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NC: 2024:KHC:16973
CRL.P No. 2380 of 2024
C/W CRL.P No. 2916 of 2024
CRL.P No. 2925 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 2380 OF 2024

C/W

CRIMINAL PETITION NO. 2916 OF 2024

CRIMINAL PETITION NO. 2925 OF 2024

IN CRL.P.No.2380/2024

BETWEEN:

SHRIDHAR K PUJAR,
AGED ABOUT 47 YEARS,
S/O KESARINANDAN,
DY S.P, INTERNAL SECURITY DIVISION,
NO.60, RICHMOND ROAD,
VICTORIA LAYOUT,
BENGALURU – 560 007.

ALSO AT
NO.31104, B-3, T-1,
PRESTIGE JINDAL CITY,
CHIKKABIDARAKALLU,
BANGALORE NORTH,
BANGALORE URBAN,
BANGALORE – 73.

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI.SUYOG HERELE E., ADVOCATE)





AND:

1. STATE OF KARNATAKA,
BY VIDHAN SOUDHA P.S.,
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BENGALURU – 560 001.

2. BHASKAR,
SIT, CID, CARLTON HOUSE,
PALACE ROAD,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI.B.N.JAGADEESH, ADL. S.P.P., A/W
SMT.SOUMYA R., HCGP FOR R1 AND R2)

THIS CRL.P. IS FILED U/S.482 OF CR.P.C., PRAYING TO QUASH THE COMPLAINT DATED 27.02.2024 (ANNEXURE - A) AND CONSEQUENT FIR IN CRIME NO.0019/2024 DATED 27.02.2024 (ANNEXURE - B) REGISTERED BY THE VIDHAN SOUDHA PS FOR THE ALLEGED OFFENCES UNDER SECTION 506, 504, 307, 332, 353 OF THE IPC PENDING BEFORE THE 39TH ACMM COURT, BANGALORE, AS ILLEGAL AND VOID.

IN CRL.P.No.2916/2024

BETWEEN:

SHRIDHAR K PUJAR,
AGED ABOUT 47 YEARS,
S/O KESARINANDAN,
DY S.P, INTERNAL SECURITY DIVISION,
NO.60, RICHMOND ROAD,
VICTORIA LAYOUT,
BENGALURU – 560 007.



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ALSO AT: FLAT NO.5106,
ANNEYA DWELLING APARTMENT NO.1,
1ST MAIN ROAD,
LOTTEGOLLAHALLI DOLLARS COLONY,
RMV EXTENSION II STAGE,
BANGALORE – 560 094.

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI.SUYOG HERELE E., ADVOCATE)

AND:

1. STATE BY CYBER CRIME P.S.,
CID PALACE ROAD,
BENGALURU – 560 001.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE – 560 001.

2. K.RAVISHANKAR,
S/O S.M.KRISHNAREDDY,
AGED ABOUT 54 YEARS,
SUPERINTENDENT OF POLICE,
CT & R DIVISION & IO SIT,
CID PALACE ROAD,
BENGALURU.

...RESPONDENTS

(BY SRI.B.N.JAGADEESH, ADDL. S.P.P., A/W
SMT.SOUMYA R., HCGP FOR R1 AND R2)

THIS CRL.P. IS FILED U/S.482 OF CR.P.C., PRAYING TO
QUASH THE COMPLAINT DATED 24.01.2024 (ANNEXURE – A)
AND CONSEQUENT FIR IN CR. NO.0001/2024 DATED
24.01.2024 (ANNEXURE - B) REGISTERED BY THE CYBER
CRIME P.S., CID FOR THE ALLEGED OFFENCE P/U/S 343, 344,
409, 426, 34, 46, 37, 201, 204 OF IPC AND SEC.66, 84C OF
THE I.T. ACT, 2000 AND CONSEQUENT PROCEEDINGS,



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PENDING BEFORE THE 1ST ACMM COURT (ANNEXURE - C),
BANGALORE AS ILLEGAL AND VOID.

