



CRL.P No. 9386 of 2021  
C/W  
CRL.P No. 7683 of 2021

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

**DATED THIS THE 02<sup>ND</sup> DAY OF AUGUST, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 9386 OF 2021**

**C/W**

**CRIMINAL PETITION NO. 7683 OF 2021**

**IN CRL.P.NO.9386/2021**

**BETWEEN:**

1. SRI. SHARATH BABU S.L  
S/O LATE LOKESH S G  
AGED ABOUT 31 YEARS  
RESIDING AT NO.1506  
3<sup>RD</sup> CROSS, BEHIND GENERAL HOSPITAL  
TIPTUR 572201, PRESENTING R/AT  
MARUTHINILAYA, NEAR NATIONAL SCHOOL  
YELLAPURA, ARAKERE POST  
KASABAHOBOLI, TUMKUR TALUK  
TUMKUR DISTRICT 572101.

...PETITIONER

((BY SRI. SRIRANGA, SENIOR ADVOCATE FOR  
SRI. VIKYATH B., ADVOCATE))

**AND:**

1. STATE OF KARNATAKA  
BY STATION HOUSE OFFICER  
HULIYAR POLICE STATION  
CHIKKANAYAKANAHALLI TALUK  
TUMKUR DISTRICT 571604





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REP BY STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BENGALURU 560001.

...RESPONDENT

(BY SRI. K.S.ABHIIJITH, HCGP)

CRL.P FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CR.NO.160/2021 ON THE SUO-MOTO COMPLAINT FILED BY K.T.RAMESH, P.S.I., HULIYAR, TUMAKURU DISTRICT FOR AN OFFENCE P/U/S 66(D) OF I.T. ACT AND SECTION 420 OF IPC WHICH IS NOW PENDING ON THE FILE OF ADDITIONAL CIVIL JUDGE (JR.DN.) AND J.M.F.C., CHIKKANAYAKANAHALLI, TUMAKURU DISTRICT.

**IN CRL.P.No.7683/2021:**

**BETWEEN**

LOKESH @ KALASHI,  
S/O.VASUDEV,  
NOW AGED ABOUT 31 YEARS,  
OCC: MEDICAL REPRESENTATIVE,  
NO.222, A.D.COLONY,  
JOGIHALLI,  
CHIKKANAYAKANAHALLI TOWN,  
TUMAKURU DISTRICT – 572 214.

... PETITIONER

[BY SRI. CHANDRASHEKARA K.A., ADVOCATE]

**AND**

1. THE STATE OF KARNATAKA,  
BY THE POLICE OF  
HULIYAR POLICE STATION,



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TUMAKURU DISTRICT – 572 218.  
REPRESENTED BY  
SPP, HIGH COURT OF KARNATAKA,  
BENGALURU – 560 001.

2. RAMESH K.T.,  
FATHER'S NAME NOT KNOWN  
TO THE PETITIONER HEREIN  
MAJOR IN AGE  
SUB INSPECTOR OF POLICE,  
HULIYAR POLICE STATION,  
TUMAKURU DISTRICT – 572 218. ... RESPONDENTS

(BY SRI K.S.ABHIIJITH, HCGP FOR R1:  
R2: SERVED AND UNREPRESENTED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE REGISTRATION OF FIR IN CR.NO.160/2021 OF HULIYAR POLICE STATION, TUMAKURU DISTRICT NOW PENDING ON THE FILE OF THE LEARNED ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, CHIKKANAYAKANAHALLI, TUMAKURU DISTRICT FOR THE OFFENCE P/U/S 420 OF IPC AND SECTION 66-D OF IT ACT, PENDING DISPOSAL OF THE PETITION.

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

### **ORDER**

The petitioners in both these cases are before this Court calling in question proceedings in Crime No.160/2021 registered for the offences punishable under



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Section 420 of IPC and Section 66(D) of the Information Technology Act, 2000 (for short 'the IT Act').

2. The petitioner in Crl.P.No.9386/2021 is accused No.2 and the petitioner in Crl.P.No.7683/2021 is accused No.1 in the said crime.

3. Heard the learned Senior counsel, Sri S. Sriranga and learned counsel, Sri Chandrashekara K. A. appearing for the petitioner in both the cases and learned High Court Government Pleader appearing for the respondent-State.

4. Brief facts leading to the filing of the present petitions, as borne out from the pleadings, are as follows:

A crime is registered in Crime No.71/2021 by one Sri. Lakshmiprasad K against in which none of the petitioners were arrayed as accused initially. Later, it transpires that the petitioner in the companion petition No.7683/2021 is arrayed as accused. After arraigning the



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petitioner as an accused in the said crime, it transpires that the Investigating Officer has allegedly demanded illegal gratification to settle the dispute, in which, the petitioner was arraigned as an accused.

5. Based upon the alleged demand, a friend of the petitioner in Crl.P.No.7683/2021 registered a crime before the Anti Corruption Bureau (for short 'the ACB') in Crime No.8/2021 against the said Investigating Officer contending that he has demanded an amount of Rs.4,00,000/- from the petitioner in Crl.P.No.7683/2021 and Rs.2,00,000/- had been paid and Rs.2,00,000/- were to be paid. The said crime is being investigated by the ACB is what the learned counsel appearing for the petitioner submits. On registration of the crime against the Investigating Officer, one Sri. Ramesh K. T., a fresh crime has registered by him *suo-moto* in crime No.16/2021 alleging that the petitioners in both these petitions have indulged in online gaming which is an offence punishable



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under Section 420 of IPC and Section 66(D) of the IT Act. It is the registration of the Crime No.160/2021 that drives the petitioners to this Court in the subject petitions.

