH OF THE IMPUGNED ORDER DATED 01.09.2021 ONE PASSED BY THE 1ST ADDL., CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN PCR NO.9579/2018 PRESENTLY HAVING CC.NO.22845/2021 FOUND AT ANNEXURE-A TO THE WRIT PETITION AND DISMISS THE PRIVATE COMPLAINT MADE BY THE RESPONDENT HEREIN BEFORE THE 1ST ADDL. CHIEF METROPOLITAN MAGISTRATE, BENGALURU IN PCR NO.9579/2018 FOUND AT ANNEXURE-B TO THE WRIT PETITION.

IN CRIMINAL PETITION NO. 774 OF 2021

BETWEEN

BHEEMASHANKAR S GULED
AGED ABOUT 34 YEARS,
S/O SRI SHAMARAO,
R/AT FLAT NO.A1,
GROUP A OFFICERS APARTMENT,
VASANTH NAGAR, 1ST CROSS,
PALACE LOOP ROAD,
BENGALURU - 560 051

PRESENT OCCUPATION,
SUPERINTENDENT OF POLICE,
CRIMINAL INVESTIGATION DEPARTMENT,
CARLTON HOUSE, PALACE ROAD,
BENGALURU

... PETITIONER

(BY SRI VIKRAM HUILGOL, SENIOR COUNSEL
FOR SRI GIRISHA T.R., ADVOCATE FOR
SRI PRINCE ISAC, ADVOCATE)

AND

SURESH P
 AGED ABOUT 42 YEARS,
 S/O LATE SRI PUTTASWAMY,
 R/AT FLAT B 303 B BLOCK,
 TEAM ROYAL APARTMENT,
 V R LAYOUT, IST MAIN,
 IST CROSS, 6TH BLOCK,
 KORAMANGALA,
 BENGALURU - 560 095

... RESPONDENT

(BY SRI G. NATARAJ, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO i. SET ASIDE THE COMPLAINT IN PCR NO.41/2020 PENDING ON THE FILE OF ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT (CCH-24), BENGALURU CITY. ii. SET ASIDE THE IMPUGNED ORDER DATED 30.09.2020 PASSED IN PCR NO.41/2020 PENDING ON THE FILE OF ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE FOR PREVENTION OF CORRUPTION ACT (CCH-24), BENGALURU CITY.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27.03.2023 THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

W.P.No.21462/2021 is filed by the petitioner-accused under Articles 226 and 227 of the Constitution of India read with Section 482 of Cr.P.C. for quashing the criminal proceedings in C.C.No.22845/2021 based on the

PCR No.9579/2018, taking cognizance and issuing process for the offences punishable under Sections 354A, 506, 201 of IPC and Section 67(A) of the Information Technology Act, 2000 (for short 'I.T. Act').

2. Crl.P.No.774/2021 is filed by the same petitioner who is accused No.1 in another P.C.R.No.41/2020, pending on the file of the XXIII Additional City Civil and Sessions Judge and Special Judge for Prevention of Corruption Act, Bengaluru for having taken cognizance for the offences punishable under Sections 7, 11, 12, 13(1)(a) and (b) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short 'P.C. Act') and Sections 3, 4 and 5 of the Prevention of Money Laundering Act, 2002 (for short 'PML Act') and Sections 3 and 5 of the Benami Transactions (Prohibition) Act, 1988 read with Sections 120B, 201 and 34 of IPC.

3. Heard the arguments of learned counsel for the petitioner and learned counsel for the respondent.

4. The learned counsel for the petitioner has contended that the order of the Magistrate for taking cognizance for the alleged offences punishable under Sections 354A, 506, 201 of IPC and Section 67(A) of the I.T. Act not attracted. The complainant had intentionally filed a false complaint against the petitioner who is the Police Officer and contended that the respondent said to be approached the jurisdictional police, thereafter, the police registered NCR case and the police have summoned the wife of the respondent No.2 where she has denied the allegations made in the complaint. But by suppressing the same, he has filed the private complaint for taking cognizance. It is further alleged that the accused was working as a Superintendent of Police at Davanagere. He and his family members have visited a photo studio established by the wife of the complainant at Davanagere and to avail the service of the studio for the birthday party of children of the accused, the wife of the complainant said to be developed the relationship and also turned into physical relationship. The accused taken the consent of

