IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.6644 OF 2019

BETWEEN:

1. ARIF M.S.,
SON OF LATE M.S. JALALUDIN,
AGED ABOUT 40 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

2. V.S. SRIRAM
SON OF V.V. SWAMINATHAN,
AGED ABOUT 39 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

3. RUZAI ATHAIDE
DAUGHTER OF V.R. ATHAIDE,
AGED ABOUT 40 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

4. SAMRAT SARKAR
SON OF LATE SUBHASH CHANDRA SARKAR,
AGED ABOUT 39 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

5. SURBITH PAUL
SON OF SHAILENDRA PAUL,
AGED ABOUT 31 YEARS,

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Location: HIGH COURT OF KARNATAKA

AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

6. RASHMI THYAGARAJ
WIFE OF DR. MANJUNATHA M. R.,
AGED ABOUT 37 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

7. SHANU KAPOOR
SON OF NARINDER KAPOOR,
AGED ABOUT 36 YEARS,
RESIDING AT A5-305,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

8. G.L. HARSHA
SON OF LATE G.R. LAKSHMAN RAJ,
AGED ABOUT 41 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

9. SHEIK SAIDA ZILANI
SON OF SHAIK HUSSAIN,
AGED ABOUT 36 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

10. ALOK BAJPAI
SON OF PRAKASH BAJPAI,
AGED ABOUT 48 YEARS,
AT STANDARD CHARTERED BANK
5TH BLOCK, KORAMANGALA
BENGALURU-560095.

11. SELVA KUMAR
SON OF A. MURUGESH,
AGED ABOUT 37 YEARS,
AT STANDARD CHARTERED BANK

5TH BLOCK, KORAMANGALA
BENGALURU-560095.

…PETITIONERS

(BY SRI. S.J. CHOUTA, SENIOR COUNSEL FOR
SRI. GERALD MANOHARAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH ASSISTANT COMMISSIONER OF POLICE
MADIVALA SUB-DIVISION
HOSUR ROAD, ADUGODI
BENGALURU-560030.

2. NANDINI NAGARAJ
DAUGHTER OF NAGARAJ
AGED ABOUT 32 YEARS
RESIDING AT NO.578, SAINILAYA
AMARUTH NAGAR MAIN ROAD
BENGALURU, KARNATAKA-560062.

…RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. K. PRASAD HEGDE, ADVOCATE FOR R2 - ABSENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE COMPLAINT DATED 11.02.2019 (ANNEXURE-A), COMPLAINT AT ANNEXURE-B AND THE SUBSEQUENT FIR IN CR.NO.44/2019 ON THE FILE OF XLV ADDL.C.M.M., NRUPATHUNGA ROAD, BENGALURU (ANNEXURE-C) REGISTERED BY THE KORAMANGALA POLICE AND PRESENTLY ON THE FILE OF THE ASSISTANT COMMISSIONER OF POLICE, ADUGODI AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 02.11.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

This petition is filed praying this Court to quash the complaint dated 11.02.2019 (Annexure-A); another complaint dated 08.07.2019 received on 18.07.2019 (Annexure-B) and the FIR registered in Cr.No.44/2019 (Annexure-C) against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State. Though respondent No.2 represented through the counsel, the said counsel is absent during hearing the matter.

3. In the complaint dated 11.02.2019, an allegation is made against the petitioners referring NHRC Case No.958/10/1/2018 for physical, mental and sexual harassment by her office colleagues. It is stated in the complaint that the complainant is working at Standard Chartered Bank, Koramangala, 5th Block, as a Business Development Executive from last nine years. It is stated that she has maintained a good reputation in the said bank by her hard work. The

allegation against the petitioners in the complaint that on 29.05.2018 at around 02:30 p.m., her Manager Mr. Arif M S called her and told to come to workstation to discuss about her iPad which was issued from the bank. When she went there, she found that there are no other team members except her and she was surprised to see that in the conference room, there the three HR Managers, namely, Mr. Surbhit Paul, Ruzai Menina Athaide, Samrat Sarkar and Associate Director Shanu Kapoor and Line Manager Arif. They asked her to share iPad password for which, she denied. But they threatened and asked the password again. When she resisted, Ruzai Athaide dragged her into the room and twisted her hand; Mr. Samrat Sarkar abused her in a high pitch and asked Ruzai to hold her hand.

