

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

DATED THIS THE 30TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MS. JUSTICE J.M.KHAZI
CRIMINAL PETITION NO. 102336/2022 (482)
C/W CRIMINAL PETITION NO. 104232/2022

IN CRL.P.NO.102336/2022:

BETWEEN:

NAVYASHREE D/O. RAMACHANDRA RAO
AGE. 28 YEARS, OCC. SELF-EMPLOYED,
R/O. KARIKALADODDI,
CHANNAPATTANA, DIST. RAMANAGARA.

...PETITIONER

(BY SRI.SHRIKANT D. BADLADI, ADV.)

AND:

- 1 . THE STATE OF KARNATAKA
BY POLICE INSPECTOR
APMC YARD POLICE STATION,
BELAGAVI, R/BY SPP,
HIGH COURT OF KARNATAKA,
DHARWAD-580001.
- 2 . RAJAKUMAR S/O. DONDIBA TAKALE
AGE. 46 YEARS, OCC. GOVT. SERVICE,
R/O. PLOT NO.53, OPP. KEB,
VIDYANAGAR, BELAGAVI,
TQ. AND DIST. BELAGAVI-590001.

....RESPONDENTS

(BY SMT.GIRIJA S HIREMATH, HCGP FOR R1;
SRI.S.S.YADRAMI, SR.COUNSEL FOR
SRI.MANJUNATH A. KARIGANNAVAR, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C., SEEKING TO QUASH INITIATION OF CRIMINAL PROCEEDINGS DATED 18.07.2022 AT APMC YARD P.S. CRIME NO.105/2022 ON THE FILE OF JMFC- IV COURT, BELAGAVI FOR THE OFFENCES PUNISHABLE U/S 384, 448, 504, 506 R/W SECTION 34 OF IPC (VIDE ANNEXURE A AND B RESPECTIVELY).

IN CRL.P NO 104232/2022:

BETWEEN:

RAJKUMAR S/O DONDIBA TAKALE
AGED 46 YEARS,
GOVERNMENT EMPLOYEE,
RESIDENT OF PLOT NO. 53,
NEAR NALANDA SCHOOL,
VIDYA NAGAR, BELAGAVI.

...PETITIONER

(BY SRI.S.S.YADRAMI, SR.COUNSEL FOR
SRI.MANJUNATH A KARIGANNAVAR, ADV.)

AND:

- 1 . THE STATE OF KARNATAKA
BY APMC POLICE STATION,
BELAGAVI, REPRESENTED BY THE
ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
DHARWAD BENCH, DHARWAD-580011.
- 2 . NAVYASHREE D/O RAMACHANDRA RAO
AGED 28 YEARS, OCC. SELF -EMPLOYED,
RESIDENT OF KUVEMPU NAGAR,
3RD CROSS, CHANNAPATTANNA – 562 160,

DIST. RAMANAGARA.

....RESPONDENTS

(BY SMT.GIRIJA S. HIREMATH, HCGP FOR R1;
SRI.SHRIKANT D. BADLADI, ADV. FOR R2)

THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C., SEEKING TO ALLOW THE PETITION AND QUASH THE IMPUGNED FIR VIDE ANNEXURE-A AND COMPLAINT VIDE ANNEXURE-B, REGISTERED BY THE 1ST RESPONDENT POLICE IN THEIR CRIME NO. 108/2022 ON 23.07.2022 FOR THE ALLEGED OFFENCE U/S 342, 354, 366, 376(2)n), 312, 201, 420, 504, 506, 509 OF IPC AND 66(E), 67 AND 67(A) OF INFORMATION TECHNOLOGY ACT, 2000, BASED ON THE FALSE COMPLAINT OF 2ND RESPONDENT AGAINST THE PETITIONER AND ALL FURTHER PROCEEDINGS PURSUANT TO IT, PENDING ON THE FILE OF JMFC IV COURT, BELAGAVI.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED ON 15.03.2023 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, THE COURT DELIVERED THE FOLLOWING:

ORDER

Since these petitions are arising out of two complaints filed by respondent No.2 therein against the respective petitioner and the facts consist of series of common incidents, they are clubbed together and disposed of by a common order.