the wife of the complainant to have illicit relationship by the act of threat and coercion and he had taken nude videos and photographs using the technology. One Roopa who is the wife of the complainant has filed a complaint against her husband for dowry harassment and attempt to kill her which was registered in Crime No.109/2018 where she has stated against the complainant for harassment in her statement under Section 164 of Cr.P.C.. It is further alleged that the complainant's wife Roopa also filed petition before the Family Court for divorce. The complainant also filed written statement, he has sought divorce as a counter claim. The respondent also filed a civil suit against his wife in O.S.No.308/2019. The allegation against the petitioner and the wife of the complainant is one and the same. The sworn statement of PW.2 in PCR No.9579/2018 has been recorded. But the same complainant filed one more complaint against his own wife and this petitioner. Absolutely, there is no material to attract Sections 354C, 506, 201 of IPC apart from Section 67A of the I.T. Act. Therefore, taking

cognizance by the learned Magistrate is illegal and not in accordance with law. Therefore, prayed for quashing the criminal proceedings.

5. The learned counsel further contended that for taking the obscene video and photos and forwarding the same, there must be ingredient to attract Section 354C of IPC and the same was not done by the accused. In fact, the complainant himself had seen the photographs in the mobile phone of his wife and he got it transferred the same. Therefore, the alleged offence would attract against him, but not against this petitioner. He also contended that there is no document to show that the complainant approached the police for filling complaint which was refused. Thereafter, there is no document to show that he has approached the Higher Officer and thereafter filed the private complaint. It is also contended that though the complainant also alleged the offence punishable under Sections 376 and 497 of IPC apart from Sections 406 and 420 of IPC, but the learned Magistrate took the cognizance

only for Section 354C of IPC and other offences which is also not sustainable. Hence, prayed for quashing the same.

6. *Per contra*, learned counsel for the respondent had objected the petition and contended that there was illicit intimacy between accused No.1-this petitioner and the wife of the complainant. The petitioner took the nude photos and videographs of his wife and threatened him to upload the same to the public website. The act of the accused using electronic facilities which is making trafficking of illegal and off seen pictures of the woman attracts Section 67A of the I.T. Act. He has threatened the complainant which attracts Section 506 of IPC. He has threatened the complainant to delete the videos which attracts Section 201 of IPC. Therefore, prayed for dismissing the petition and contended that the petitioner required to face the trial.

7. In CrI.P.774/2021, the petitioner is shown as accused No.1 and the wife of the complainant is shown as

accused No.2 where he has filed a private complaint which was registered in PCR No.41/2020 where it is alleged that the petitioner who is the IPS Officer working in Bengaluru as DCP and he was Probationary Officer in the year 2012 at Davanagere as Superintendent of Police. Accused No.2 who is the wife of the complainant and there was no children for them for six years and at that time she was in depression. The complainant had Rs.95.00 lakhs money. He established a studio in the name of his wife where the accused No.2 used to look after the affairs of the studio and accused No.3 said to be Assistant General Manager of the KFSC who was sanctioned and disbursed loan of Rs.75.00 lakhs to her at the instance of accused No.1. Accused No.4 who is another Assistant General Manager of KSFC who was initiated loan recovery proceedings in the year 2019-2020 for the loan granted to accused No.2. Accused No.5 who is the proprietor of Unique Pro Studio and Events have been purchased the assets from accused No.2 and changed the name of the studio. He further contended that accused No.1 using the official position has

given his phone number to accused No.2 and they used to have interactions with each other. Then, accused No.1 contacted accused No.2 by mobile phone, discussing regarding photography, album etc. and he came to know that accused No.2 is having no issues. He took her outside in October 2016 and had intercourse with her against her will and consent. Accused No.1 was forcing accused No.2 for sexual affairs and intercourse. Accused No.1 used to take the photographs and videos, started blackmailing accused No.2. On several occasions, accused No.1 had forcible sexual intercourse with accused No.2 in the office of the Superintendent of Police which has been recorded in his mobile phone. The photographs, videos and chats clearly demonstrate that accused No.1 has misused the official power of the post of Superintendent of Police and obtained the sexual gain for himself. It is further alleged that in the year 2017, accused Nos.1 and 2 colluded with other, hatched conspiracy and knocked out the huge loan from KSFC and obtained loan of Rs.50.00 lakhs under the term loan and subsidized interest for woman entrepreneur

and she was a Proprietor of the firm. With the convenience of accused No.1, accused No.3 sanctioned the loan by showing accused No.2 as a partner of the Pro Studio. There was no firm existed. After the sanction, the said huge loan amount as per their will got a plan within four days and accused Nos.1 and 2 have deliberately induced the complainant to join as a partner for 10% profit and loss and made one Kamala who is the sister of the complainant to mortgage her house as a collateral security for the loan and in order to defraud the KSFC, they forged several quotations, GST bills for more than Rs.20.00 lakhs and produced as genuine for sanction of loan of Rs.75.00 lakhs. Accused No.1 entered into MOU on 04.03.2017 with accused No.2 to save 20% of the profit. Accused No.3 colluded with accused Nos.1 and 2 by receiving the bribe, sanctioned the loan. They have misused the power of KSFC who is of a public service. He further alleged that accused No.2 has intentionally not opened an account in the name of the firm, but she has deposited the said loan to the account of the firm where accused Nos.1 to 3 were

