



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 4098 OF 2025

BETWEEN:

ROHIT KUMAR SINGH
S/O RANJITH KUMAR SINGH,
AGED ABOUT 25 YEARS,
OCC.: BUSINESS DEVELOPMENT
EXECUTIVE,
R/AT NO.69, 3RD MAIN,
JHBCS LAYOUT, BENDRE NAGARA,
BENGALURU CITY-560 078.

...PETITIONER

(BY SRI. BALAKRISHNA M.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY KUMARASWAMY LAYOUT P.S.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.
2. HANIYA FATHIMA
D/O SYED ILYAS,
AGED ABOUT 22 YEARS,
R/AT NO.3, SRI SAI LADIES PG,
10TH CROSS ROAD, NEAR CHETANA
ENGINEERING SERVICES,
VASANTHANAGARA,
BENGALURU- 560 001.

...RESPONDENTS





(BY SRI. ANOOP KUMAR M.V., HCGP FOR R1;
SRI. ROHIT SHANKAR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 CR.P.C (FILED U/S.528 BNSS) PRAYING TO: (A) CALL FOR ENTIRE RECORDS IN S.C.NO.227/2025 PENDING ON THE FILE OF LIII ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU; (B) QUASH THE ENTIRE CRIMINAL PROCEEDINGS WHICH IS PENDING BEFORE THE LIII ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BENGALURU IN S.C.NO.227/2025 FOR THE ALLEGED OFFENCES PUNISHABLE U/SS. 324, 354(A), 354(B), 376, 504, 506, 509 OF IPC.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 04.11.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CAV ORDER

Heard the learned counsel for petitioner, learned High Court Government Pleader for respondent no.1/State, the learned counsel for respondent no.2/de-facto complainant and perused the material on record.

2. This petition is preferred under section 482 of Cr.P.C. 1973 / 528 of BNSS, 2023 seeking to exercise the inherent powers of this Court to quash the entire proceedings in S.C.No.227/2025 pending on the file of the LIII Additional City Civil and Sessions Judge, Bengaluru.



3. Brief facts of the case: It is the case of the complainant/victim that she became acquainted with the petitioner/accused through Instagram on 04.05.2023, and thereafter they developed friendship and began dating and the petitioner started exhibiting inappropriate behaviour by insisting her to take obscene photographs and videos. It is alleged that on 27.04.2024, the petitioner, without her permission, accessed her WhatsApp account, saved her private photographs and chats, gathered contact details of her parents and relatives, and thereafter on 29.04.2025, when she informed the petitioner to end association with him, he threatened to disclose her private images and conversations if she failed to comply with his demands. Further, on 30.04.2024, owing to the continuous threats, she met the petitioner at his residence, where he allegedly confined her inside the house, assaulted her by hitting her on the face, forehead and body, abused her in filthy language, forcibly removed her clothes and committed rape upon her. Further, that on 01.05.2024, acting under



threat, she again went to the petitioner's house, where he once again compelled her to undress and subjected her to sexual assault, warning her not to disclose the incident to anyone. On 27.06.2024, when complainant was at the petitioner's residence, he allegedly returned home in an intoxicated condition around 11.00 p.m., checked her phone, assaulted her on the head, face and hands, dragged her to the bed and beat her with a belt and broomstick causing her fingers to swell. During the months of May and June 2024, the petitioner continued to assault her, verbally abused her, coerced her into sexual acts, recorded her obscene photographs and videos, and threatened to kill her if she disclosed the matter to anyone. It is further alleged that, petitioner forced her to engage in repeated sexual intercourse until 29.08.2024, demanded sexual video calls, compelled her to share intimate videos, and used derogatory language, retained her private WhatsApp chats and repeatedly threatened that her parents would be informed if she disclosed the



incidents, due to which she refrained from lodging a complaint earlier.

4. Learned counsel for the petitioner has contended that, the very initiation and continuation of the proceedings is an abuse of process, as the allegations in the complaint, FIR and charge sheet, even if accepted in their entirety, do not disclose the ingredients of the offences alleged. It is urged that the complaint is actuated by *mala fides* and has been lodged with an ulterior motive to wreak vengeance on the petitioner. It is contended that the parties were in a consensual relationship from May 2023, and even according to the complainant, they continued to meet and maintain intimacy till August 2024 without any protest or complaint, which demonstrates that the allegations of coercion, assault and sexual violence are an afterthought intended to harass the petitioner. The FSL report does not indicate the presence of seminal stains or spermatozoa, and therefore, the allegation of sexual assault cannot be sustained.



5. It is further contended that both parties are adults and any physical relationship, if admitted, was consensual and therefore, does not attract Section 376 IPC, which is otherwise bereft of its foundational ingredients in the present case. It is argued that the charge sheet, filed without proper appreciation of the facts, is legally unsustainable and continuation of the prosecution would amount to abuse of process.