4. Apart from that, it is alleged in the complaint that, on 30.05.2018 between 11:30 a.m. to 01:00 p.m. when she was in the office first floor lobby, her colleagues namely, Rashmi Thyagaraj, V.S. Sriram, Shaik Saida Zilani, Alok Bajpai, Selva Kumar, Harsha G L were standing. By that time, Rashmi Thyagaraj who was a ex-Reporting Manager of the complainant made a comment on her that she should stand in front of the ATM by removing her cloth and nobody will going to help her because, the complainant gave complaint against her with HR

Manager as she makes bad comments on her like bitch, fuck, etc. They make group of people and pass the comment on her every time about two incidents. When the humiliation and harassment was increased day-by-day, without other alternative, on 30.05.2018 she gave a complaint to her higher officers by explaining each and every incident. But when all went vain, she sent her complaint to Speak-up portal in HR system and also sent a letter to the Regional HR Manager - Sachin Gupta so also, the CEO- Mrs.Zarin Daruwala. On number of occasions, her Line Manager- Mr. Arif and Associate Director- Sriram asked her to work even in holidays and after the office hours and used to abuse her in front of other male team members. This happens all the time mainly during month ends.

5. It is further stated in the complaint that on 30.06.2018, when she approached for personal loan, her Zonal Associate Director - Alok Bajpe called her 'a boom' and when she asked the meaning directly with him, he said that it is walking street girls of Thai, he try to touch when she walking on the floor. Arif, Sriram and Rashmi were calling her for conference room, which was not covered by CCTV surveillance, to harass her to the maximum extent asking about her work

and targets and threatening her to withdraw the complaint which was already filed against them. Hence, she was forced to lodge a complaint before the National Women's Commission on 28.08.2018 and National Human Right against the persons concerned. Hence, the present complaint is filed to investigate the matter as all of them have harassed the complainant by mentally, physically and sexually continuously.

6. Based on this complaint, crime was registered in FIR as per Annexure-C. So also, in additional complaint dated 08.07.2019 which was received on 18.07.2019 allegations are made against the petitioners that complainant was harassed and humiliated by taking her caste name. Hence, received the further complaint and invoked the offences under Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 2015 (for short 'SC/ST Act'). Hence, the present petition is filed before this Court challenging Annexure-A to C.

7. The main contention of the counsel appearing for the petitioners before this Court that this complaint is an afterthought since the disciplinary hearing was held against the complainant for various unprofessional acts of misconduct on

25.01.2016 i.e., prior to this complaint. Even complainant was reprimanded by the bank for violating the code of conduct in the month of April 2016 and warning letter for violating the bank's code of conduct policy was issued to the complainant on 22.04.2016 and complainant was put on Performance Improvement Plan (PIP) on 24.05.2018 and e-mail was issued to the complainant regarding PIP on 25.05.2018. Sweep check of iPad of the complainant was conducted by the bank on 29.05.2018. Hence, complainant referred the incident dated 29.05.2018 in the first complaint that is only in respect of sweep check of iPad and on the next day i.e., on 30.05.2018 complainant alleges that she was abused by the petitioners. Thereafter, complainant took unauthorized leave from 24.07.2018 to 13.09.2018. The complaint was lodged by the complainant with the Karnataka State Commission for Women on 03.09.2018 and also wrote an email to the Bank's Internal Complaints portal called "Speaking up" on 26.09.2018. The Karnataka State Commission for Women issued a letter to the Bank on 27.09.2018. The complainant lodged the complaint with the Bank's Grievance Redressal Cell on 02.10.2018 and also with CPGRAMS on 03.10.2018. Grievance Redressal Committee had a teleconference with the complainant on

29.11.2018 and complainant lodged the complaint before the National Human Rights Commission on 06.12.2018 and bank addressed a letter to the Karnataka State Commission for Women on 07.12.2018. The petitioner Nos.1 to 10 provided statements to the Koramangala Police in relation to the NHRC complaint on 25.01.2019. Grievance Redressal Committee submitted its outcome on 06.02.2019 and the complainant had filed the present complaint before the police on 11.02.2019 making false allegation of sexual harassment. Consequently, the police have registered the FIR in Cr.No.44/2019 and issued notice on 12.02.2019. ICC report was shared with the complainant and the petitioners on 25.02.2019 and complainant informed that she intend to appeal the ICC report before the appellate authority on 06.03.2019. The statement of B.S. Shobha was recorded by the police on 15.03.2019 so also, the statement of Neeta Rege was recorded by the police on 20.03.2019. Statement of petitioner No.5 was recorded by the police on 03.04.2019. Appellate Authority also submitted its report to the complainant on 03.05.2019. Statements of petitioners were also recorded by the Koramangala Police on 23.05.2019. On 24.05.2019, statements of petitioners were recorded by the police. On 27.05.2019, statement of Varun

