



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 2236 OF 2025

BETWEEN:

XXXX
XXXX
XXXX
XXXX

...PETITIONER

(BY SRI. TEJAS N., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BYAPPANAHALLI POLICE,
BENGALURU- 560038

(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HCK BENGALURU- 01)
2. SMT SHAKUNTHALA MURTHY H
W/O KRISHNA MURTHY,
AGED ABOUT 72 YEARS,
R/AT NO 215, 1-D CROSS,



KASTURI NAGAR,
BENGALURU- 560043

...RESPONDENTS

(BY SRI. CHANNAPPA EARAPPA, HCGP FOR R1;
SRI. KEMPARAJU, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CR.NO.2/2025 OF BYAPPANAHALLI POLICE STATION, BENGLAURU, WHICH IS PENDING ON THE FILE OF THE HONBLE 10TH ADDL. CMM, MAYO HALL UNIT, BENGALURU FOR THE OFFENCE P/U/S 506, 504, 420 AND 34 OF IPC AND THE CONSEQUENT INVESTIGATION AS AN ABUSE OF PROCESS OF LAW.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court calling in question the registration of a crime in Crime No.2/2025 registered for the offences punishable under Sections 506, 504, 420 and 34 of the IPC.



2. Heard the learned counsel Sri. Tejas N appearing for the petitioner, learned HCGP Sri. Channappa Earappa appearing for respondent No.1 and learned counsel Sri. Kemparaju appearing for respondent No.2.

3. Facts, in brief, germane are as follows:

The petitioner is accused No.3 in the subject crime and the 2nd respondent is the complainant. Respondent No.2 and accused No.1 have a transaction. The transaction between the two goes sore and a complaint comes to be registered by the 2nd respondent, which becomes subject matter of the impugned crime for the aforesaid offences. The registration of the crime is what has driven the petitioner to this Court in the subject petition.

4. The learned counsel appearing for the petitioner submits that the allegations are against accused Nos.1 and 2, who have certain chipped transaction with the complainant. The petitioner being the daughter of accused No. 1 would not mean that she should be dragged into the web of proceedings.



5. Learned counsel appearing for respondent No.2 would though submit that the matter would require investigation in the least, would admit that there is no role of accused No. 3, while the transaction is entirely between the accused Nos. 1 and 2 and the complainant.

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

7. The issue now is reduced to a narrow compass as to whether the complainant would make up any case against the petitioner. I deem it appropriate to notice the complaint. It reads as follows:

"03-01-2025

To,

The Police Inspector
Byppanahalli Police Station,
Bengaluru.

Subject: Complaint Against Mrs. Prapulla, Mr. Manjunath Reddy, XXXX, Mrs. Meenakshi B.V., Mr. Mani, and Mr. Rajesh for Cheating with an intention from the beginning.

Respected Sir,



I, Mrs.Shakuntala Murthy, w/o Krishna Murthy residing at the below mentioned address along with my daughter- Mrs.Bhargavi would lodge this formal complaint against Mrs. Prapulla, wife of Mr. Manjunath Reddy, Mr. Manjunath Reddy, XXXX d/o Mr. Manjunath Reddy, Mrs. Meenakshi B.V., Mr. Mani, and Mr. Rajesh for cheating and obtaining various gold ornaments and cash from me and my daughter Mrs. Bhargavi, my Daughter-in-laws Mrs, Mamatha and Mrs. Neetha and under false pretences and intentionally cheating us. All transactions took place at sadanandnagar, NGEF.

Since 2015, Mrs. Prapulla has repeatedly approached me under the pretext of various business and investment opportunities (along with her three brothers- Mr. Venu Gopal Reddy, Janaradhan Reddy, Bhoopal Reddy). She initially gained my trust by presenting herself as a successful businesswoman involved in multiple ventures. Over time, she convinced me to lend her substantial amounts of money and gold ornaments, promising that these would be returned along with a high return on investment.

From 2015 to 2021, Mrs. Prapulla repeatedly convinced me to invest in many of the Telugu films, taking a total of 2.2 crore rupees in cash and 10 lakh rupees through online transactions. Additionally, she obtained various gold ornaments weighing about 1.4 kilograms from me on multiple occasions.

Mrs. Prapulla also introduced herself to my daughter, **Bhargavi H.K.**, and under similar pretence's, obtained approximately 2 kilograms of gold ornaments and silver ornaments from her. Furthermore, she received 2.65 crore rupees from my daughter, both in cash and through online transactions. Of this amount, Rs.45,14,000 was transferred to Prapulla's bank account, Rs.40,30,000 to Meenakshi's bank account, and Rs.10,50,000 to Manjunath's bank account. Rs. 2,00,000 to Nithish's-Indusind bank account. It is to be noted that their staff members, Mani and Rajesh, collected a substantial amount of cash from us on multiple occasions.



