Reserved on : 30.07.2026
Pronounced on : 05.08.2026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.16181 OF 2026 (GM - RES)

BETWEEN:

SRI MAYUR D BHANU
AGED ABOUT 29 YEARS,
S/O A.R.DEVA BHANU,
RESIDING AT NO.316,
ABHISHTA NILAYA,
2ND FLOOR, 8TH B MAIN ROAD,
'A' BLOCK, 2ND STAGE,
RAJAJINAGAR,
BENGALURU – 560 055.

... PETITIONER

(BY SMT.KEERTHI KRISHNA REDDY, ADVOCATE FOR
SRI CHARAN N.S., SRI SHAMANTH GOWDA J., AND
SRI SHASHIKUMAR H.S., ADVOCATES)

AND:

1 . STATE OF KARNATAKA
REPRESENTED BY SHO,
R.T.NAGAR POLICE STATION
REPRESENTED BY SPP,
HIGH COURT BUILDING,

AMBEDKAR VEEDHI,
BENGALURU – 560 001.

2 . SHRENIK CHANDRASHEKAR
AGED ABOUT 25 YEARS
S/O CHANDRASHEKAR
RESIDING AT NO.34, 2ND MAIN
GANGANAGARA LAYOUT
BENGALURU – 560 032.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
R-2 SERVED, UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF BNSS., PRAYING TO i) QUASH THE FIR IN CRIME NO. 162/2026 DATED 12.05.2026 OF THE RESPONDENT POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 318 (4) AND 351(2) OF THE BHARATIYA NYAYA SANHITA, 2023, ANNEXURE-B IN SO FAR AS PETITIONER CONCERNED ONLY.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 30.07.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner, a practicing Advocate is before the Court calling in question the registration of a crime in Crime No.162 of 2026 for the offences punishable under Sections 318(4) and 351(2) of the BNS, wherein he is drawn as accused No.4.

2. The facts adumbrated are as follows:-

2.1. The 2nd respondent is the complainant. A complaint comes to be registered on 12-05-2026 in relation to certain financial transactions between accused No.1 and several people. It is the allegation in the complaint that, on 03-02-2026, when the 2nd respondent/complainant went to Gaurav/accused No.1's house to recover the debt owed by accused No.1, he is said to have called 4 to 5 people, including accused No.4/the petitioner herein to threaten the complainant. The petitioner is then said to have threatened the complainant over a phone call.

2.2. It is the averment in the petition that on 02-02-2026, the 2nd respondent with his friends had visited the house of accused No.1 and created ruckus and abused him in relation to certain financial transactions between accused No.1 and one Amith. Again, on 03-02-2026 i.e., the date of the alleged incident, respondent No.2 and his friends are said to have visited the house of accused No.1 along with a Police Constable said to be associated with Sadashivanagar Police Station. At that point in time, accused No.1 is said to have called the petitioner, a practicing Advocate and asked him to speak to the Police Constable. However, one Sachin who was present at the house of accused No.1 is said to have snatched his phone and abused the petitioner using filthy language. The petitioner is said to have requested Sachin to hand over the phone to the Police Constable as he had no idea who Sachin was. The complainant and his friend Sachin did not hand over the phone to the Police Constable but continued abusing the petitioner with unparliamentary language. The petitioner then advised Gaurav/accused No.1 to report the incident the jurisdictional police and therefore, accused No.1 is said to have called the Police helpline – 112. Upon receipt of the said call, the police visited the premises and the averment in the petition is that, despite watching the threats posed by the complainant and others, the police failed to take any action and instead left the place.

2.3. On 02-03-2026, the 2nd respondent – complainant along with his friends are said to have assaulted accused No.1 using metal knuckle buster on various parts of his body, which resulted in registration of FIR in Crime No.35 of 2026 for offences punishable under Sections 115(2), 118(1), 351(2), 351(3), 352 r/w. 3(5) of the BNS. On 03-03-2026, respondent No.2, his father and friends coming to know registration of FIR contacted accused No.1 along with anti-social elements pressurizing him to withdraw the complaint. Things did not get settled there and Crime No.35 of 2026 is still pending.