planned for the illegal loan transaction. Thereby, accused No.1 misused the official power and transacted with his wife, borrowed the loan and lent the money to the accused No.2 for the firm which amounts to Money Laundering. Based upon the private complaint, the trial Court after receiving the complaint, registered the PCR, took cognizance and posted the matter for recording the sworn statement which is under challenge.

8. Learned counsel for the petitioner in W.P.No.21462/2021 has contended that the provisions of Section 354C of IPC and Sections 506, 201 of IPC will not attract. There is no ingredient for voyeurism has been made out. The petitioner never shared any off seen photographs or pornography to any other person. In fact, it is alleged that the complainant himself transferred the photographs and pornography from the phone belongs to his wife. There was a dispute between the complainant and his wife, she has already filed a case against him under Section 498A of IPC and Sections 3 and 4 of the Dowry

Prohibition Act which is pending. Subsequently, the wife of the complainant also filed a divorce petition against him making allegation against him including cruelty and taking advantage of some photographs, the complainant filed a false complaint against the petitioner who is a Police Officer. The sworn statement recorded by the Magistrate in PCR No.9579/2018, he has made so many allegations including Sections 376, 497 of IPC for having illicit intimacy between the accused No.1 and wife of the complainant, but the same was not considered by the trial Court. However, it is not correct in the part of the trial Court for taking cognizance under Section 354C of IPC. The petitioner is a Police Officer, there is no sanction obtained for prosecuting against him. Absolutely, there is no material for threatening the complainant and destroying the evidence. Therefore, it is also contended that Section 67A of the I.T. Act also not attracted. Hence, prayed for quashing the criminal proceedings.

9. The learned counsel also contended that in CrI.P.No.774/2021, the very same complainant in the earlier case has filed one more PCR against the petitioner in the Special Court alleging that the petitioner was involved in Money Laundering activities by providing fund to the wife of the complainant who is also made as accused No.2. The Special Court cannot take any cognizance against the petitioner under the PML Act as there is a bar for taking cognizance, if the complaint is not filed by the Director or Additional Director of the Enforcement Department in accordance with law. Therefore, taking cognizance by the trial Court under the PML Act is illegal. The complainant also alleged that the petitioner is involved in Benami Transactions Act, but, there is no basis for filing such complaint and taking cognizance. In order to proceed against the petitioner who is a Police Officer and a public servant without obtaining sanction under Section 197 of Cr.P.C. and Section 19 of the P.C. Act, there is no ingredient to attract any offence under the P.C. Act. The allegation against the petitioner is

that he has misused the official position and obtained the loan. The Departmental Enquiry was also initiated against the petitioner where it was not proved and exonerated from the charges. Therefore, criminal proceedings against the petitioner is not sustainable. Hence, prayed for quashing the PCR No.41/2020.

10. *Per contra*, learned counsel for the respondent has contended that the petitioner and the wife of the complainant had illicit intimacy between them. He has taken the nude photos of complaint's wife and threatened to transfer it to the public website. He had intercourse with her and was blackmailing her by keeping the photos and videos which attract Section 354C of IPC and Section 67(A) of the I.T. Act. Therefore, there is material against the petitioner for taking cognizance. Hence, prayed for dismissing the petition in Writ Petition No.21462/2021. In CrI.P.No.774/2021, the learned High Court Government Pleader has contended that the petitioner being the Police Officer by misusing the Official power had intimacy with

the wife of the complainant and provided loan to her. He was involved in PML Act and invested money on some other persons which attracts Benami Transactions Act. Therefore, the Magistrate has rightly took the cognizance. The offence is not in official duty, therefore, sanction is not required. He has filed a complaint to the Koramangala Police and they have not taken the complaint, therefore he was forced to file private complaint. Hence, prayed for dismissing the petitions.