The money was transferred from Bank Account no.64002810687 Bank name STATE BANK OF INDIA, Kasturinagar Branch to Bank Account no. 1074101107313, Bank Name CANARA BANK, Madiwala Branch of the Prapulla. And the total transactions as below for your ready reference:

- Rs. 45,14,000 to Prapulla's bank account(A/c no. 1074101107313), Canara Bank, Madiwala Branch.
- Rs. 40,30,000 to Meenakshi's bank account(A/c no. 0471101031777), Canara Bank, Jayanagar Branch
- Rs. 10,50,000 to Manjunath's bank account(A/c no. 1074101015502), Madiwala Branch.
- Rs. 2,00,000 to Nithish's Indusind bank account(A/c no. 0220-ZE0616-001), Marathahalli Branch.
- Rs. 1,00,000 to Govardhan's Corporation bank account (A/c no. 520101029926390), Marathahalli Branch.

That in the month of 10th February 2020 Mrs. Prapulla obtained gold ornaments weighing 1.4 kilograms from me, promising returns from the investment in many of the Telugu films. Mrs. Prapulla convinced me maliciously to invest 2.2 crore rupees in cash and 10 lakh rupees through online transactions in a Telugu film project. Despite several assurances, no returns were provided.

She even cheated my Daughter-in-law **Mamatha** by befriending my daughter-in-law and, under the pretence of investments and other promises, obtained 1.4 kilograms of gold ornaments.

She even cheated my Daughter-in-law **Neetha** by befriending my daughter-in-law and, under the pretence of investments and other promises, obtained 3.5 kilograms of gold ornaments. Furthermore, she received 1.5 crore rupees from my daughter-in-law, both in cash and through online transactions.



The money was transferred from Bank Account no.00531610031682 Bank name HDFC, Koramangala Branch to Bank Account no. 1074101107313, Bank Name CANARA BANK, Madiwala Branch of the Prapulla. And the total transactions as below for your ready reference:

- Rs. 40,23,000 to Prapulla's bank account (A/c no. 1074101107313), Canara Bank, Madiwala Branch.
- Rs. 20,06,000 to Meenakshi's bank account (A/c no. 0471101031777), Canara Bank, Jayanagar Branch
- Rs. 14,50,000 from Poornima account to Prapulla's bank account (A/c no. 1074101107313), Canara Bank, Madiwala Branch.
- Rs. 3,50,000 to Nithish's Indusind bank account (A/c no. 0220-ZE0616-001), Marathahalli Branch.

Mrs. Prapulla also deliberately misled me, daughter and daughter-in-law's when we demanded the return of the said jewels and cash, they misled us by stating that there is an ED case registered against her and that the said jewels and other assets were seized and are in their custody. **On multiple occasions, XXXX, the daughter of Mrs. Prapulla, verbally abused me and threatened me with dire consequences and further threatened me that she will file a complaint against me.**

Upon further inquiry, we discovered that our gold jewellery was pledged at various financial institutions under the names of Mrs. Prapulla. Mr. Manjunath Reddy, Mr. Mani, and Mr. Rajesh. The institutions i.e; Federal Bank Heerandahalli, Mahendra Pan Broker Marathahalli, Manappuram Gold Loan Marathahalli branch, etc.,

Request your good self to conduct a thorough investigation into the financial institutions, including the amounts transferred to the bank accounts of the accused individuals, and recovery of the sums from the bank accounts of Mrs. Prapulla, Mrs. Meenakshi B.V., and Mr. Manjunath Reddy.



I request you to take appropriate action against the aforementioned individuals, register an FIR, and seize the jewels upon perusing the documents available with us. We have all the necessary documents and evidence to support our claims and are willing to provide full cooperation in the investigation."

(Emphasis added)

The complaint is registered on 03.01.2025. A perusal of the entire complaint could not indicate even an iota of involvement of the petitioner/accused No. 3, while the transaction is in its entirety is between the complainant and accused Nos. 1 and 2. The only allegation that is made against the petitioner is that she has verbally abused the complainant and threatened her with dire consequences.