2. For the sake of convenience, the petitioners are referred to by their names.

3. While CrI.P.No.102336/2022 is filed by the Navyashree to quash the criminal proceedings initiated against her at the instance of Rajakumar in Crime No.105/2022 of APMC Yard, Belagavi, CrI.Misc.No.104232/2022 is filed by Rajakumar seeking quashing of the criminal proceedings initiated against him in Crime No.108/2022 of APMC Yard, Belagavi based on the complaint filed by Navyashree.

4. In CrI.P.No.102336/2022 the criminal proceedings are sought to be quashed by Navyashree contending that the said proceedings are continuation of harassment and blackmailing and etc., at the hands of Rajakumar. In order to overcome the criminal prosecution initiated against him, he has filed the false complaint. The harassment by Rajakumar is continuous and persistent. He has spread the photos

and videos of intimate movements spent between them over the social media, totally destroying her reputation. Rajakumar though married, concealed the said fact and married Navyashree assuring to look after her. However, he made her to stay in a paying guest accommodation. Though earlier she tried to file complaint against Rajakumar, the elders and police after taking bond of good behavior from him, made Navyashree to withdraw the complaint. Ultimately, she filed the complaint in Crime No.108/2022 for the offences punishable under Sections 342, 354, 366, 376(2)(n), 312, 201, 420, 504, 506, 509 of IPC and Section 66(E), 67 and 67(A) of the Information Technology Act, 2000. In the light of the same, criminal proceedings initiated against her in Crime No.105/2022 are liable to be quashed.

5. Learned counsel representing Navyashree has relied upon the following decision:

- i) ***SUDHIR AND OTHERS VS. STATE OF M.P.*¹**
- ii) ***SANAPAREDDY MAHEEDHAR SESHAGIRI AND ANOTHER VS. STATE OF ANDHRA PRADESH AND ANOTHER.*²**

6. On the other hand, in CrI.P.No.104232/2022, Rajakumar has sought for quashing of criminal proceedings initiated against him in Crime No.108/2022, contending that the allegations made in the complaint on the face value and in entirety does not constitute any of the offences alleged. The said allegations are self-contradictory and in order to achieve her political ambitions, she has chosen to file a false complaint against him. At one breath, Navyashree claims that she has married Rajakumar and at the other alleges rape. She has filed the complaint only with an intention to blackmail Rajakumar. She is in the habit of filing one or the other false complaints.

¹ (2001) 2 SCC 688

² (2007) 13 SCC 165

6.1. About six months prior to the filing of this complaint, Navyashree filed complaint on 28.01.2022 claiming to be the wife and that Rajakumar is not taking care of her. Again on 14.03.2022 she approached the police claiming that she is an acquaintance of Rajakumar and there were financial dispute between them and that she has settled the same by receiving Rs.5,00,000/- in the presence of the police. Based on the same, said case was closed. The allegations made in the complaint are with an intention to cause utmost humiliation and harassment.

6.2. The relationship between Navyashree and Rajakumar is consensual and no criminal intend can attached to it. It is denied that Rajakumar is having any intimate photographs or video graphs and that he has released the same to the social media. The said allegation is not at all forthcoming in the earlier

complaint. Navyashree demanded Rs.50,00,000/- from Rajakumar and the when the said demand was not met, she has chosen to file a false complaint to harass him. As a counterblast to the complaint filed by him, Navyashree has chosen to file a false complaint in Crime No.108/2022 and prays to quash the proceedings.

7. Heard the learned senior counsel for Rajakumar and Sri Shrikant D. Babaladi learned counsel for Navyashree and also heard learned High Court Government Pleader representing the State and perused the records.

8. From the material placed on record, the undisputed facts are that Rajakumar is a Senior Gazetted Officer working with the State Government. He is a married man having wife and three children. Navyashree is a 28 years old engineering graduate. The complaint filed by Rajakumar against Navyashree

is earlier in point of time i.e., in Crime No.105/2022, whereas the complaint filed by Navyashree against Rajakumar is subsequent i.e., Crime No.108/2022. However, earlier to these complaints, Navyashree has approached the concerned police on several occasions making allegations against Rajakumar and they have been settled by the concerned police.