2.4. All the incidents alleged in the impugned crime happened on 03-02-2026. After about 2½ months of the said incident and registration of the crime in Crime No.35 of 2026, where the present complainant is accused No.4, the complainant registered a complaint on 12-05-2026, which becomes a crime in Crime No.162 of 2026 for the offences under Sections 318(4) and 351(2) of the

BNS. The petitioner, a practicing Advocate is before the Court calling in question the said crime so registered against him.

3. Heard Smt. Keerthi Krishna Reddy, learned counsel for Sri Charan N.S., Sri Shamanth Gowda J and Sri Shashikumar H.S., learned counsel appearing for the petitioner and Sri B.N.Jagadeesha, learned State Public Prosecutor-1 appearing for respondent No.1. The complainant though served remains unrepresented.

SUBMISSIONS:

PETITIONER:

4.1. The learned counsel appearing for the petitioner, Smt. Keerthi Krishna Reddy, would, with considerable vehemence, contend that the petitioner's implication in the subject crime is nothing but a collateral consequence of his professional engagement as an Advocate. It is her submission that the petitioner has been arrayed as an accused for no reason other than the fact that, on 02-03-2026, one Gaurav, a client of the petitioner, attempted to contact him over telephone seeking legal assistance.

According to the learned counsel, even this innocuous act did not fructify, as the complainant allegedly intercepted the call and proceeded to hurl abuses not only at Gaurav but also at the petitioner, merely because Gaurav had contacted him for legal assistance. The episode, it is submitted, culminated there and then. The learned counsel would further submit that, immediately thereafter, accused No.1 instituted a complaint against the present complainant, arraying him as accused No.4 in Crime No.35 of 2026 on 04-03-2026. It is only after the lapse of more than two months that the impugned complaint came to be registered on 12-05-2026. Curiously, the complaint ostensibly pertains to incidents alleged to have occurred during the period between 14-09-2024 and 29-05-2025. Yet, insofar as the present petitioner is concerned, the sole allegation rests upon the incident of 02-03-2026, wholly *de hors* the period forming the substratum of the complaint. Even this solitary incident is made the subject matter of prosecution only after an unexplained delay of nearly three months.

4.2. It is, therefore, the emphatic submission of the learned counsel appearing for the petitioner that except for the circumstance that accused No.1 had sought professional legal assistance from the petitioner in his capacity as an Advocate, there exists not even the faintest allegation disclosing any overt act, criminal intent, or participation in the alleged offences. The petitioner, it is urged, has been dragged into the vortex of criminal proceedings merely because he discharged his professional obligation of rendering legal advice to a client. Such implication, bereft of any legal foundation and resting on no discernible material, is an abuse of the process of law. She would, therefore, beseech this Court to exercise its jurisdiction and quash the entire proceedings insofar as they concern the present petitioner.

5. *Per contra*, the learned State Public Prosecutor representing the State would refute the submissions *qua* the other accused. Insofar as the present petitioner, accused No.4 is concerned the learned State Public Prosecutor would admit that there is nothing beyond the telephonic conversation between the petitioner and the 2^{nd} respondent. He would leave the decision to the hands of this Court in the facts and circumstances of the case.

6. As could be seen from the order sheet, the matter was listed on three occasions, only to await the representation of the complainant or his counsel. The complainant despite being served, remains unrepresented. It is, therefore, the learned counsel for the petitioner and the State are heard in the matter.

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

CONSIDERATION:

8. The afore-narrated facts are beyond the pale of dispute as that forms the fulcrum of the complaint even. Since the entire issue has now sprung from the complaint, I deem it appropriate to notice the same. It reads as follows:

> "To
> The Sub-Inspector,
> R.T.Nagar Police Station,
> Bengaluru.
>
> From:
> Shrenik Chandrashekar,
> 34, 2nd Main Road, Gandhinagar Lay-out,
> Bengaluru-560 032.

8884731354.

