



CRL.P No. 6794 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 6794 OF 2022

BETWEEN:

SRI MANISH KUMAR SINGH @ MANISH

...PETITIONER

(BY SRI SIDDARAJU M.G., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY AHSOK NAGAR P.S.,
BENGALURU,
REP. BY SPP
HIGH COURT BUILDING,
BENGALURU - 560 001.

Digitally signed by
PADMAVATHI B K
Location: HIGH COURT
OF KARNATAKA

2.

...RESPONDENTS

(BY SMT.K.P.YASHODHA, HCGP FOR R1)



CRL.P No. 6794 of 2022

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE PROCEEDINGS INITIATED BY THE RESPONDENT NO.1 ASHOK NAGAR P.S., AGAINST THE PETITIONER IN FIR NO.301/2018 FOR THE OFFENCE P/U/S 376 OF IPC WHICH IS NOW PENDING BEFORE THE LIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-54) VIDE ANNEXURE-B AT BANGALORE.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court calling in question proceedings in S.C.No.314 of 2020 pending before the 53rd Additional City Civil and Sessions Judge, Bangalore arising of crime No.301 of 2018 registered for offence punishable under Section 376 of the IPC.

2. Heard Sri M.G.Siddaraju, learned counsel appearing for the petitioner and Smt. K.P.Yashodha, learned High Court Government Pleader for respondent No.1.

3. Brief facts that lead the petitioner to this Court in the subject petition are that, on 13-08-2018, the 2nd respondent registers a complaint against the petitioner alleging that she checked into Pride Hotel at Residency Road at about 8.30 p.m. on 12-08-2018 and after check-in and verification, while she was travelling in the lift, meets one Manish and another person



CRL.P No. 6794 of 2022

from room service. It is the case of the complainant that, as the petitioner was conversating in Hindi, they both exchanged the telephone numbers. The petitioner and respondent No.2 both went to their respective rooms. Later, she goes to have dinner in the meanwhile. The petitioner is claimed to have called her to his room and she goes there, where it is alleged that the petitioner and the 2nd respondent had sexual intercourse and respondent No.2 left to her room on the say of the petitioner. When she knocked on the door of the petitioner's room, the petitioner refused to let her in and indulged in heated arguments and also physically assaulted respondent No.2. Based upon this, a complaint comes to be registered in Crime No.301 of 2018 on 13-08-2018, alleging that the petitioner forcibly had sexual intercourse with her as he was a stranger to the complainant and later, after having sexual intercourse assaulted her and abandoned her. The Police after investigation filed a charge sheet in the matter and the proceedings are pending in Sessions Case No.314 of 2020. It is the pendency of the proceedings that is called in question in the subject petition.



CRL.P No. 6794 of 2022

4. The learned counsel appearing for the petitioner would contend that nothing had happened on the night of 12-08-2018 and the call record details that are appended to the petition demonstrate that the petitioner was not even present in Bangalore or at the alleged scene of crime on that date as he was away. Since, he was not present at the place of scene, the story is entirely concocted and therefore, seeks interference at the hands of this Court by quashment of entire proceedings.

5. The learned High Court Government Pleader appearing for respondent No.1, would take this Court to the charge sheet and the statement of witnesses to demonstrate that the alleged incident had in fact happened and it is a matter of trial for the petitioner to come out clean as the medical records clearly indicate sexual assault on the complainant and the clinical history would also indicate immediate sexual assault. Therefore, it is a matter of trial, wherein the petitioner has to come out clean.