6. The learned Senior counsel, Sri S. Sriranga, appearing for the petitioner in Crl.P.No.9386/2021 would contend that the petitioner is no way connected to any transactions whatsoever merely because he happens to be the friend of one Girish, who registers a complaint against the Investigating Officer, he is hauled into the proceedings. The same is the submission made by the learned counsel, Sri. Chandrashekara K. A. appearing for the petitioner in the connected matter. Therefore, the submission in unison of both the counsel is that the Investigating Officer on an ulterior motive, has registered the crime in Crime No.160/2021 as a counter blast to what the petitioners register against them.



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7. Learned HCGP would however contend that since the investigation itself is stayed at the hands of this Court and the same should be taken to its logical end.

8. The Investigating Officer, Sri. Ramesh K. T., though served, remains unrepresented.

9. I have given my anxious consideration to the submissions made by the respective learned counsel appearing for the parties and have perused the material on record.

10. The afore-narrated facts are not in dispute. The link in the chain of events and the crimes so registered against each other are not in dispute.

11. The petitioners are victims of an allegations made against the Investigating Officer, which becomes a crime in Crime No.8/2021, which has registered on 04.08.2021. Though the crime is registered after registration of the crime in Crime No.71/2021, the dates



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that are required to be considered is one of the registration of the crime by one Girish against the Investigating Officer, which was on 04.05.2021 and the registration of the crime by the Investigating Officer against the petitioners, which is on 08.08.2021. The alleged demand of illegal gratification comes about against the Investigating Officer in a crime registered by one Sri. Lakshmiprasad K., in Crime No.71/2021, where the petitioner in Crl.P.No.7683/2021 was arrayed as accused No.5, to drop his name, the alleged demand was made by the Investigating Officer. The complaint narrates complete details of the demands so made and partially being executed by the petitioner. The relevant portion of the complaint, reads as follows:

"ಆದ್ದರಿಂದ ನನ್ನ ಸ್ನೇಹಿತ ಲೋಕೇಶ್‌ನನ್ನು ಶಿವಕುಮಾರನ ಮೇಲೆ ಹುಳಿಯೂರು ಪೊಲೀಸ್ ಸ್ಟೇಷನ್‌ನಲ್ಲಿ ದಾಖಲಾಗಿದ್ದ ಕೇಸಿನಲ್ಲಿ ಕೈ ಬೆಡಲು ನಾಲ್ಕು ಲಕ್ಷ ಡಿಮ್ಯಾಂಡ್ ಮಾಡಿ ಈಗಾಗಲೇ ಅಡ್ವಾನ್ಸ್ 2 ಲಕ್ಷ ರೂ. ಹಣ ಪಡೆದು ಕೇಸಿನಲ್ಲಿ ಹಾಕಿಕೊಳ್ಳದೇ ಉಳಿಕೆ 2 ಲಕ್ಷ ಹಣಕ್ಕಾಗಿ ಡಿಮ್ಯಾಂಡ್ ಮಾಡುತ್ತಿರುವ ಹುಳಿಯೂರು ಪಿ.ಎಸ್.ಐ





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ರಮೇಶ್ ಹಾಗೂ ಅವರ ಸೂಚನೆಯಂತೆ 2 ಲಕ್ಷ ರೂ ಪಡೆದ ಕ್ರೈಂ  
ದೆಫೆಂಡರ್ ಮುಕ್ತಿಯಾರ್ ರವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಲು  
ಕೋರುತ್ತೇನೆ."

12. The moment, the crime has registered on the basis of the said complaint, the Investigating Officer swings into an action and registers the impugned crime. If this cannot be held to be a counterblast or crime registered to wreak vengeance against the petitioners, nothing else can. The Investigating Officer misusing his position, *suo-moto* registers a complaint on the ground that the petitioners were indulging themselves in online gaming, for which, no titter of evidence is even placed or narrated while registering the crime against the petitioners. Except a bald statement, nothing is made in the complaint upon which petitioners are harassed by the Investigating Officer after registration of crime in Crime No.160/2021. Therefore, finding the registration of crime in Crime No.160/2021 to be a counterblast or to wreak vengeance for registration of the crime before the ACB by



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the friend of the petitioners. If further proceedings are permitted to continue, it would become an abuse of the process of the law and putting a premium on the acts of the Investigating Officer, which would ultimately result in miscarriage of justice. Since respondent No.2 is served and unrepresented, I deem it appropriate to direct the State to direct the ACB to take complaint registered against the Investigating Officer to its logical end.

13. For the aforesaid reasons, the following:

**ORDER**

- i. Criminal Petition is allowed.
- ii. Proceedings pending in Crime No.160/2021 before the Additional Civil Judge (Jr. Dn.) & JMFC Court, C.N.Halli, Tumakuru District, stands quashed.

It is made clear that the observations made in the course of this order is only for the purpose of consideration of the case under Section 482 of Cr.P.C.,



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against the petitioners would not come in the way of the proceedings in Crime No.71/2021.

**Sd/-**  
**JUDGE**

HA/-