Respected Sir,

Subject: Gaurav N.J. cheating and threatening case.

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As stated above Gaurav N.J. is a resident of Subramanyanagar. He has told, he will do online trading and double my money and has taken around Rs.9,45,000/- from me, in the period from 14th September, 2024 till 29th April, 2025. He has taken money from many under privileged people like retired people, ladies and poor working-class peoples. He was introduced to me from mutual friends and made me believe and invest to his online trading. He is a habitual fraud and has taken around Rs.2,00,00,000/- from many people. Till now I have not been returned any of my money. If I try to contact him by phone, he does not answer and is on DND always. He is not returning the money but his lifestyle is extravagant. His shirts are worth 50 – 60 thousand each, his sandals are worth 60 – 70 thousand each and goes on 3 – 4 abroad trips every year. His account transactions per year are around 4 – 5 crores.

On 03-02-2026 me and a friend went to ask money near Gaurav N.J. house, but he called 4 – 5 people and threatened me saying he will not give the money back. Gaurav had called his friend Bharath J near his house and threatened me. Bharath is an anti-element and has many connections to underworld and rowdies and he threatened my life.

Another friend of his Mayur also scolded and threatened on call. If anyone goes to Gaurav and demand the money back, Bharath J and Mayur come and threatens. Both of them are anti-elements and underworld connected.

Like this Gaurav has been safe and been threatening me and anyone who goes to ask the money back. Bharath and Mayur also play Ander Bahar and do all illegal activities.

One of my friend Amit had filed a complaint in CCB against Gaurav. So, even I went to ask Gaurav my money, then he and Gaurav's father threatened me, that they will not spare me and will not return my money back.

If anything happens to me and my friend, Gaurav, Bharath, Mayur and Gaurav's father Janardhan is responsible.

I have life threats from these people and they are responsible if anything happens to me.

Please help me get justice and I want to send a copy to Commissioner also.

Thanking you,

Sd/-"

(Emphasis added)

Insofar as the present petitioner is concerned, the edifice of the prosecution rests upon an exceedingly slender foundation. The complaint, lodged on 12-05-2026, narrates nothing more than an allegation that the petitioner, described as another acquaintance of Gaurav, had allegedly threatened the complainant over a telephone call. Beyond this solitary and bald assertion, the complaint is conspicuously silent. No overt act, no participation in the alleged transaction and no role in the genesis of the dispute is attributed to the petitioner. The petitioner, an Advocate by profession and the legal representative of accused No.1,

thus finds himself inexplicably entangled in the web of criminal proceedings, solely because of his professional association with his client. The principal offence alleged against him is one punishable under Section 318(4) of the BNS. Section 318 of the BNS reads as follows:

> "**318. Cheating**.—**(1) Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to cheat.**
>
> …. …. ….
>
> **(4) Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine**."
>
> (Emphasis supplied)

For an accusation to legitimately fall within the sweep of Section 318(4) of the BNS, the foundational ingredients of Section 318(1) of the BNS must necessarily first come into

existence. The offence of cheating is not born in abstraction; it necessarily presupposes a transaction between the complainant and the accused, coupled with a dishonest intention that permeates the transaction from its very inception. The deceit must be the genesis of the transaction and not an afterthought born out of subsequent events. In the case at hand, insofar as the petitioner is concerned, there exists no transaction whatsoever between him and the complainant. The allegation is confined to an alleged telephonic threat. In the complete absence of any commercial, financial or other inducive transaction, the very substratum of Section 318 of the BNS collapses. The invocation of the said provision against the petitioner is, therefore, not merely unsustainable, but wholly alien to the facts obtaining in the case.

9. **What then survives for consideration is the allegation under Section 351(2) of the BNS, the statutory successor, to Section 506 of the erstwhile IPC, dealing with criminal intimidation. The contours of the offence are no longer *res integra*. To attract Section 351(2) of the BNS, the**

essential ingredients embedded in Section 351(1) of the BNS must first stand satisfied. These provisions substantially mirror Sections 503 and 506 of the IPC. Their interpretation need not detain this Court, for the Apex Court has, in a long line of judgments, comprehensively delineated the ingredients that constitute criminal intimidation.