8. For an offence to become punishable under Section 420 of the IPC, the ingredients as obtaining in Section 415 of the IPC are required to be met. The interpretation of Section 415 of the IPC need not detain this Court for too long or delve deep into the matter, as the Apex Court in its latest judgment rendered in the case of **V. GANESAN v. STATE**¹, while referring to its earlier judgment in the case of **IRIDIUM**

¹2026 SCC OnLine SC 444



INDIA TELECOM LTD.v.MOTOROLA INC. reported in
(2011) 1 SCC 74, has held as follows:

"

12. In *Iridium India Telecom Ltd. v. Motorola Inc.* [(2011) 1 SCC 74], this Court laid down the ingredients of an offence of cheating as defined in Section 415 of IPC. It was observed that Section 415 of IPC has two parts. The first part makes it necessary that the deception by the accused of the person deceived, must be fraudulent or dishonest. Such deception must induce the person to either: (a) deliver property to any person; or (b) consent that any person shall retain any property. The second part also requires that the accused must by deception intentionally induce the person deceived either to do or omit to do anything which he would not do or omit, if he was not so deceived. Besides, such act or omission must cause or must be likely to cause damage or harm to that person in body, mind, reputation or property. Thus, deception is a necessary ingredient for the offence of cheating under both parts of this section. Besides, the complainant must allege/prove that the inducement had been caused by the deception exercised by the accused. In other words, such deception must produce the inducement to part with or deliver property, which the complainant would not have parted with or delivered, but for the inducement resulting from such deception. The explanation to the section clarifies that non-disclosure of relevant information would also be treated as a misrepresentation of facts leading to deception.

13. In order to constitute an offence of cheating the intention to deceive should be in existence when the inducement was made. It is necessary to show that a person had fraudulent or dishonest intention at the time of making the promise. Mere failure to keep the promise subsequently



cannot be the sole basis to presume that dishonest intention existed from the very beginning.”

There is no allegation against the petitioner, which would form the ingredients of Section 415 of the IPC as elucidated by the Apex Court in the judgment quoted *supra*. In that light, the offence punishable under Section 420 of the IPC alleged against the petitioner would tumble down *qua* the petitioner.

9. What would now remain are the offences punishable under Sections 504 and 506 of the IPC. The Apex Court, in the case of **MOHD. WAJID v. STATE OF UTTAR PRADESH**,² while considering what would become the ingredients of the offences punishable under Sections 504 and 506 of the IPC, has held as follows:

“ ”

Sections 503, 504 and 506 IPC

25. Chapter XXII IPC relates to criminal intimidation, insult and annoyance. Section 503 reads thus:

“503. Criminal intimidation.—Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act

²2023 SCC OnLine SC 951



which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

26. Section 504 reads thus:

"504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

27. Section 506 reads thus:

"506. Punishment for criminal intimidation.—Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

if threat be to cause death or grievous hurt, etc.—and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

28. An offence under Section 503 has the following essentials:

(1) Threatening a person with any injury;



(i) to his person, reputation or property; or
(ii) to the person, or reputation of any one in whom that person is interested.

(2) The threat must be with intent;

(i) to cause alarm to that person; or

(ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or

(iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

29. Section 504 IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.

30. In judging whether particular abusive language is attracted by Section 504 IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is



the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.

31. Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace or an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC if he merely uses abusive language against the complainant. In *King Emperor v. Chunnibhai Dayabhai* [*King Emperor v. Chunnibhai Dayabhai*, (1902) 4 Bom LR 78] , a Division Bench of the Bombay High Court pointed out that:

"To constitute an offence under Section 504 IPC it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."

(emphasis supplied)

32. A bare perusal of Section 506 IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.

33. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to



constitute the offence punishable under Section 506 IPC may probably could be said to have been disclosed but not under Section 504 IPC. The allegations with respect to the offence punishable under Section 504 IPC can also be looked at from a different perspective. **In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR.**

34. One of the essential elements, as discussed above, constituting an offence under Section 504 IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present."

(Emphasis supplied at each instance)

If the afore-quoted judgment of the Apex Court is pitted against the facts obtaining in the case at hand, what would unmistakably emerge is that, mere allegation of verbally abusing the complainant would not form ingredients of the offences punishable under Sections 504 and 506 of the IPC.

10. In that light, the career of the petitioner or the education of the petitioner should not be jeopardized for a crime that is registered, in which there is no involvement of the petitioner.



11. For the aforesaid reasons, the following:

ORDER

- i. Criminal Petition is **allowed**.
- ii. Impugned crime in Crime No.2/2025 pending before the X Addl. CMM Court, Mayo Hall, Bangalore, stands quashed *qua* the petitioner - accused No.3.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

HR
List No.: 2 Sl No.: 5