IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.7491 OF 2020
C/W
CRIMINAL PETITION NO.7474 OF 2020

IN CRL.P NO.7491/2020:

BETWEEN:

1. BONNY TANKACHAN
S/O MR.THANKACHAN KOCHUKUTTY,
AGED ABOUT 38 YEARS,
WORKING AT COGNIZANT TECHNOLOGY
SOLUTIONS INDIA PVT. LTD.,
PHASE 1, PLOT NO.26,
RAJIV GANDHI INFOTECH PARK,
HINJEWADI, PUNE-411 057.

ALSO AT COGNIZART TECHNOLOGY
SOLUTIONS INDIA PVT. LTD.,
BENGALURU CITY, KARNATAKA.

...PETITIONER

(BY SRI. MANJUNATHA HIRAL, ADVOCATE)

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
BY THE INSPECTOR OF POLICE OF
SAMPIGEHALLI SUB-DIVISION POLICE STATION
BENGALURU-560077.

2. MR. MAHAVIR SINGH
S/O RAI SINGH
AGED ABOUT 33 YEARS,
RESIDING AT NO.42,
19TH CROSS ROAD,
5TH BLOCK, HBR LAYOUT,

NEAR NAGAWARA SIGNAL
BENGALURU-560 045
HAVING PERMANENT ADDRESS AT:
302B, AMBIKA BHUBANESHWARI APARTMENT,
MARUTI NAGAR, AIRPORT ROAD, RAJKOT
GUJARAT-360 001.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. N. DILLI RAJAN, ADVOCATE FOR
SRI. K.N.SUBBA REDDY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 19.11.2020 PRODUCED AT ANNEXURE-A, FIR DATED 19.11.2020 PRODUCED AT ANNEXURE-B ALONG WITH THE ENTIRE PROCEEDINGS PURSUANT THERETO IN CR.NO.164/2020, SAMPIGEHALLI POLICE STATION, IPC 1860 (U/S 323, 448, 406, 420), PENDING ON THE FILE OF THE HON'BLE 4TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU CITY.

IN CRL.P NO.7474/2020:

BETWEEN:

1. KARTHIK R.,
S/O MR.RAMU S,
AGED ABOUT 37 YEARS,
WORKING AT COGNIZANT TECHNOLOGY
SOLUTIONS INDIA PVT. LTD.,
MANYATA EMBASSY BUSINESS PARK
F2 BUILDING, OURTER RING ROAD
NEAR NAGAWARA,
RACHENAHALLI VILLAGE,
BANGALORE-560045.

...PETITIONER

(BY SRI. MANJUNATHA HIRAL.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   BY THE INSPECTOR OF POLICE OF
   SAMPIGEHALLI SUB DIVISION POLICE STATION
   BENGALURU-560077.

2. MR. MAHAVIR SINGH
   S/O RAI SINGH
   AGED ABOUT 33 YEARS,
   RESIDING AT NO.42,
   19TH CROSS ROAD,
   5TH BLOCK, HBR LAYOUT,
   NEAR NAGAWARA SIGNAL,
   BENGALURU-560 045
   HAVING PERMANENT ADDRESS AT:
   302B, AMBIKA BHUBANESHWARI APARTMENT,
   MARUTI NAGAR, AIRPORT ROAD,
   RAJKOT, GUJARAT-360 001.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. N. DILLI RAJAN, ADVOCATE FOR
SRI. K.N.SUBBA REDDY, ADVOCATE FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 19.11.2020 PRODUCED AT ANNEXURE-A FIR DATED 19.11.2020 PRODUCED AT ANNEXURE-B ALONG WITH THE ENTIRE PROCEEDINGS PURSUANT THERETO IN CR.NO.164/2020, SAMPIGEHALLI POLICE STATION, IPC 1860 (U/S 323, 448, 406, 420), PENDING ON THE FILE OF THE 4TH ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU CITY.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV ORDER

Heard learned counsel for the petitioners, learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. These two criminal petitions are filed by accused Nos.1 and 2 praying this Court to quash FIR and complaint Annexures-A and B in Crime No.164/2020 for the offence punishable under Sections 323, 448, 496 and 420 of IPC and grant such other relief as deems fit in the facts and circumstances of the case.