IN CRL.P.No.2925/2024

BETWEEN:

SHRIDHAR K PUJAR,
AGED ABOUT 47 YEARS,
S/O KESARINANDAN,
DY S.P, INTERNAL SECURITY DIVISION,
NO.60, RICHMOND ROAD,
VICTORIA LAYOUT,
BENGALURU - 560 007.

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI.SUYOG HERELE E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
STATE BY CYBER CRIME P.S.,
CID PALACE ROAD,
BENGALURU - 560 001.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.
2. K.RAVISHANKAR,
S/O S.M.KRISHNAREDDY,
AGED ABOUT 54 YEARS,
SUPERINTENDENT OF POLICE,
CT & R DIVISION & IO SIT,
CID PALACE ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI.B.N.JAGADEESH, ADDL. S.P.P., FOR R1 AND R2)



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THIS CRL.P. IS FILED U/S.482 OF CR.P.C., PRAYING TO QUASH THE ORDER DATED 15.03.2024 PASSED BY THE I ADDL.C.M.M., BENGALURU SEEKING FOR PROCLAMATION FOR APPEARANCE OF THE PETITIONER, IN CR.NO.1/2024 (ANNEXURE –A) AS IMPROPER AND VOID.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard Sri. Aruna Shyam, learned Senior Counsel representing the petitioner in all these writ petitions and Sri.B.N.Jagadeesh, learned Public Prosecutor for the State.

2. These three Criminal petitions are filed with the following prayers:

In Criminal Petition No.2380/2024:

- i) Quash the complaint dated 27.02.2024 (Annexure - A) and consequent FIR in Crime No.0019/2024 dated 27.02.2024 (Annexure - B) registered by the VIDHANA SOUDHA PS for the alleged offences under Sections-506, 504, 307, 332, 353 of the IPC pending before the 39th ACMM Court, Bangalore, as illegal and void.*
- ii) Grant such other relief or reliefs as deemed fit and proper in the circumstances of the case.*

In Criminal Petition No.2916/2024:

- i) Quash the complaint dated 24.01.2024 (Annexure - A) and consequent FIR in Crime No.0001/2024 dated 24.01.2024 (Annexure - B) registered by the Cyber*



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Crime PS for the alleged offences under Sections-343, 344, 409, 426, 34, 36, 37,201, 204 of IPC and Sections-66, 84C of the Information Technology Act, 2000 and consequent proceedings pending before the 1st ACMM Court (Annexure-C) Bangalore, as illegal and void.

- ii) Grant such other relief or reliefs as deemed fit and proper in the circumstances of the case.*

In Criminal Petition No.2925/2024:

- i) Set-aside the order dated 15.03.2024 passed by the I ADDL.C.M.M., BENGALURU seeking for proclamation for appearance of the petitioner, in Crime.No.0001/2024 (Annexure -A) as improper and void.*
- ii) Grant such other relief or reliefs as deemed fit and proper in the circumstances of the case.*

3. Facts in brief which are utmost necessary for disposal of the petitions are as under:

Petitioner is a Police Officer of Dy.S.P rank. Allegations are leveled against him that he was involved in interfering with the true course of justice inasmuch as he had interfered with the investigation of Crime Nos.91/2020 and 287/2020 registered in the file of K.G.Nagara Police Station and Ashok Nagara Police Station respectively



4. In respect of those crimes when the investigation was under process, the petitioner said to have been found in the company of the Lawyer who represented the accused therein. He was required to accompany the Police personnel who had spotted him in the car. At that juncture, he escaped from the clutches and he is not available to the Police is the allegation. Based on the said incident, a case came to be registered against the petitioner in Crime No.19/2024 and Crime No.1/2024 and attempts were made by the petitioner to obtain an order of grant of Anticipatory Bail were rejected.

5. It is also submitted that a Coordinate Bench of this Court also rejected the anticipatory bail request of the petitioner and thereafter he is not available to the Investigation Agency.