9.1. The Apex Court in the case of **NARESH ANEJA v. STATE OF UTTAR PRADESH**[1] has held as follows:

> **"…. …. ….**
>
> **25. Let us now examine the next charge for which the appellant stands accused. For an offence under Section 503 to be established, it must be shown that:**
>
> **(1) Threatening a person with any injury;**
>
> **(*i*) to his person, reputation or property; or**
> **(*ii*) to the person, or reputation of anyone in whom that person is interested.**
>
> **(2) Such threat must be intentional;**
>
> **(*i*) to cause alarm to that person; or**
> **(*ii*) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or**
> **(*iii*) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat. Punishment for this offence is**

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[1] **(2025) 2 SCC 604**

prescribed under Section 506IPC, which is two years or with a fine or both, as applicable to this case.

26. *Manik Taneja* v. *State of Karnataka* [*Manik Taneja* v. *State of Karnataka*, (2015) 7 SCC 423 : (2015) 3 SCC (Cri) 132] as affirmed by a Bench of three Judges in *Parminder Kaur* v. *State of Punjab* [*Parminder Kaur* v. *State of Punjab*, (2020) 8 SCC 811 : (2020) 3 SCC (Cri) 914] , records the principle of application of Section 506IPC in the following terms : (*Manik Taneja case* [*Manik Taneja* v. *State of Karnataka*, (2015) 7 SCC 423 : (2015) 3 SCC (Cri) 132] , SCC p. 428, paras 11-12)

> **"*11*. … A reading of the definition of "criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.**
>
> ***12*. … It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant."**

27. A recent judgment of this Court, *Sharif Ahmed* v. *State of U.P.* [*Sharif Ahmed* v. *State of U.P.*, (2024) 14 SCC 122 : 2024 SCC OnLine SC 726] held as under : (SCC para 48)

> **"*48*. An offence of criminal intimidation arises when the accused intends to cause alarm to the victim, though it does not matter whether the victim is alarmed or not. The intention of the accused to cause alarm must be established by bringing evidence on record. The word "intimidate" means to make timid or fearful, especially: to compel or deter by or as if by threats. ["intimidate". Merriam-Webster.com. Merriam-Webster, 2024.] The threat communicated or uttered by the person named in the charge-sheet as an accused, should be uttered and communicated by the said person to threaten the victim for the purpose of influencing her mind. The word "threat" refers to the intent to inflict punishment, loss or pain on the other. Injury involves doing an illegal act."**

This judgment also, with reference to *Manik Taneja* [*Manik Taneja* v. *State of Karnataka*, (2015) 7 SCC 423: (2015) 3 SCC (Cri) 132], underscored the importance of material and evidence being placed on record to demonstrate intention. A mere statement without intention would not attract the offence."

(Emphasis supplied)

The Apex Court in NARESH ANEJA *supra* has lucidly expounded that a mere utterance of words, however unpleasant, would not *ipso facto* constitute criminal intimidation. The threat must be intentional; it must be designed to cause alarm to the person threatened or compel him to act or abstain from acting in a manner contrary to law. Equally significant is the emphasis placed by the Apex Court on the existence of material demonstrating such intention. **Mere**

rhetoric, empty words or casual expressions, bereft of any intention to alarm, would remain outside the mischief of the provision. The Apex Court refers to its earlier judgment in the case of **SHARIF AHMED v. STATE OF UTTAR PRADESH** reported in **2024 SCC OnLine SC 726** to reinforce the settled position that intention is the very soul of the offence and not the mere utterance of words.

9.2. A little earlier to the afore-quoted judgment of the Apex Court in the case of **NARESH ANEJA** *supra***,** the Apex Court in the case of **MOHD. WAJID v. STATE OF UTTAR PRADESH**[2], has held as follows:

> "…. …. ….
>
> ***Sections 503, 504 and 506 IPC***
>
> **25.** Chapter XXII IPC relates to criminal intimidation, insult and annoyance. Section 503 reads thus:
>
> > "**503.** ***Criminal intimidation***.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

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[2] **2023 SCC OnLine SC 951**

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing *B* to desist from prosecuting a civil suit, threatens to burn *B*'s house. *A* is guilty of criminal intimidation."

