



**CRL.P No. 101094 of 2022**

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 21<sup>ST</sup> DAY OF OCTOBER, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**CRIMINAL PETITION NO. 101094 OF 2022 (482-)**

**BETWEEN:**

ASHUTOSH S/O ASHOK NAIK  
AGE: 20 YEARS, OCC: STUDENT,  
R/O VENKATPETH, TQ. BAGALKOT  
DIST. BAGALKOT-587107

...PETITIONER

(BY SRI. K S PATIL, ADVOCATE)

**AND:**

THE STATE OF KARNATAKA  
BY POLICE SUB INSPECTOR  
CEN POLICE STATION, BAGALKOT,  
DIST: BAGALKOT-587107.  
RPTD. BY STATE PUBLIC PROSECUTOR AG OFFICE,  
HIGH COURT OF KARNATAKA BENCH  
AT. DHARWAD-580011.

...RESPONDENT

(BY SRI. V.S.KALASURMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC. 482 OF CR.P.C. SEEKING TO QUASH THE ENTIRE PROCEEDINGS IN BAGALKOT CEN POLICE STATION CRIME NO.07/2021 REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTION 67 B OF INFORMATION AND TECHNOLOGY ACT AND SECTION 15 OF POCSO ACT, PENDING ON THE FILE OF II ADDL. DIST AND SESSIONS JUDGE, BAGALKOT (ANNEXURE-D) AND TO INITIATE APPROPRIATE ACTION AGAINST THE RESPONDENT/IO FOR HAVING ARRESTED AND CONFINING PETITIONER TO JUDICIAL CUSTODY TILL HIS BAIL DATED 18.01.2022 AGAINST THE DIRECTIONS ISSUED BY THE HON BLE SUPREME COURT IN THE CASE OF ARNESH KUMAR Vs. STATE OF BIHAR AND ANOTHER AS REPORTED IN 2014(8) SCC 273.

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





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**ORDER**

FIR was lodged alleging that the petitioner shared a vulgar video with a minor girl on 16.05.2020 via social media by making use of his mobile phone. The FIR was registered for the offences punishable under Section 67B of the Information Technology Act, 2000 and Section 15 of Protection of Children from Sexual Offences Act, 2012. Taking exception to the same this petition has filed.

2. Learned counsel appearing for petitioner submits that the FIR was lodged after the inordinate delay of more than one year from the date of alleged incident without offering any plausible explanation. He further submits that the mobile phone belonging to the petitioner herein seized did not contain incriminating material so as to register the FIR against the petitioner/accused.

3. On the other hand, learned High Court Government Pleader appearing for the State submits that the allegation made in the FIR constitute the commission of the aforesaid offences and at this stage, the allegation made in the FIR requires to be investigated and sought for dismissal of the petition.

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



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5. The alleged incident has taken place on 16.05.2020 and the complaint was lodged on 21.04.2021 without offering any plausible explanation which clearly implies that the FIR was lodged with an ulterior motive to harass the petitioner/accused. Even otherwise, the Police have not proceeded with the investigation since the mobile phone seized from the petitioner/accused did not contain any incriminating material and in the absence of the same, the registration of the FIR for the aforesaid offences is without any substance. Accordingly, I pass the following:

**ORDER**

Criminal petition is allowed.

The impugned first information report in Crime No.07/2021 registered by the Bagalkot CEN Police Station is hereby quashed.

**SD/-  
JUDGE**

AC