11. Having heard the arguments and on perusal of the records, in PCR No.9579/2018 where the complainant has made allegation for the offences punishable under Sections 376, 354A, 420, 406, 497, 498 of IPC where the trial Court took the cognizance for the offences punishable under Sections 354C, 506 and 201 of IPC and Section 67A of the IT Act. The learned counsel for the petitioner has contended that Section 354C voyeurism do not attract and Section 67(A) of the I.T. Act which is almost Section 354C of the IPC and even Sections 506 and 201 of IPC will not

attract and there is no material to show the petitioner has transferred the nude photographs and uploaded to the public platform. In fact, the respondent himself has got transferred the pornography into his own phone, therefore, the offence against the petitioner not attracted. Before going to the relevant provisions of Section 354C of IPC, it is worth to mention that the background of the case of the respondent where it is stated by him that he is an Engineer, he started a Studio and the petitioner is said to be the IPS Officer worked as Superintendent of Police in Davanagere who came to the Studio for appointing the photographer for the function. Subsequently, the petitioner said to be developed intimacy with the wife of the complainant who is the proprietor of the Studio and later, both of them said to be had sexual intercourse and it is said to be recorded by the petitioner in the mobile phone of the wife of the complainant which was found by the complainant. It is also an admitted fact that there was dispute between the husband and wife and while filing the second complaint, the wife of the complainant one Roopa

already filed a divorce case against the respondent-complainant and also filed an FIR for the offence punishable under Section 498A of IPC and other cases which is pending against the very complainant. On that background, the complainant filed this private complaint alleging that there is a illicit intimacy between the accused and the wife of the complainant and the petitioner is said to be committed rape under Section 376 and an unnatural offence under Sections 497, 498 of IPC. But the trial Court disagreed the contention under Sections 376 and 497 of IPC as the petitioner is major and wife of the complainant is also major and both of them had a sexual intercourse and the wife of the complainant herself videographed the sexual affairs held between them. It cannot be said that the accused recorded the porn video through the mobile phone of the wife of the complainant and also in order to attract Section 354C of IPC where the trial Court taken cognizance and also under Section 201 of IPC where the complainant's wife herself deleted the photographs and videograph which was saved in her mobile phone and

therefore, it cannot be said that the accused destroyed the evidence.

12. That apart, the accused said to be threatened her to delete the pornography also cannot be acceptable as there was a quarrel between the husband and wife in respect of the some nude photos or nude videographs of the accused as well as wife of the respondent No.2 found in the mobile phone of the wife of the complainant. Such being the case, Sections 506 and 201 do not attract. Therefore, it is held that the trial Court took the cognizance without any material evidence against the petitioner for the alleged offence.

13. In order to attract Section 354C of IPC voyeurism and for the convenience, the provisions of Section 354C reads as under:

"354C. Voyeurism - Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being

observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image¹ shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation No.1 - For the purpose of this section, "private act" includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2. - Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such

image or act is disseminated, such dissemination shall be considered an offence under this section."

On careful reading of Explanation 2 which reveals, where the victim consents to capture the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under the provision of Section 354C. Here in this case, there is no allegation that the accused got transferred the photographs into his phone or transferred to any other person, whereas the complainant himself has categorically stated in his complaint that he found the porn video of his wife and the accused in the mobile phone of his wife and he is said to be got it transferred to his mobile phone which amounts to dissemination of the captured images in the phone of the complainant attracts the offence against the complainant. It is not a case where the accused got disseminated the images to third persons, but here the complainant himself got transferred the images from his

wife's mobile phone. Therefore, the offence under Section 354C Voyeurism is not attracted against this petitioner.

14. That apart, a sexual affair between the accused as well as wife of the complainant, both of them were major and such being the case, the question of taking cognizance by the Magistrate under Section 354C of IPC against the petitioner does not attract Section 67(A) of the I.T. Act is nothing but *pari materia* of Section 354C of the IPC. Therefore, the cognizance taken against the petitioner in the W.P.No.21462/2021 arising out of C.C.No.22845/2021 deserves to be set aside.

15. As regards to the CrI.P.No.774/2021, in PCR No.41/2020 where the very complainant has filed the complaint against the petitioner as well as his own wife and other three persons stating that the accused provided loan to his wife and thereafter, involved in Money Laundering Act and started business in the benami name etc. In this regard, the learned Sessions Judge on the private complaint filed by the respondent took the

cognizance and posted the matter for recording the sworn statement which is under challenge, where the allegation against the petitioner was that he has provided loan to accused No.2-wife of the complainant through the State Financial Corporation who are accused Nos.3 to 4 in the complaint as they are the Bank Officials who provided loan to the wife of the complainant for starting of the New Pro Studio and Events in the name of accused No.5-Kumar. The trial Court has stated that there was offence punishable under Sections 7, 11, 12 and 13, 1(a) and (b) and 13(2) of the P.C. Act against the petitioner and bank officials and Sections 3, 4 and 5 of the PML Act, apart from Benami Transactions. The learned counsel for the petitioner has seriously contended that the Assistant Director or Director of the Enforcement Authorities, Enforcement Directorate has to file the complaint under Section 45 of the PML Act and no complaint can be filed by the private persons. Apart from that, the petitioner is public servant. Even for the offence under Section 13(1) of the Corruption Act, a sanction under Section 19 of P.C. Act