26. Section 504 reads thus:

"**504.** ***Intentional insult with intent to provoke breach of the peace***.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

27. Section 506 reads thus:

"**506.** ***Punishment for criminal intimidation***.—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

28. An offence under Section 503 has the following essentials:

(1) Threatening a person with any injury;

(*i*) to his person, reputation or property; or

(*ii*) to the person, or reputation of any one in whom that person is interested.

(2) The threat must be with intent;

(*i*) to cause alarm to that person; or

(*ii*) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or

(*iii*) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC if he merely uses abusive language against the complainant. In *King Emperor* v. *Chunnibhai Dayabhai* [*King Emperor* v. *ChunnibhaiDayabhai*, (1902) 4 Bom LR 78] , a Division Bench of the Bombay High Court pointed out that:

> ***"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."***

(emphasis supplied)

32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

33. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. **In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly**

was uttered in the form of abuses is not stated in the FIR.

34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.

…. …. ….

36. 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.

37. 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.**

38. 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 482CrPC 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)

The Apex Court in **MOHD. WAJID** *supra* holds that where criminal proceedings are alleged to be manifestly frivolous, vexatious or instituted for wreaking personal vengeance, the Court is under a solemn obligation to scrutinize the complaint with greater care than ordinarily warranted. The exercise is not confined to a mechanical reading of the averments in the complaint; the Court must lift the veil and examine the attendant circumstances surrounding the institution of the proceedings while exercising its jurisdiction under Section 482 of the Cr.P.C. or Article 226 of the Constitution of India.

10. Testing the allegations against the petitioner on the anvil of the aforesaid enunciation of law, the inevitable conclusion that emerges is one of unmistakable frivolity. The complaint, insofar as it concerns the petitioner, is bereft of any material that could remotely constitute either cheating or criminal intimidation in the eye of law. The only surviving question, therefore, is whether such proceedings deserve to be permitted to continue or deserve to be interred at the threshold in exercise of the inherent jurisdiction of this Court. It, therefore, becomes apposite to notice the recent judgment of the Apex Court in the case of **SURENDRA KHAWSE v. STATE OF MADHYA PRADESH[3],** wherein it is held as follows:

"…. …. ….

> **13.** As apparent from the record, the Appellant-accused and the complainant had been colleagues for the past 5 years and it is somewhere during this time that their relationship progressed. We notice once again that the Appellant-accused had initiated legal processes/administrative processes against the complainant much prior to the subject FIR being lodged. These included a show-cause notice issued by the employer regarding her continued acrimonious behaviour against the Appellant- accused, with the ultimatum that should she not respond to the notice with the requisite clarification, she would be relieved of her employment. It is only thereafter that the

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[3] **2025 SCC OnLine SC 2043**

subject FIR was lodged. Further, the same was lodged four months after the alleged incident of forced sexual intercourse with the complainant. If the description of the offence is taken at face value, right at the first instance, the complainant was not willing and was persuaded to engage in relations on the assurance of eventual marriage between the parties. When she enquired as to when the same would take place, a few days later, allegedly the Appellant-accused refused and asked her to marry someone else. That would be the first occasion when, having realized that she had been taken advantage of the complainant should have taken the requisite action. Even if that was not done so, the fact that the subject FIR was only lodged after the issuance of show-cause notice, which obviously has large real-world implications insofar as the complainant is concerned, leaves open a gaping possibility that the same was lodged as an afterthought and was a vehicle for vengeance for the impending consequences described above.

14. One of the factors mentioned in *Bhajan Lal* (supra) justifying the quashing of criminal proceedings is when the same is initiated in pursuance of ulterior motives. It reads as under:

> **"(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."**

Reference to *Mohd. Wajid* v. *State of U.P.*[8], would also be appropriate. It was held:

> **"36. 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 <u>on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in</u>**

such circumstances the Court owes a duty to look into the FIR with care and a little more closely.