6. The learned counsel relied on a decision of the Hon'ble Apex Court in the case of ***Pradeep Kumar Kesarwani v. The State of Uttar Pradesh & Anr.*** reported in ***2025 SCC Online SC 1947***. The relevant paras are extracted hereunder:

"16. It is by now well settled that summoning any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are levelled.

17. The duty of the court in cases where an accused seeks quashing of an FIR or proceedings on the ground that such proceedings are manifestly frivolous, or vexatious, or



instituted with an ulterior motive for wreaking vengeance was delineated by this Court in Mohammad Wajid v. State of U.P., 2023 SCC OnLine SC 951. We may refer to the following observations:

"34. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether



the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

(Emphasis supplied)

7. Learned High Court Government Pleader contended that the materials in the complaint, FIR and charge sheet, when read collectively, disclose specific and serious allegations of sexual assault, criminal intimidation



and outraging modesty, which warrant a full-fledged trial. It is contended that the victim's statements under Sections 161 and 164 Cr.P.C. are consistent and clearly implicate the petitioner, and at this stage the Court cannot embark upon an appreciation of evidence or examine the correctness of the allegations. It is further submitted that the plea of consensual relationship is a matter of defense, not determinable in a petition under Section 482 Cr.P.C./528 BNSS, and the precedents relied upon by the petitioner are distinguishable on facts. Thus, it is urged that the petition is devoid of merit and the proceedings cannot be quashed at the threshold.

8. The learned counsel for respondent no.2/defacto-complainant vehemently opposed the petition by filing statement of objections and contending that the allegations in the FIR and the detailed statement of the victim clearly disclose a consistent pattern of assault, sexual violence, intimidation, and digital blackmail committed by the petitioner after the relationship between



the parties ended in April 2024, and that the plea of “consent” is an afterthought raised only to escape from criminal liability for offences falling squarely within Sections 354(A), 354(B), 376, 506 and 509 of IPC. It is submitted that the victim’s account is corroborated by contemporaneous electronic evidence, including messages, screenshots of threats, retrieval of explicit images from the Petitioner’s device, and statements of material witnesses, all of which have been duly collected and reflected in the charge sheet. The question of consent or absence thereof is a matter for trial and cannot be determined at the threshold under Section 482 Cr.P.C., particularly in cases of sexual assault, where the Supreme Court has repeatedly cautioned against quashing based on disputed facts or interpretations of conduct.

9. It is further urged that the allegations of *mala fides* are baseless, and the delay in lodging the complaint stands sufficiently explained by the victim’s fear, coercion and threats to her reputation and family honour. As the



materials on record disclose a strong prima facie case and the proceedings are already at the stage of Sessions trial, the extraordinary jurisdiction under Section 482 Cr.P.C./528 BNSS cannot be invoked to stifle a legitimate prosecution.

10. Learned counsel further contends that the claim of "consensual relationship" is a disputed factual defense which cannot be examined under Section 482 Cr.P.C./ 528 BNSS, particularly when the material collected - including electronic communications, screenshots of threats, recovery of explicit images from the Petitioner's devices and witness statements - prima facie supports the victim's version. As the charge sheet reveals sufficient material constituting the alleged offences, the case must proceed to trial and no ground is made out for exercising inherent powers to quash the proceedings.

11. The learned counsel for respondent no.2 has placed reliance on the following judgment. Relevant paras are extracted hereunder:



Kumar Gaurav @ vinu v. State of Karnataka in
Criminal Revision Petition No. 119/2019 DD.
02.07.2021.

"12. In the instant case according to the complainant, the first instance of alleged rape is said to have taken place on 01.03.2017. The complaint was filed on 26.04.2017 i.e. within a period of two months. However, according to the complainant, there were few more acts of alleged rape upon her by the petitioner in the meantime. It is throughout the case of the complainant that for the first incident of alleged rape upon her which was on 01.03.2017, there as no consent from her side either direct or indirect or even a forcible consent. According to her, it was seducing her by administering some drug through some juice she was made to fall unconscious and at that time petitioner (accused No.1) subjected her to rape. Therefore, as at this stage and as could be gathered from the charge-sheet materials, the alleged first incident of rape was devoid of any type of consent from the alleged victim towards the act. However, the alleged subsequent incidents of alleged sexual acts which the complainant has called as the incidents of rape at this stage appear to be by the involvement of the complainant also. However, the complainant has stated in her complaint itself that she was forced to join the accused No.1 to different places including some resorts and hotels since the accused was blackmailing her of publishing her nude photographs in social Medias including YouTube. According to the



complainant those photographs were taken by the accused when she was for the first time subjected to rape by the accused No.1 after making her unconscious by administering some drug. She has also stated, even thereafter also the accused by forcing her and blackmailing her had secured her few more photographs and started blackmailing, as such, she had to join the accused and tolerate all his sexual acts said to have been practiced against her. In such a circumstance, at this stage and prima facie, only by going through the charge sheet papers it cannot be concluded that the complainant was a consenting party to the alleged incidents. The same has to be ascertained only after a full fledged trial."