and Section 197 of Cr.P.C. required to take the cognizance. Though the learned counsel for the respondent has contended that there is no official duty or discharge of official functions by the petitioner was involved in order to take cognizance but in order to file complaint under Sections 3, 4 and 5 PML Act, the Director of Enforcement Directorate (ED) shall file the complaint but not the defacto-complainant. The learned counsel for the petitioner has relied upon the judgment of the Co-ordinate Bench of this Court in CrI.P.No.9071/2021 dated 12.04.2022 where the Co-ordinate Bench of this Court has held as per Section 45(1) of the Act, the Special Court is barred from taking cognizance except filed a complaint by the Director or any other Officer authorized by the General or Special order by the said Government. Therefore, in view of the judgment of Court under Section 45 of the PML Act, the complaint filed by the respondent person is not maintainable and the trial Court also cannot take cognizance and post the matter for recording the evidence.

16. That apart, the alleged offence is also punishable under Section 13 of the P.C. Act and Benami Transactions Act. That the complaint is invoking the P.C. Act for the purpose of taking cognizance and proceeding against the accused or referring the complaint to the Police under Section 156 (3) of Cr.P.C. A sanction is necessary under Section 19 of the P.C. Act and also under Section 197 of Cr.P.C. Absolutely, there is no such sanction obtained by the complainant for initiating proceedings against the petitioner. That apart, the respondent also not filed any complaint to the Police which was refused by the Police and thereafter, he has approached the Higher Authorities and later has filed a complaint before the Magistrate as per the judgment of the Hon'ble Supreme Court in the case of **PRIYANKA SRIVASTAVA AND ANOTHER VS. STATE OF UTTAR PRADESH AND OTHERS** REPORTED IN **(2015) 6 SCC 287**. But no such attempt was made except mentioning that he has approached the Police and the Police have not registered the complaint. That apart, the Police Higher Authorities

have already made an enquiry against the petitioner and they have stated that there is no such offences committed by the petitioner and the enquiry against him has been dropped.

17. It is also borne out from the records that the very wife of the complainant-Roopu has filed a complaint against the complainant-husband before the Police where the Police have registered the FIR in Crime No.109/2018 on 17.07.2018 for the offence punishable under Sections 498A, 323, 307, 504, 506, 354B of IPC and Sections 66E and 67 of the I.T. Act, the FIR under investigation against the very complainant-husband. That apart, the wife of the complainant i.e., accused No.2-Roopu also filed a divorce petition against him on 28.08.2018 for decree of divorce where the complainant also filed a counter claim seeking the divorce which is also pending before the Court. Such being the case, when the wife of the complainant herself filed a complaint against the very defacto-complainant-R2, question of giving her evidence or statement for the

purpose of taking cognizance in W.P.No.21462/2021 for the offence punishable under Section 354C of IPC does not arise as the private complaint itself filed under Sections 498A and 307 of IPC and also filed a divorce petition. The question of giving a sworn statement by her and brought her to the Court for providing some statement appears to be a threaten by the complainant. Therefore, considering all these aspects, where in one case, the complainant taken the contention that his wife given evidence against the petitioner. In another private complaint, he has filed a complaint to take cognizance against his own wife as well as the petitioner and there was litigation between the husband and wife for divorce as well as under Sections 498A and 307 of IPC which are pending. Therefore, in order to overcome those cases, it appears the respondent has filed a private complaint against the petitioner for the PML Act and other offences including P.C. Act. Therefore, the very cognizance taken by the trial Court against the petitioner without having sanction and without considering the bar under Section 45 of the PML Act, posted the matter

for sworn statement is abuse of process of law and committed illegality or the order under challenge suffers legality. Therefore, both the petitions are liable to be quashed.

18. Accordingly, I proceed to pass following order:

Both the petitions are ***allowed***.

The criminal proceedings against the petitioner in C.C.No.22845/2021 arising out of PCR No.9579/2018 pending on the file of I Additional CMM, Bengaluru and the order of taking cognizance for posting the matter for recording the sworn statement in PCR No.41/2020, pending on the file of the Additional City Civil and Sessions Judge and Special Judge for P.C. Act, Bengaluru are hereby quashed.

**Sd/-
JUDGE**

GBB