8.1. Despite the fact that Rajakumar is married i.e., having a wife and three children, from the material placed on record, it is forthcoming that, Rajakumar and Navyashree were having physical relationship and it is a consensual. While Navyashree at one breath claimed that she is married to Rajakumar and they were living as husband and wife and at the other breath, she has claimed that concealing the fact of his marriage, he trapped her into physical relationship. At one point of time, Navyashree has also claimed that Rajakumar married

her and took her to his house and she stays his house for a period of one week along with his wife and children.

9. In the background of these undisputed facts, it is necessary to examine the allegations made by Navyashree as well as Rajakumar against each other and to examine whether such allegations can be decided in a petition under Section 482 of Cr.P.C.

10. In his complaint dated 18.07.2022 which has culminated in registering Crime No.105/2022, Rajakumar has alleged that he is a married person living with his wife and three children. In December, 2020, he came to be acquainted with Navyashree and ultimately, they developed physical relationship and it is consensual. At para No.5 of the complaint, he has alleged that during the month of December, 2021 i.e., on 24.12.2021, Navyashree made a call along with accused No.2 her best friend Tilak Raj D.T. and

demanded Rs.50,00,000/- or else a false rape case would be filed against him and that she would also tarnish his name and reputation by sharing the said videos with his family members as well as on the social media. He brought all these facts to the notice of his wife.

10.1. It is also alleged that twice Navyashree barged into his house and blackmailed him. She has approached the concerned police making false allegations. Before the police also, Navyashree made demand for Rs.50,00,000/-. She also called his neighbours and made false allegations to cause embarrassment to Rajakumar and his family members. He has also alleged that to save the reputation of himself and his family members, he had paid Rs.5,00,000/- and Rs.2,00,000/- through Demand Draft and Rs.3,00,000/- in cash. After receiving the said amount, Navyashree gave

statement that the petition given by her was false and the said petition came to be closed.

10.2. It is alleged that after closer of the earlier petitions, again Navyashree started harassing Rajakumar demanding money. She was making WhatsApp calls, sending text messages and other messages. She refers him in slang words. On 14.07.2022 at 1.03 p.m., she made telephone calls and gave threat of filing cases, killing Rajakumar and his family members unless her demand for Rs.50,00,000/- is met with and that she would also spoil the reputation of the family by publishing the false stories in the newspaper and in the social media. On 14.07.2022 he received a call from an unknown person claiming to be a fan of Navyashree and giving threat to the life of the Rajakumar. He has also alleged that Navyashree is in the habit of making such extortion claims against others. Also alleging

that accused No.2 is also involved in extracting the money from him, he has lodged the complaint.

11. Based on this complaint, the jurisdictional police have registered the case in Crime No.105/2022 against Navyashree and one Tilakraj D.T. for the offences punishable under Sections 384, 448, 504, 506 read with Section 34 of IPC.

12. On the other hand, in her complaint dated 23.07.2022, Navyashree has alleged that Rajakumar who is working as Assistant Director in Horticultural Department of Karnataka Government and was also a special duty officer of ex-minister Shrimant Patil, has married her without disclosing the fact that he is already married and having wife and three children. They used to stay together at Kumara krupa Guest House, resorts and hotels. They also stayed together in a residential house at Belagavi. There is also allegation that on 02.01.2022, he quarreled with her

and on 03.01.2022 after the snatching her cell phone, he illegally confined her in the room. On 04.01.2022, Rajakumar abducted and brought her to a farmhouse near Ganeshpura and forcibly made her to give statement and video graphed it and later on released it to the social media. On 04.01.2022, she was abducted by rowdies at the behest of Rajakumar and forcibly her signatures have been taken to blank papers.

