



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 2496 OF 2025

BETWEEN:

1. MRS. LAKSHMAMMA
W/O LATE JAYARAM,
AGED ABOUT 57 YEARS,
2. MR. RAMESH KUMAR J.
S/O LATE JAYARAM,
AGED ABOUT 40 YEARS,
3. MS. DHANALAKSHMI J.
D/O LATE JAYARAM,
AGED ABOUT 37 YEARS,

ALL ARE RESIDING AT:
NO.32, (OLD 1064, 5TH CROSS)
2ND 'A' CROSS, HUCHAPPA LAYOUT,
S.V.G. NAGAR, MUDALAPALYA,
BENGALURU-560 072

...PETITIONERS

(BY SRI. LOKESHA K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
(GOVINDARAJA NAGAR P.S.)
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE-560 001.





2. SRI. A. GUNASHEKAR REDDY
S/O CHINNAPPA REDDY,
AGED ABOUT 57 YEARS,
R/AT: NO.5, 3RD CROSS,
1ST MAIN ROAD, S.V.G. NAGAR,
MUDALAPALYA,
BENGALURU-560 072.

...RESPONDENTS

(BY SMT. SOWMYA R., HCGP FOR R1;
SRI. C.M. RAJANEESH, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO (1) SET ASIDE THE ORDER DATED 17.01.2025 (ANNEXURE-J) PASSED BY THE XXIV ADDL. CHIEF JUDICIAL MAGISTRATE, BENGALURU IN NCR.NO.3/2025 OF GOVINDARAJANAGARA P.S.; b) QUASH THE FIR IN CRIME NO.13/2025 (ANNEXURE-B) REGISTERED BY THE GOVINDARAJA NAGAR POLICE PENDING BEFORE XXIV ACJM, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 351(2), 351(3) AND 352 OF THE BHARATIYA NYAYA SANHITA, 2023 AND READ WITH SECTION 66(E) OF THE INFORMATION TECHNOLOGY ACT, 2000.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioners are aggrieved by the order dated 17.1.2025 passed by XXIV Additional Chief Judicial Magistrate, Bengaluru, in NCR No.3/2025 and registration of FIR in Cr.No.13/2025 of Govindaraja Nagar Police



Station, Bengaluru City, for the offence punishable under Section 352, 351(2), 351(3) of BNSm 2023.

2. The material on record would disclose that the petitioners and respondent No.2/defacto-complainant are neighbours. A complaint dated 12.01.2025 was lodged by respondent no.2 alleging that the complainant is residing along with his family in the premises bearing Site No.05, situated at SVJ Nagar, Moodalapalya, Bengaluru, since 2013. In the year 2017-18, petitioners constructed a house on the adjoining southern site without leaving the required setback, and since then, they have been intentionally causing nuisance. It is further alleged that they frequently use abusive language, provoke quarrels, and have installed 360-degree rotating CCTV cameras facing the complainant's son and daughter-in-law's bedroom, thereby invading their privacy. On 03.01.2025 at about 6:00 p.m., they allegedly abused and provoked him again, causing fear and mental distress and disturbing his peaceful possession. Permission was sought



by the police from the learned Magistrate to register the FIR and investigate into the allegations. Consequent to which, the learned Magistrate, vide impugned order dated 17.1.2025 permitted to register the crime and investigate the matter.

3. It is contended by the learned counsel for the petitioners that the parties are embroiled in a civil dispute and to put pressure on the petitioners to withdraw the suit, respondent No.2 has come up with a false complaint making baseless allegations. He contended that respondent No.2 has installed multiple CCTV cameras with audio recording behind his house, covering only the petitioners' stairs, entrances and the building with the sole intention of monitoring the movements of the petitioners and to harass their tenants and the said cameras were installed focusing towards bathrooms and toilets of the petitioners' tenants on the first floor and another capturing the main entrance of the petitioners' house. He further contended that even respondent No.2 has filed a



complaint, however, the police instead of registering the FIR, has only registered a NCR. Learned counsel contended that the ingredients of the offences alleged in the complaint are not made out and the learned Magistrate without any application of mind has permitted the police to investigate into matter, without referring as to for which offences the case has to be registered.

4. It is also contended that Section 66(e) of the Information of Technology Act, 2000 (for short 'IT Act') is a cognizable offence, therefore, the police were not justified in seeking permission of the Court to investigate into the matter and the procedure followed is not in accordance with law, which prejudiced the case of the petitioner.

5. The learned counsel appearing for respondent No.2, has contended that the complaint discloses prima facie case against the petitioners and therefore, the learned Magistrate has rightly directed the police to register the case and investigate the matter and there is



no illegality committed by the learned Magistrate. He, therefore, sought to dismiss the petition.

6. It is not in dispute that a complaint was filed by the petitioners against respondent No.2, wherein the police have registered a NCR and not FIR. In the said complaint, similar allegations are made that the CCTV cameras are installed focusing on the house of respondent No.3 etc. Writ petition was filed by petitioner No.3 for issuing necessary direction to the police to remove the cameras installed. It is submitted that the said writ petition was withdrawn.

7. In the present case, as per complaint averments, the petitioners are alleged of frequently abusing and using highly offensive language against respondent No.2 and further allegations are that they have installed multiple CCTV cameras focusing towards the bed rooms of respondent No.2's house. The police have sought permission from the learned Magistrate to register a case and to conduct investigation on the ground that the



offences alleged are non-cognizable in nature. However, while registering the case, Section 66(e) of the IT Act has been invoked. Undisputedly, the said offence is a cognizable offence and therefore, the police were not required to take permission from the learned Magistrate before registering the case and conducting investigation. The procedure followed is contrary to law.

8. The order permitting the police to register the case and to investigate into the matter, is not sustainable as the police were not required to seek permission from the Court when according to them cognizable offence was made out as per the complaint. The police are however at liberty to proceed with the complaint lodged by respondent No.2 in accordance with law. Hence, the following:

ORDER

- i. Petition is **allowed**.
- ii. The order dated 17.1.2025 passed by the XXIV Additional Chief Judicial Magistrate, Bengaluru, in



NCR No.3/2025 of Govindarajanagar Police Station, Bengaluru, and subsequent registration of the FIR in Cr.No.13/2025 are hereby quashed.

iii. The jurisdictional police is permitted to proceed with the complaint of respondent No.2 afresh, in accordance with law.

I.A.No.2/2025 is disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

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List No.: 1 Sl No.: 85