3. The factual matrix of case of the complainant in terms of Annexure-A in both the petitions is that complaint is given against Cognizant Technology Solutions India Private Limited and its employees i.e., petitioner Nos.1 and 2 and other 16 people. In the complaint, it is stated that this complainant had attended interview with these two petitioners on three occasions. During the course of interview, the petitioners took all his personal information and other information with regard to his earlier employment and date was fixed to report for duty and again, the said date was changed and ultimately, he was

appointed. Even collected all his bank account and bank statement, including foreign country and in case, if he fails to reveal the same, he would not be hired. In the first week of March, the accused No.1, who is working as Hiring Manager of complainant sanctioned air tickets from Rajkot to Mumbai to Bangalore and also enforced 14 days accommodation reimbursements eligible and he was detained illegally at the location mentioned in the complaint. When he tried to call back accused No.2-Mr. Karthik to meet face to face, he invited him to HR Office (under CC TV Surveillance), then one of HR with same name Karthik shouted on him, pushed him with elbow and also slapped him holding the hand, pulled and pushed near HR entrance area, stating its restricted area and physical assault was made and he was subjected to both physical and mental harassment. Hence, he gave internal complaint and was forced to take a decision to resign the job. His previous company lady Director had also got 2-3 verification E-mail asking for role that he played in the job, whose copy of E-mail CC was forwarded to him by them, they are forwarding his verification to third party and the same did not stopped and also planned for physical address verification during lockdown. Even a person was sent to the house, who also trespassed his

house. Hence, crime was registered and FIR is issued as per Annexure-B.

4. The petitioners also rely upon the document of Annexure-C-terms and conditions of employment, Annexures-D and E-letter of authorization-Background Verification two in number as part of the petitions. So also, Annexure-F resignation dated 14.10.2020 and the complainant has been relieved from the services of the company effective the closing hours of 16.10.2020.

5. Learned counsel appearing for the petitioners in both the petitions, who have been arraigned as accused Nos.1 and 2 would vehemently contend that this complaint is belated and the complainant having resigned in the month of October, complaint was given after almost one month i.e., on 19.11.2020. The counsel also contend that role of both the petitioners was limited to the recruitment process and cannot exceed the scope of work as envisaged by the company and both have completed their work having recruited the complainant-respondent No.2. In fact, both the petitioners are third parties, so far as assignment of respondent No.2 to various projects in the company is concerned and allegations

made in the complaint is only with malafide intention and there cannot be any malafide or dishonest intention attributed against these two petitioners. The respondent No.2 was unable to continue with Cognizant due to his own shortcomings and to cover up such shortfalls and with an ulterior motive, the present complaint is filed. The Annexure-D-letter of authorization and Annexure-C-offer letter are very clear that respondent No.2 had willingly agreed for recruitment in the Cognizant and resignation is also voluntary and there was no force. The respondent No.2-complainant entered into employment agreement with Cognizant of which petitioners are also employees and there was purely a contractual relationship between the parties. But, respondent No.2-complainant has suppressed the material facts and these two petitioners being the representatives of company cannot be held liable in their individual capacity, even if there is any allegation against the company. The offences which have been invoked will attract against the petitioners, even considering the contents of the complaint.

6. Learned counsel appearing for the petitioners in support of his argument relied upon judgment of the Apex Court in **SUNIL BHARATI MITTAL vs. CENTRAL BUREAU OF**

INVESTIGATION reported in **(2015) 4 SCC 609,** particularly corporate criminal liability, principle that criminal intent of person(s) controlling company can be imputed to company based on principle of "alter-ego". When company is the accused, its Directors can be roped only in only if there is sufficient incriminating evidence against them coupled with criminal intent or statutory regime attracts the doctrine of vicarious liability. The counsel brought to notice of this Court discussion made in paragraph No.12 with regard to "alter ego" of their respective companies and the acts of the companies could be attributed and imputed to them. The counsel also brought to notice of this Court discussion and analysis made with regard to the principle of "alter ego" in paragraph Nos.37 and 38.

7. The counsel also relies upon judgment of the Apex Court in **PROF. R.K. VIJAYASARATHY AND ANOTHER vs. SUDHA SEETHARAM AND ANOTHER** reported in **(2019) 16 SCC 739,** wherein also invoking Section 482, the Apex Court held that prima facie absence of ingredients of offence amounts to an abuse of process of Court and attempt to cloak a civil dispute with a criminal nature despite absence of ingredients necessary to constitute criminal offence requires to be quashed.

8. The counsel also relies upon judgment of the Apex Court in **DELHI RACE CLUB (1940) LIMITED AND OTHERS vs. STATE OF UTTAR PRADESH AND ANOTHER** reported in **(2024) 10 SCC 690,** wherein distinction was made with regard to criminal breach of trust and cheating and ingredients required for constituting both offences and there cannot be invoking of both Sections 406 and 420 of IPC.

9. Per contra, learned counsel appearing for respondent No.2 would vehemently contend that specific accusations are made in the complaint against the petitioners from the day when the complainant was invited for interview and even at the time of conducting the interview and subsequent to the appointment also, both petitioner Nos.1 and 2 acted adversely as against the interest of the complainant. The counsel would vehemently contend that specific accusations are made in the complaint and even with regard to the assault and so also trespassing his house and also invoking the offence under Sections 406 and 420 of IPC, law is settled that while quashing the FIR, scope is very limited and the Court has to only look into contents of the complaint and detailed complaint is given against both the petitioners and each and every acts of the petitioners are mentioned in the complaint

dated 19.11.2020. The counsel would vehemently contend that when specific accusation is made, matter requires to be investigated and the same cannot be quashed at the threshold without conducting an investigation. Hence, prays this Court to dismiss the petitions.