37. 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.**

38. 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 482CrPC 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…"

(emphasis supplied)

15. In view of the above discussion, we are of the view that the FIR and the chargesheet against the Appellant-accused ought to be quashed. The appeal is allowed in the aforesaid terms. The judgment and order passed by the High Court of Madhya Pradesh with particulars as mentioned in paragraph 2, is set aside."

(Emphasis supplied)

The Apex Court reiterates that where criminal proceedings are demonstrably tainted with *mala fides* or instituted with

the predominant object of wreaking vengeance, constitutional Courts would not remain passive spectators. They owe a constitutional duty to pierce through the carefully drafted allegations and examine the surrounding circumstances to ascertain whether the criminal process is being deployed as an instrument of oppression rather than an instrument of justice.

11. The present case, insofar as this petitioner is concerned, bears all the unmistakable hallmarks of such abuse. The allegation of an alleged telephonic threat pertains to an occurrence nearly three months prior to the registration of the complaint. **If indeed the complainant had genuinely perceived the alleged conversation as criminal intimidation, nothing prevented the immediate invocation of the criminal law. The unexplained silence for nearly three months assumes considerable significance. It is only thereafter that the petitioner suddenly finds a place in the complaint. True it is, mere delay by itself may not always be fatal. Yet, in matters involving allegations of intimidation, assault or infliction of**

personal injury, whether physical or verbal, promptness in approaching the law enforcement machinery lends assurance to the authenticity of the accusation. An inordinate and unexplained delay, particularly when accompanied by sparse allegations, opens the door to embellishment, exaggeration and afterthought. The case at hand is a textbook illustration of such embellishment, at least insofar as the petitioner is concerned.

12. What renders the matter even more disquieting is the identity of the petitioner. His only discernible "transgression" is that he happens to be an Advocate representing accused No.1 and is alleged to have received or made a telephonic call in that capacity. **If such slender and nebulous allegations are permitted to mature into criminal investigation, the inevitable consequence would be far graver than the fate of the individual petitioner. It would cast a long and chilling shadow upon the fearless discharge of professional duties by members of the Bar.**

13. **This Court has, of late, witnessed an increasing and disturbing trend where Advocates, merely because they discharge their professional obligations in representing litigants or legally assisting them, are sought to be implicated in criminal proceedings. Their only perceived offence is that they stood beside their clients, articulated their cause before judicial fora and performed the duties which the legal profession demands of them. Such attempts strike at the very independence of the Bar, an institution that forms one of the indispensable pillars sustaining the administration of justice. So long as the Advocate acts within the bounds of law and professional ethics, his or her conduct cannot be criminalised merely because his representation or advise displeases the adversary. If criminal prosecution becomes the inevitable consequence of fearless advocacy, the legal profession itself would be reduced to one of apprehension rather than independence. The majesty of the Bar cannot be permitted to be diminished by disgruntled litigants wielding the criminal process as a**

weapon of retaliation or intimidation against officers of the Court.

14. **In the light of the aforesaid analysis, permitting investigation to continue against the petitioner would itself amount to perpetuating an abuse of the process of law. The sword that has been made to hang over the head of the petitioner, unsupported by legally sustainable allegations and sharpened only by conjecture and afterthought, deserves to be sheathed once and for all.** The crime, insofar as it concerns the present petitioner, therefore merits obliteration in the exercise of the jurisdiction of this Court.

15. For the aforesaid reasons, the following:

O R D E R

(i) Writ Petition is **allowed**.

(ii) Crime No.162 of 2026 registered by R.T.Nagar Police Station and pending before 8th Addl. CMM Court, Nrupatunga Road, Bengaluru City stands quashed *qua* the petitioner - accused No.4.

(iii) It is made clear that the finding and the reasons rendered in the case at hand would become applicable to the petitioner/accused No.4 and would not become applicable to any other accused in the subject crime.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

nvj
CT:MJ