6. In the meantime, the prosecution has filed an application seeking proclamation as against the petitioner. The material on record discloses that before issuing a Proclamation Order necessary procedural formalities are not carried out and therefore the very issuance of proclamation is questioned by the petitioner in Criminal Petition No.2925/2024.



7. Fact remains that till today the petitioner is not available to the Investigation Agency. In Criminal Petition Nos. 2380/2024 and 2916/2024 the petitioner is seeking quashing of two criminal cases registered in Crime_Nos.19/2024 and 1/2024.

8. Having heard the parties and perused the material on record, it is crystal clear that the petitioner is not available to the Investigation Agency till now. The attempts made by the petitioner to submit himself for the process of law by seeking an order of grant of anticipatory bail is turned down by the learned District & Session Judge and a Coordinate Bench of this Court.

9. The resultant position is the investigation in Crime No. 1/2024 and 19/2024 is practically scuttled for want of the presence of the petitioner.

10. It is a settled principles of law and requires no emphasis that every accused is presumed to be innocent unless the allegations leveled against him stands proved before the court of law beyond all reasonable doubts. However, the prima-



facie material would reveal that the petitioner said to be involved in helping the accused in crime No.91/2020.

11. Whether at all the allegations leveled against the petitioner is true or not cannot be decided by this Court at this stage, as the case against the petitioner is still in the inception stage.

12. Fact remains that unless the petitioner joins the investigation and cooperates with pending investigation in respect of Crime No.19/2024 and crime No.1/2024 no useful purpose would be served by simply keeping the investigation pending. More so, the petitioner being the Police Officer by himself of Dy.SP rank.

13. Under the above peculiar facts and circumstances of the case and in view of the submissions made on behalf of the petitioner that he would be interested in joining the investigation and cooperate with the investigation to the fullest extent subject to the rights of the petitioner as enshrined under the provisions of Constitution, an arrangement needs to be made which would strike a harmonious balance between the rights of the petitioner and the need of the prosecution.



14. Therefore, without expressing further opinion on the merits of the matter, without holding mini enquiry, if the petitions are disposed of by directing the petitioner to join the investigation and cooperate with the investigation process, would meet the ends of justice.

15. Having said thus, it is settled principles of law that generally FIR cannot be quashed unless it has acted prejudicial to the interest of the petitioner and by the allegation found in the complaint, no case is made out against the accused/petitioner. In the case on hand, there is no special reason for this Court to quash the FIR itself. Therefore, the following:

ORDER

- (i) Criminal Petition No.2925/2024 is **Allowed**.
- (ii) Order of proclamation passed by the learned Trial Judge as against the petitioner stands quashed, on account of procedural irregularities.
- (iii) Petitioner is at liberty to appear before the Jurisdictional court and subject himself for investigation process.



16. Criminal Petition Nos.2380/2024 and 2916/2024 are **Disposed Of** with the following conditions:

- i) Petitioner shall positively join the investigation on 08.05.2024 by appearing before the Investigating Officer at 9.00 a.m.,
- ii) Investigating Officer is at liberty to take the petitioner to the judicial custody and conclude the custodial investigation on the very same day before 6.00 p.m.
- iii) Petitioner shall completely cooperate with the Investigation Agency.
- iv) Prosecution shall not indulge in extra-judicial methods while investigating the matter.
- v) On conclusion of the custodial investigation, the petitioner shall be let free by taking a bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties to the satisfaction of the Investigation Officer. Further, the petitioner is directed to appear before the Investigation Officer



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as and when called and shall not in any way tamper the prosecution evidence.

- vi) In view of the fact that the petitioner has agreed to join the investigation, bail application if any to be filed by the petitioner shall not be opposed by the prosecution.

However, disposal of the present petitions would not come in the way of the petitioner in challenging the final report, if it goes against him.

Sri.Aruna Shyam learned Senior Counsel submits that in view of the directions issued by this Court in the above criminal petitions, he would not press the anticipatory bail application pending in Criminal Petition No.3062/2024.

Sd/-
JUDGE

JJ
List No.: 1 Sl No.: 50