12. FIR is registered in Crime No.267/2025 of Kumaraswamy Layout Police Station, for the offence punishable under sections 324, 342, 354A, 354B, 376, 504, 506 and 509 of the IPC, on the complaint of respondent No.2 / victim, on 31.08.2024. The petitioner was arrested in 01.09.2024, and was subsequently enlarged on bail. Upon completion of investigation, charge sheet is filed by dropping section 342 IPC and retaining other offences same as in FIR.



13. It is the case of prosecution that the petitioner initiated contact with the victim through Instagram on 04.05.2023, gradually developed friendship, persuaded her to engage in sexual conversations and video interactions. It is alleged that he coerced the victim into sending nude photographs and sexually explicit videos of herself, and when she resisted, he threatened to disclose her private images, videos, and chat records to her parents and on social media, thereby intimidating and blackmailing her. Further, the Petitioner wrongfully confined her in his residence multiple times, and subjected her to repeated acts of forcible sexual assault. During these incidents, he allegedly physically assaulted her by beating her with his hands and a broom, abused her in obscene and degrading language continuously threatened to ruin her social reputation and education prospects if she disclosed these acts.

14. Before proceeding further, it would be relevant to note the provisions of Section 90 of I.P.C.,



(corresponding Section 28 of the BNS), which deals with the consent given under fear or misconception, which reads as under:

"90. Consent known to be given under fear or misconception.— A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person.— if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

Consent of child.— unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age."

15. In ***Kaini Rajan v. State of Kerala, (2013) 9 SCC 113***, the Apex Court has held that the consent for the purpose of Section 375 I.P.C. requires voluntary participation not only after the exercise of intelligence based on the knowledge of the significance of the morality,



quality of the act but after fully exercising the choice between the resistance and assent whether there was consent or not is to be ascertained only after careful study of the relevant circumstances.

16. In ***State of H.P. v. Mange Ram*** reported in **(2000) 7 SCC 224**, while considering the same issue, held as under: (SCC pp. 230-31, para 13)

"13. Submission of the body under the fear of terror cannot be construed as a consented sexual act. Consent for the purpose of Section 375 requires voluntary participation not only after the exercise of intelligence based on the knowledge of the significance and moral quality of the act but after having fully exercised the choice between resistance and assent."

17. From the FIR, complaint, statement of the victim recorded under Section 164(5) Cr.P.C., and the material collected during investigation, this Court is of the view that no case is made out for exercise of inherent powers under Section 482 Cr.P.C. / Section 528 BNSS. The brief factual matrix reveals that though the petitioner and



the victim were in a relationship, the victim has categorically stated that she attempted to terminate the relationship on 29.04.2024, thereafter the petitioner allegedly continued to intimidate her, committed sexual assault, used her private images to exert pressure, and subjected her to physical and emotional abuse on multiple occasions till August, 2024. These allegations, taken at face value, disclose specific instances of coercion, physical assault, sexual assault, and criminal intimidation, which cannot be termed inherently improbable or absurd at this stage.

18. This Court is conscious of the settled position that while exercising jurisdiction under section 482 of Cr.P.C/ Section 528 BNSS 2023, the Court is not expected to conduct a mini-trial or meticulously appreciate the evidence. At this stage, the Court is only required to examine whether the uncontroverted allegations, taken at face value, prima facie make out the ingredients of the alleged offences. The assertions of the petitioner regarding



consensuality, absence of medical / forensic traces of seminal stains or spermatozoa, alleged delay in lodging the complaint, and continued association between the parties are matters which require adjudication and cannot be determined at this stage.

19. The complaint averments reveal a pattern of coercion, threats, wrongful confinement, physical assault, sexual exploitation and psychological intimidation, despite complainant's attempts to end the relationship. The allegations disclose serious accusations of sexual assault committed under duress, supported by specific instances and substantiated through the victim's detailed statement under Section 164 Cr.P.C. At this stage, these assertions cannot be discarded as inherently improbable or manifestly false, nor can they be adjudicated on the basis of disputed facts within the limited scope of jurisdiction under Section 482 of Cr.P.C./Section 528 BNSS. Interference at this stage would amount to throttling a legitimate prosecution at its threshold. This Court finds no perversity, illegality or



abuse of process in the continuation of the criminal proceedings.

20. In light of the above, this Court is of the considered opinion that the petition is devoid of merit and does not warrant interference under Section 482 Cr.P.C. / Section 528 of the BNSS. Accordingly the petition stands ***dismissed.***

The observations made in the order are confined to this petition and shall not influence the trial of the case.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

TL
List No.: 1 Sl No.: 1