10. Having heard learned counsel appearing for the petitioners and learned counsel for respondent No.2-complainant and also the principles laid down in the judgments of the Apex Court referred supra by learned counsel for the petitioners and also the arguments of learned counsel for respondent No.2-complainant, the points that would arise for consideration of this Court are:

(1) Whether both the petitioners have made out the ground in invoke Section 482 of Cr.P.C. to quash the FIR based on the complaint-Annexure-A?

(2) What order?

Point No.(1)

11. Having considered the grounds urged in both the petitions and also the documents which have been produced, particularly, Annexures-A and B i.e., complainant and FIR,

Annexure-C is an offer letter document, Annexures-D and E are letter of authorization and Annexure-F is the resignation letter. It is not in dispute that complainant was subjected to interview by these two petitioners and during the employment also, collected background information and also made verifications. Apart from that, several other accusations are also made i.e., doubting the physical stalking from that day itself at accommodation address, when he was ordered to avail air tickets from Rajkot to Mumbai and Mumbai to Bangalore for a period of 14 days and he was detained illegally and also an allegation was made that petitioners shouted and pushed him with elbow and also slapped holding his hand, pulled and pushed and such allegations are made on particular date i.e., physical assault on 13.03.2020 and time is also mentioned at 5.23 p.m. It is also the allegation against the petitioners that they forwarding all his personal details to multiple vendors across India and he was getting calls for many different verifications and specific accusations are made that throughout he was subjected to physical assault as well as troubling the complainant. No doubt, the resignation was accepted on 14.10.2020, but complaint was filed on 19.11.2020 and there was delay of almost a month in lodging the complaint. But, the

fact that he has resigned from the complainant is also not in dispute. Learned counsel appearing for the petitioners would vehemently contend that it was a voluntary resignation. However, the complainant says that he was forced to take such a decision in view of the petitioners and when the offence under Section of 323 of IPC is invoked that he was subjected to assault and also house trespass, FIR constitutes the said offences, whether it attracts offence under Sections 406 and 420 of IPC also requires investigation.

12. The Court has to only take note of the contents of the complaint at the time of exercising the power under Section 482 of Cr.P.C. while quashing the FIR. No doubt, in the judgments referred supra in ***Sunil Bharti Mittal's*** case held that there is sufficient incriminating evidence against them coupled with criminal intent or the statutory regime attracts the doctrine of vicarious liability, when the case was registered and this principle cannot be applied, unless material is collected by the Investigating Officer and only FIR is registered based on the complaint. In the other judgment in **Prof. R.K. Vijayasarathy's** case, the Apex Court held that prima facie absence of ingredients of offence amounts to an abuse of process of Court and attempt to cloak a civil dispute with a

criminal nature despite absence of ingredients necessary to constitute criminal offence requires to be quashed. But, in the case on hand, in order to collect the ingredients, it requires a probe. So also, in the other judgment relied upon by learned counsel appearing for the petitioners in ***Delhi Race Clubs's*** case, wherein distinction was made with regard to criminal breach of trust and cheating and ingredients required for constituting both offences and there cannot be invoking of both Sections 406 and 420 of IPC. But, these are the materials collected during the course of investigation and whether such offences could be invoked or not can be ascertained only while filing a final report.

13. The judgments of the Apex Court referred supra is very clear that the Court has to only look into the contents of the complaint while quashing the FIR. In the case on hand, trespass and assault is alleged and in order to connect the accused for the offence under Sections 406 and 420 of IPC also, it requires investigation. The Apex Court also in ***Dineshbhai Chandubhai Patel's*** case held that the Court should not venture to quash the FIR, if complaint does disclose committing an offence, but the present discloses the ingredients of offence under Sections 323 and 448 of IPC, but

regarding other offence under Sections 406 and 420 of IPC, the Investigating Officer has to collect the material.

14. When such being the case, matter requires to be probed by the Investigating Officer, whether with an oblique motive, the complaint is filed and the same cannot be ascertained based on the accusation in the FIR and the truth will come out only during the course of investigation whether such allegations are made with oblique motive and if no such incident has taken place, the report will be otherwise. Hence, at this juncture, this Court cannot find any grounds to quash the FIR as sought in both the petitions. Hence, I answer point No.(1) accordingly.

Point No.(2)

15. In view of the discussion made above, I pass the following:

ORDER

Both the criminal petitions are ***dismissed***.

Sd/-
(H.P.SANDESH)
JUDGE

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