Malik was recorded by the police and Appellate Panel found that there was no merit in the appeal to the grievance outcome as per the decision on 29.05.2019. With an oblique motive, second complaint dated 08.07.2019 which was received on 18.07.2019 was filed by the complainant. Taking note of the conduct of the complainant, she was terminated from the service on 26.07.2019. The bank also submitted s letter to the ACP providing documents on 20.08.2019. Without any other alternative, the petitioners have approached this Court by filing a petition for quashing of the said complaints and FIR.

8. The main contention of the learned counsel for the petitioners before this Court that complaints are mala fide and motivated and filed with the vengeance against the petitioners and to harass them. The number of complaints and investigations on the same incident is nothing but an abuse of law and complainant is patently false snf motivated. The fact that in the earlier complaint, it did not contain allegations with respect to sexual harassment and caste based discrimination hence, it clearly shows that such offences were never suffered by the complainant. Only with an ulterior motive for wreck vengeance, the complaint was filed due to the fact that complainant was put on PIP on few days before and all the

allegations against the petitioners are false. The counsel also submits that the complaint to the Bank's Speaking-up portal was a mere complaint on harassment and so also the allegations of sexual harassment in her complaint to the Karnataka Women's Rights Commission. Thereafter, only in July 2019, filed another complaint making caste discrimination. The counsel submits that the petitioners are innocent and have not committed any such offences against the complainant. The counsel relying upon the judgment of the Apex Court in the case of **State of Haryana vs. Bhajan Lal** held that the said judgment is aptly applicable to the case on hand. The complainant was clearly at fault in not allowing the Line Manager along with HR to inspect bank provided iPad though that was normal practice adopted by the Bank for all employees. The audio recording of the incident dated 29.05.2019 clearly shows that no offence of any kind was committed by the petitioners. The concocted version of the incident given by the complainant clearly goes to show the fabrication of the incident. The petitioners Nos.3 and 4 are based in Mumbai and have had limited interaction with the complainant. But the complainant created a false story against them only with an intention to implicate them.

9. It is also contended that there is an inordinate delay in lodging the complaint as it is lodged after more than 8 months from the date of alleged incident as the alleged incident is of 29th and 30th May 2018 and FIR has been registered on 11.02.2019. The inordinate delay has not been explained properly. The complainant was reprimanded by the bank for her unethical and unprofessional conduct prior to this allegation. The allegation of sexual harassment was made only after the bank's grievance redressal enquiry had commenced against her. Hence, it is clear that only an afterthought, the present complaints are filed and also when she came to know that her service will be terminated on 26.07.2019, false allegations are made including the sexual harassment and caste discrimination. The fact that complainant worked with the bank for a period of 7 years and in that period, she never complained of caste-based discrimination and the same is also made subsequent to the filing of complaint of after thought. The name of petitioner Nos.5, 7, 8, 9 and 11 have been added by the complainant without any basis whatsoever. Hence, the complaints and FIR ought to be quashed on this ground alone.

10. The counsel in support of this arguments relies upon the judgments with regard to the vindictive/vexatious

prosecution should be nipped in the bud. The counsel relied upon the judgment reported in **(2007) 12 SCC 1** in the case of **INDER MOHAN GOSWAMI ANOTHER vs STATE OF UTTARANCHAL AND OTHERS** and brought to notice of this Court paragraph 46 wherein discussion was made that the instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the accused. If criminal prosecution is used, court has to ensure that invoking Section 482 of Cr.P.C.

11. The counsel also relies upon the judgment of Apex Court reported in **(2021) 5 SCC 435** in the case of **KRISHNA LAL CHAWLA AND OTHERS vs STATE OF UTTAR PRADESH AND ANOTHER** and brought to notice of this court paragraphs 15, 23, 24 and 26 wherein also discussion was made for invoking of Section 200 of Cr.P.C, frivolous litigation should not become the order of the day in India and the Magistrate have an important role in curbing this injustice and controversy poses a typical example of frivolous litigation.