12.1. It is further alleged that when she brought the said fact to the notice of the APMC police, she was given security. Though she tried to file complaint on the advice of a Swamiji of Ashrama and the well-wisher of the Rajakumar's family by name Matapati, she desists from filing the complaint. Though Rajakumar agreed to setup a separate residence for her and take care of her, instead, he made her to stay in a paying guest accommodation. In this regard

on 21.01.2022 when she confronted Rajakumar, he assaulted and abused her, forcibly took her in the car and also assaulted in front of SGP Engineering Collage and in this regard, she took treatment.

12.2. In the complaint, Navyashree has further alleged that once Rajakumar took her to his house and she stayed there for one week along with his wife and children. Though for two days, everything went fine, subsequently his wife started resisting her. She has been sexually assaulted on several occasions at hotels, restaurants and Kumara Krupa guest house. She has claimed that Rajakumar got her same type of gold ornaments, cloths as given to his wife. Though he had promised to support her to achieve her political aspirations, after misusing her physically, he has left her. Navyashree as also alleged that during the month of December, 2021, Rajakumar forced her to abort their child.

12.3. In the complaint, Navyashree has further alleged that due to the intervention of the police, Rajakumar has returned Rs.5,00,000/- given by her to him in the form of Demand Draft in a sum of Rs.2,00,000/- and cash in a sum of Rs.3,00,000/- in the presence of the police and she also gave an undertaking that hereinafter they will not have any sought of relationship. However, though she tried to stay away from him, Rajakumar started making calls and gave threat of releasing the intimate photographs and video graphs to the social media. Though due to the intervention of the police, she deleted all the photographs and videos from the cell phone of the Rajakumar, later on he restored them and once again started giving threat to her. Though her face has been morped in these photographs and video graphs, she is sure that the same is being done by the Rajakumar.

12.4. Based on her complaint, the concerned police have registered the case in Crime No.108/2022 for the offences punishable under Sections 342, 354, 366, 376(2) (n), 312, 201, 420, 504, 506 and 509 of IPC and Sections 66(E), 67, 67(A) of Information Technology Act, 2000 and taken up investigation.

13. From the material placed on record, it is evident that Rajakumar is working as Assistant Director in Horticulture Department of State of Karnataka. He is married and having three children. It appears Navyashree and Rajakumar being adults were in consensual relationship. After the said relationship went sour, they have made allegations against each other. At one breath, Navyashree claims that she is married to Rajakumar and at another, she claims that under the promise of marriage, he has sexually exploited her. Both have made series of allegations against each other of

releasing their intimate photographs and video graphs to the social media and also giving threat of releasing them.

13.1. Navyashree has also made allegations that when she became pregnant, Rajakumar forced her to undergo abortion. The allegations made by Navyashree and Rajakumar against each other are very serious and consisting of disputed facts which cannot be decided in a petition under Section 482 of Cr.P.C. The allegations made by them against each other require thorough investigation by the police to ascertain the truth. In the peculiar facts and circumstances of the case, the decisions relied upon by the respective learned counsels representing the Navyashree and Rajakumar are not applicable to the case on hand.

13.2. Only after a thorough investigation by the police, one would be able to know the truth of these

allegations. In fact, learned High Court Government Pleader representing the State submitted that in Crime No.108/2022 charge sheet is ready and because of the stay, it could not be filed. She would further submit in Crime No.105/2022 investigation is yet to be completed.

13.3. Relaying upon the reported decision of division bench of this Court in ***Abdul Majid Sab and Others vs. State of Karnataka by Ripponpete Police.***³ wherein guidelines are issued as to how the case and counter case are required to be investigated, learned counsel representing Navyashree submitted that at least these complaints may be treated as case and counter case. It is pertinent to note that these two complaints are not based on a single incident which may be treated as case and counter case. The allegations made in both

³ ILR 2010 KAR 1719

complaints are with regard to number of incidents that took place over a period of time. Therefore, they cannot be treated as case and counter case.

14. Having regard to the peculiar facts and circumstances of the case, this Court is of the considered opinion that both petitions are liable to be dismissed and accordingly, I proceed to pass the following:

ORDER

Crl.P.No.102336/2022 and Crl.P.No.104232/2022 are rejected.

**SD/-
JUDGE**

SSP