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



CRL.P No. 6794 of 2022

7. The afore-narrated facts are, what are found in the complaint registered against the petitioner, who was a Duty Manager in the Pride Hotel, when the complainant checked into the hotel. It is also contended in the complaint, though not in great detail, that the petitioner and the complainant did have sexual intercourse, which the complainant alleges that it was forcibly done upon her. The police after investigation have filed a charge sheet in the matter. Column No.17 i.e., summary of the charge sheet reads as follows:

“17. ಕೇಸಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ

ಈ ದೋಷಾರೋಪಣಾ ಪತ್ರದ 12ನೇ ಅಂಕದಲ್ಲೇ ನಮೂದಿಸಿರುವ ಆರೋಪಿಯ ಬೆಂಗಳೂರು ನಗರದ ಅಶೋಕನಗರ ಮೆಲೋಸ್ ಠಾಣಾ ವ್ಯಾಪ್ತಿಯ ರಿಚ್‌ಮಂಡ್ ರಸ್ತೆಯ ನಂ.93 ರ ವಿಳಾಸದಲ್ಲಿರುವ ಪ್ರೈಡ್ ಹೋಟೆಲ್‌ನಲ್ಲಿ ಡ್ಯೂಟಿ ಮ್ಯಾನೇಜರ್ ಹುದ್ದೆಗೆ ಆಯ್ಕೆಯಾಗಿ ದಿನಾಂಕ:10/03/2018 ರಂದು ಕೆಲಸಕ್ಕೆ ಹಾಜರಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಾ ಸದರಿ ಹೋಟೆಲ್‌ನ 2ನೇ ಮಹಡಿಯಲ್ಲಿರುವ ರೂ ನಂ.217ರಲ್ಲಿ ವಾಸ್ತವ್ಯ ಹೂಡಿದ್ದು, ದಿನಾಂಕ:12/08/2018ರಂದು 20.40 ಗಂಟೆಯಲ್ಲಿ ಸಾಕ್ಷಿ-1 ರವರು ಸದರಿ ಹೋಟೆಲ್‌ನ ಗ್ರಾಹಕರಾಗಿ ಬಂದು ರೂಂ ನಂ.401 ಅನ್ನು ಬಾಡಿಗೆ ಪಡೆದು ಲಿಫ್ಟ್‌ನಲ್ಲಿ ತೆರಳುವಾಗ ಪರಿಚಯಗೊಂಡ ಆರೋಪಿಯು ಸಾಕ್ಷಿ-1 ರವರ ಮೊಬೈಲ್ ಸಂಬರನ್ನು ಪಡೆದುಕೊಂಡು ನಂತರ ಅವರಿಗೆ ಕರೆ ಮಾಡಿ ದಿನಾಂಕ:12/08/2018 ರಂದು ರಾತ್ರಿ 22.27 ಗಂಟೆಗೆ ತನ್ನ ರೂಮಿಗೆ ಕರೆಸಿಕೊಂಡು ತನ್ನೊಂದಿಗೆ ದೈಹಿಕವಾಗಿ ಸಹಕರಿಸುವಂತೆ ಕೇಳಿದ್ದು, ಅದಕ್ಕೆ ಸಾಕ್ಷಿ-1 ರವರು ನಿರಾಕರಿಸಿದ್ದಕ್ಕೆ ಅವರ ಇಚ್ಛೆಗೆ ವಿರುದ್ಧವಾಗಿ ಅವರ ಮೇಲೆ ಹಠಾತ್ ಸಂಭೋಗ ಮಾಡಿರುವುದು ತನಿಖೆಯಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಆರೋಪಿಯ ವಿರುದ್ಧ ಕಲಂ 376 ಐಪಿಸಿ ರೀತ್ಯಾ ದೋಷಾರೋಪಣಾ ಪತ್ರ.”

In the light of the allegation that the petitioner had forceful intercourse against the complainant, it would require a trial for the petitioner to come out clean.



CRL.P No. 6794 of 2022

8. The contention of the petitioner that he was not present at the time of occurrence of the incident on the strength of call record details that he has appended to the petition would require evidence. Mere production of call record details before this Court would not mean and lead to closure of proceedings under Section 482 of the Cr.P.C. In the teeth of seriously disputed questions of fact that would require evidence and the alleged offence being under Section 376 of the IPC, I decline to interfere with the proceedings.

9. In the result, finding no merit, the petition is dismissed.

I.A.No.1/2022 is disposed, as a consequence.

**Sd/-
JUDGE**

NVJ