12. The counsel also relies upon judgment of the Apex Court reported in **(2024) 14 SCC 112** in the case of **VISHAL NOBLE SINGH vs STATE OF UTTAR PRADESH AND**

ANOTHER and brought to notice of this court paragraphs 20, 21 and 22 wherein also Apex Court discussed with regard to the careful consideration of the judicial dicta and none of the offences alleged against the appellant-accused herein are made out and Apex Court also relied upon the judgment of **Bhajan Lal** case and so also the judgment of **Madhavrao Jiwajirao Scindia** and held that criminal justice is being misused by certain persons for their vested interests.

13. The counsel also relied upon the judgment reported in **(2010) 8 SCC 775** in the case of **KISHAN SINGH (DEAD) THROUGH LRS vs GURPAL SINGH AND OTHERS** in respect of delay in lodging the complaint and brought to notice of this court paragraphs 21, 22 and 25 wherein discussion was made that prompt and early reporting of the occurrence by the informant with all its vivid details gives an assurance regarding truth of its version and delay in lodging an FIR, the Court has to look for a plausible explanation for such delay.

14. The counsel also relies upon judgment reported in **(2016) 9 SCC 1** in the case of **MANOJ KUMAR SHARMA AND OTHERS vs STATE OF CHHATTISGARH AND ANOTHER** with regard to the delay in lodging the complaint

and brought to notice of this court paragraph 30 wherein also a discussion was made with regard to the delay in lodging the FIR often results in embellishment, which is a creature of an afterthought.

15. The counsel relies upon the judgment reported in **(2024) 2 SCC 176** in the case of **SEKARAN vs STATE OF TAMIL NADU** and brought to notice of this Court paragraphs 14 and 15 wherein also the Apex Court discussed with regard to start with the FIR, to which exception has been taken by the appellant urging that there has been no satisfactory explanation for its belated registration. In cases where delay occurs, it has to be tested on the anvil of other attending circumstances.

16. The counsel also relies upon the judgment reported in **2025 SCC ONLINE SC 2058** in the case of **ARSHAD NEYAZ KHAN vs STATE OF JHARKHAND AND ANOTHER** and brought to notice of this Court paragraph 22 wherein also the complaint was filed after a delay of nearly 8 years and the same was taken note of and relied upon the judgment of **Inder Mohan Goswami** case also while dealing with the issue.

17. The counsel would vehemently contend that as a counter blast, complaint has lodged and Court has to consider the attending circumstances by relying upon the facts and circumstances. In this regard, the counsel relies upon the judgment reported in **(2023) 20 SCC 219** in the case of **MOHD. WAJID AND ANOTHER vs STATE OF UTTAR PRADESH AND OTHERS** and brought to notice of this Court paragraphs 38, 41 and 42 wherein also the Apex Court discussed that 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 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. So also, the FIR in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced on the trial. However, delay with other attending circumstances emerging from the record of the case rendering the entire case put up by

the prosecution inherently improbable, may at times become a good ground to quash the FIR and consequently proceedings even for quashing the FIR.

18. The counsel relies upon the judgment reported in **2025 SCC ONLINE SC 2013** in the case of **NITIN AHLUWALIA vs STATE OF PUNJAB AND ANOTHER** and brought to notice of this court paragraphs 8, 9 and 12 wherein also a discussion was made that the complaint is seen in isolation, then the approach of the learned Single Judge appears, entirely to be in consonance with the established position of law - allegations have been made, and so they have to be investigated. In certain cases, though, it is not as straight-cut as that but it is true that elaborate defences and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced and the same is discussed in paragraph 8. In paragraph No. 9 also taken note that to entertain the possibility that the same is nothing but a counterblast to the fact that appellant has two orders in his favour.

19. The counsel relies upon the judgment reported in **2026 SCC ONLINE SC 454** in the case of **SUJOY GHOSH vs**

STATE OF JHARKHAND AND ANOTHER and brought to notice of this Court paragraph 14 wherein also discussion was made by the Court that when an accused seeks quashing of FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious or malicious, the court its duty bound to examine the matter with greater care.

20. The counsel in his arguments also contend that there are material improvements in the second complaint. In this regard, the counsel relies upon the judgment reported in **2026 SCC ONLINE SC 915** in the case of **BHIKHUBHAI GOVINDBHAI PATEL AND ANOTHER vs STATE OF GUJARAT AND ANOTHER** and brought to notice of this court paragraphs 40 and 41 wherein the Apex Court discussed with regard to exercising of powers by the High Court, despite noting down the sequence of events, failed to examine the legal effect of suppression of the earlier complaint and the material improvement introduced in the subsequent impugned FIR. So also delay in registration of the FIR is another circumstance which cannot be ignored.

21. The counsel would contend that if the ingredients of the SC/ST Act are not made out, there was no public view. In

this regard, the counsel relies upon the judgment reported in **(2020) 10 SCC 710** in the case of **HITESH VERMA vs STATE OF UTTARAKHAND AND ANOTHER** and brought to notice of this court paragraphs 12, 13, 17 and 24, where discussion was made with regard to the basic ingredients of the offences and in paragraph 17 referred the judgment of **Khuman Singh vs State of M.P. ([2020] 18 SCC 763)** and extracted paragraph 15 of the said judgment. In paragraph 24 comes to the conclusion that the charges against the appellant under Section 3(1)(r) of the Act are not made out.

22. The counsel relies upon the judgment reported in **(2023) 17 SCC 615** in the case of **RAMESH CHANDRA VAISHYA vs STATE OF UTTAR PRADESH AND ANOTHER** and brought to notice of this court paragraphs 17, 18 and 23 wherein also discussion was made with regard to invoking of offence under Section 3(1)(x) of the SC/ST Act, so also the scope of Section 438 of Cr.P.C. was also discussed in the said judgment and in paragraph 23 taken note of counter-affidavit filed by the first respondent State in the present proceeding, there is no material worthy of consideration in this behalf except a bald statement that the complainant sustained multiple injuries in his hand and other body parts.

23. The counsel also relies upon the judgment reported in **2024 SCC ONLINE SC 2249** in the case of **SHAJAN SKARIA vs STATE OF KERALA AND ANOTHER** and brought to notice of this court paragraphs 57, 58, 60, 62, 69, 70, 74 and 80. The counsel referring these paragraphs vehemently contend that the Apex Court in detail taken note of basic ingredients to constitute the offence under Section 3(1)(r) of the SC/ST Act. So also insults or intimidations to a member of the Scheduled Caste or Scheduled Tribe will not amount to an offence under the Act, 1989 unless such insult or intimidation is on the ground that the victim belongs to Scheduled Caste or Scheduled Tribe.

24. The counsel also relies upon the Judgment reported in **2025 SCC ONLINE SC 215** in the case of **KARUPPUDAYAR vs STATE REP. BY THE DEPUTY SUPERINTENDENT OF POLICE, LALGUDI TRICHY AND OTHERS** and brought to notice of this Court paragraphs 9 to 13 wherein also discussion was made with regard to Section 3(1)(r) so also, determination within public view and the allegations in the FIR at their face value, it would reveal that what is alleged is that when the complainant was in his office the accused came there, enquired with the complainant, not

being satisfied, started abusing him in the name of his caste and insulted.

25. The counsel also relies upon the judgment reported in **2025 SCC ONLINE SC 1499** in the case of **KONDE NAGESHWAR RAO vs A SRIRAMA CHANDRA MURTY AND ANOTHER** and brought to notice of this Court paragraphs 22 to 25 wherein held that perusal of the complaint would also indicate that grievance was not really relatable to the false and malicious involvement in the criminal proceedings against the appellant and his family members because of them belonging to scheduled caste and also discussed the judgment of **Dr. Subhash Kashinath Mahajan vs State of Maharashtra ([2018] 6 SCC 454)** in paragraph 24 and in paragraph 25 conclusions arrived.

26. The counsel also relies upon the judgment reported in **(2026) 8 SCC 138** in the case of **GUNJAN ALIAS GIRIJA KUMARI AND OTHERS vs STATE (NCT OF HELHI) AND ANOTHER** and brought to notice of this Court paragraphs 13 to 31 wherein also ingredients of the offence under Section 3(1)(r) and 3(1)(s) of the SC/ST Act was discussed in detail from paragraphs 13 to 17 and so also in paragraph 31 comes to

the conclusion that all material facts go to suggest that the alleged incident took place in a private place and within 4 walls of the house of respondent No.2 complainant and the appellants who are all are family members.

27. The counsel also relies upon the judgment reported in **2026 SCC ONLINE SC 1676** in the case of **RAMKRISHNA CHAUHAN vs STATE OF U.P. AND ANOTHER** and brought to notice of this Court paragraphs 12 to 18 wherein Apex Court held that FIR does not state that the alleged caste-based abuses were uttered in the presence or hearing of members of the public and hence, the offences under Sections 3(1)(r) and 3(1)(s) of the SC/St Act are not prima facie made out against the appellant.

28. The counsel appearing for the petitioners relying upon these judgments would vehemently contend that the complaint is frivolous, vexatious and made with an afterthought and there was a delay of more than 8 months in lodging the complaint and the same is vindictive and the same is a counter blast as complainant was terminated and there are material improvements between two complaints and there is no ingredients of the alleged offences in the said complaint.

29. Per contra, the counsel appearing for the State would vehemently contend that the internal investigation is conducted based on the complaint and it was delayed. The misconduct by complainant cannot be a ground to harass her. Even though petitioners contend that there was misconduct by complainant relying upon the documents, the same cannot be considered at this stage since it is a matter of trial. The counsel would vehemently contend that the relief sought in the petition is for quashing of the FIR. Court has to look into the allegations made in the complaint and not otherwise and the same has to be investigated by the IO and IO has to unearth the truth during the course of investigation. Without conducting any investigation, there cannot be any quashment.

30. Though complainant appeared through the counsel, but he is absent while hearing the matter. Hence, taken as no arguments from the complainant side.

31. Having heard the counsel appearing for the petitioners and also the learned counsel appearing for the State and considering the principles laid down in the judgments referred supra and also on perusal of the material on record, the Point that would arise for consideration of this petition is:

1. Whether the petitioners have made out the grounds to invoke Section 482 of Cr.P.C on the ground that the complaint is vindictive, vexatious and frivolous one and even there was a delay in lodging the complaint and the same was filed as counter-blast and there are material improvements in the second complaint and whether invoking of SC/ST Act is an afterthought?
2. What order?

Point No.1:

32. Having heard the learned counsel appearing for the petitioners and the learned High Court Government Pleader appearing for respondent No.1/State and also on perusal of the material on record, it discloses that the Court has to take note of the contents of the complaint. Having perused the contents of the complaint at Annexure-A, it discloses that the specific three incidents are referred in the said complaint i.e., dated 29.05.2018, 30.05.2018 and so also 30.06.2018 and specific accusations are also made against each of the petitioners. No doubt, this complaint was given on 11.02.2019. Based on this complaint, FIR was registered at Annexure-C and one more complaint dated 08.07.2019 which was received on 18.07.2019 was filed i.e., almost after 5 months of the first complaint. The

specific contention of the petitioners that in the second complaint, there is an improvement and an afterthought, the said complaint was filed only with an intention to invoke the offences under SC/ST Act. No doubt, prior to this complaint, the petitioners have held disciplinary hearing against the complainant and complainant was reprimanded for violating the bank's code of conduct and these have been done in the year 2016 and complainant was put on PIP on 24.05.2018 and email was issued on 25.05.2018 to the complainant to that effect that going to check the iPad. The issue started between them when the sweep check of iPad of the complainant was conducted by the bank on 29.05.2018 and the allegation that she was abused by the petitioners on both dates i.e., on 29.05.2018 and on 30.05.2018. It is also to be noted that complainant took unauthorized leave from 24.07.2018 to 13.09.2018. But during this time only, the complainant lodged the complaint with the Karnataka State Commission for Women i.e., on 03.09.2018 and complainant wrote an email to the Bank’s Internal Complaints Portal on 26.09.2018 i.e., subsequently having lodged the complaint with Karnataka State Commission for Women during the leave period. Subsequent to the joining, the complaints are given before various authorities.

33. It is also noticed that prior to lodging of complaint with the Bank's Grievance Redressal Cell, already the complaint was lodged with the Karnataka State Commission for Women on 03.09.2018 by the complainant during the unauthorized leave. The complainant wrote email to the Bank's Internal Complaints portal on 26.09.2018 and the same is subsequent to the filing of complaint with the Karnataka State Commission for Women. It is not in dispute that complainant had lodged the complaint with National Human Rights Commission on 06.12.2018.

34. It is important to note that alleged incident in the complaint is in the month of May 2018 but immediately even not approached either the State Women Police Commission or even had lodged the same with the Redressal committee of the very bank. But the complaint was filed in the month of February, 2019 as rightly pointed out by the counsel for the petitioners i.e., on 11.02.2019. It is also important to note that the additional complaint was also filed wherein the allegation of caste discrimination was made after 5 months of first complaint. If really it is in the knowledge of the complainant as of the date of filing of the complaint on 11.02.2019, the same would have been mentioned in the first complaint itself, but the

same is mentioned in the second complaint. Hence, the same is nothing but an afterthought. It is also clear that complainant was terminated from the service in the month of July 2019. Even prior to the filing of this complaint, as there was various unprofessional acts of misconduct, in the year 2016 itself, the complainant was reprimanded. The date of the incident which is alleged in the complaint is a date when Sweep check of iPad was made and the same is a routine work of the company. The complainant even took the unauthorized leave and during the said period only, made up her mind to lodge the complaint with the Karnataka State Commission for Women. No doubt, the internal committee report goes against the complainant. Even with regard to the PoSH Act is concerned, enquiry is also distinct from criminal conduct of allegations. But there is an inordinate delay in filing the complaint invoking IPC offences and an afterthought, invoked SC/ST offences. Having taken note of factual aspects of the complaints at Annexure-A and B, it discloses that there was a delay and an afterthought, made the allegations. If really, the complainant was subjected to harassment, either sexual harassment or any other harassment that too continuously on 29.05.2018, 30.05.2018 and also on 30.06.2018, she would have given the complaint immediately.

But no complaint is given immediately after the incident. Only during the unauthorized leave period from 24.07.2018 to 13.09.2018, on 03.09.2018, for the first time, complaint was lodged with the Karnataka State Commission for women and thereafter, approached the different forums including Bank's Grievances Redressal Cell. The report of the Redressal Cell is not in favour of the complainant.

35. The fact is that the complainant was terminated from the service on 26.07.2019 taking into note of the conduct of the complainant in the year 2016 onwards and the present complaint is filed on 11.02.2019. Thus, the principles laid down in the judgments referred supra by the counsel appearing for the petitioners are aptly applicable to the case on hand as held by the Apex Court in respect of the grounds urged in the petition. No doubt, the statement of some of the witnesses were recorded subsequent to the registration of the case. The allegations are also made against the co-employees of the department. Even the appellate authority also found that there was no merit in the appeal to the grievance outcome. Having taken note of these materials as well as second complaint dated 08.07.2019 (received on 18.07.2019), it discloses that in order to wreck vengeance against other co-employees, the

complaint is filed as held in **Bhajan Lal**'s case. If really it is within the knowledge of the complainant and if such incident was taken place in the month of May 2018 subjecting the complainant for sexual harassment as well as other harassment including caste discrimination, she would have approached immediately either the police or the grievance redressal forum of the bank. But that has not been done. Apart from that there was a delay in lodging the complaint. The present complaint was lodged as a counter-blast as contended by the counsel appearing for the petitioners and also found material improvements as contended by the petitioners' counsel in order to invoke the offences under Section SC/ST Act in view of the judgments of the Apex Court from 2020 onwards, referred supra, which comes to the aid of the petitioners herein. Hence, it is a fit case to exercise the powers under Section 482 of Cr.P.C or otherwise, it amounts to miscarriage of justice.

36. Moreover, the report of the Redressal Cell is distinct from the allegations made in the complaint. But having considered the allegations, it discloses that an afterthought, the present complaints are filed with an inordinate delay of more than 8 months and again after 5 months of the first complaint. Thus, there cannot be any criminal prosecution against the

petitioners. If a person suffers from its face value, then criminal prosecution is sustainable against that person and the court can also exercise its powers. But in the case on hand, the same is not warranted. Hence, the petitioners have made out a grounds to quash the proceedings initiated against them exercising the powers under Section 482 of Cr.P.C. Accordingly, answered the above point as affirmative.

Point No.2:

37. In view of the discussions made above, I pass the following:

ORDER

i. The petition is allowed.

ii. The complaint dated 11.02.2019 (Annexure-A); another complaint dated 08.07.2019 received on 18.07.2019 (Annexure-B) and the FIR registered in Cr.No.44/2019 (Annexure-C) against the petitioners are hereby quashed.

Sd/-
(H.P.SANDESH)
JUDGE

SN