



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 31ST DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE K NATARAJAN

CRIMINAL PETITION NO.201662 OF 2023

(482(Cr.PC)/528(BNSS))

BETWEEN:

SRI. RAMESH S/O SAYIBANNA @ SAHEBANNA
AGE: 39 YEARS, OCC: PRINCIPAL OF
SRI. SIR VISHWESHWARAYYA
PRE-UNIVERSITY COLLEGE, LINGSUGUR,
R/O ENNI WADAGERA VILLAGE,
NOW RESIDING AT TQ. LINGUSUR
DIST. RAICHUR-584122.

...PETITIONER

(BY SRI. B. BHIMASHANKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH LINGSUGUR POLICE STATION,
LINGUSUGUR.
R/BY ADDITIONAL STATE PUBLIC PROSECUTOR,
HIGH COURT UNIT KALABURAGI-585102.
2. SRI. NEELAPPA S/O DEVAPPA PAWAR,
AGE: 35 YEARS, OCC: AGRICULTURE
R/O GOHNWATLA TANDA,
TQ. LINGSUGUR DIST. RAICHUR-584122.

...RESPONDENTS

(BY SRI. JAMADAR SHAHABUDDIN, HCGP FOR R1;
NOTICE TO R-2 SERVED BUT UN-REPRESENTED)





THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C. PRAYING TO QUASH THE REGISTRATION FIR, FINAL REPORT AND ITS CONSEQUENT PROCEEDINGS SPL. (AC) NO.330/2023 ARISING OUT OF CRIME NO.0032/2023 REGISTERED BY THE LINGASUGUR POLICE STATION FOR THE OFFENCE PUNISHABLE UNDER SECTION 305 THE INDIAN PENAL CODE 1860 AND SECTION 3(2)(v) OF THE SC AND ST (PREVENTION OF ATROCITIES) ACT, 1989 PENDING ON THE FILE OF I ADDITIONAL SESSIONS JUDGE, AT RAICHUR.

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

CORAM: HON'BLE MR JUSTICE K NATARAJAN

ORAL ORDER

(PER: HON'BLE MR JUSTICE K NATARAJAN)

This petition is filed by the petitioner – accused under Section 482 of Cr.P.C. seeking to quash the registration, FIR and final report and its consequent proceedings in Spl.(AC).No.330/2023 arising out of Crime No.0032/2023, registered by the Lingasugur Police Station, for the offence punishable under Section 305 of IPC and Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act, 1989, pending on the file of I Additional Sessions Judge, at Raichur.



2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent No.1 – State. Though, the respondent No.2 is served with the notice, but un-represented.

3. The case of the prosecution is that on the complaint filed by the respondent No.2, the police have registered the FIR on 03.02.2023 alleging that his niece said to be studying in I PUC at Sir. M. Vishweswarayya Pre-University College, at Lingagusur and she was staying in the VCB Education Society for Arts and Commerce in Women Hostel, at Lingasugur, where the petitioner is said to be Principal of the College used to harass her by taking her caste and sexually abusing her. This was intimated to him by the deceased – , since her parents were staying at Pune for livelihood. Later on 03.02.2023 he has got the information that due to the sexual assault and abuse on the diseased, the accused is said to be committed the sexual assault on her and committed murder and hanged her in the Hostel. After receipt of the



information, the police have initially registered the FIR for the offenses punishable under Sections 376 and 302 of IPC and under Sections 3(1) (r), 3(1) (s) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act. The police after investigating the matter and on recording the further statement of the petitioner and the police have dropped the charges under Section 302 and 376 of IPC as well as Section 3(1) and 3(2) of SC/ST Prevention of Atrocities) Act and have filed the charge-sheet only for the offence punishable under Section 305 of IPC for abatement of committing suicide of a minor girl. Accordingly, the petitioner has approached this Court for quashing the criminal proceedings.

4. Learner counsel for the petitioner has contended that the petitioner is innocent of all the alleged offences. He has been falsely implicated. There was misbehavior by the students scolding each other and there was a misconduct and indiscipline. Therefore, the petitioner being the Principal of the college called all the



students and warned them suitably. He has not abated the victim to commit suicide. He has never harassed the diseased physically or sexually and there is no mens rea for abetting the disease to commit suicide. The diseased committed suicide in the room. It could not have been seen by the Principal and he never abetted the deceased to commit suicide. The petitioner was holding the post of Principal at the college and the act done by him is in discharge of his moral and legal duty. Even there is no circumstance remotely to implicate the petitioner in the commission of suicide by the deceased. The police have implicated various offenses in the FIR, later it was deleted. In a similar case, Hon'ble Supreme Court has quashed the criminal proceedings in the case of **Geo Varghese V/s The State of Rajasthan and Anr.** in **Crl.A.No.1164/2021**. Therefore, this petitioner is entitled for the same. Hence, he prays to allow this petition.



5. Learned High Court Government Pleader has seriously objected the petition contending that this petitioner abated the diseased to commit suicide, who is a minor girl aged about 17 years staying in the women's hostel. Female students have given statement to the police stating that the accused scolded her and insulted her in presence of the others, threatening that she will be thrown out by giving TC to her. Due to which, the deceased was forced to commit suicide in the hostel. The statement of female students clearly establishes the offence committed by the accused. It is also contended the accused destroyed the CCTV footage, which was fixed in the Principal chamber. Therefore, he has purposely destroyed the evidence in order to overcome from the clutches of law. Such being the case, it is not a fit case for quashing the criminal proceedings. The accused has to face the trial. Hence, he prayed for dismissing the petition.



6. A perusal of the records would go to show that admittedly as per the first information given by the respondent No.2, who is the uncle of the diseased has categorically stated the accused/petitioner was the Principal of the college. He always used to sexually abuse the daughter of his brother and also used to abuse taking her caste name. However, she had tolerated and the same was interpreted by the deceased to the complainant. However, in the further statement the police has not recorded anything about the sexual harassment. The Investigating Officer for the best reasons known to him, has not collected any evidence from the witnesses for scolding the deceased by taking the caste name and insulting a members of the SC/ST community. Admittedly, the diseased was found dead in the hostel by hanging herself, which was noticed by roommate other two girls from the hostel and they broke open the door and gave intimation. All three witnesses have categorically stated that the accused/petitioner called the deceased to the Principal chamber on 03.02.2023 at about 11:00 a.m.



and threatened her by saying he will take action against her and throw her out of the college. It is stated that the deceased said to have shown the footwear towards some other students. For that reason, the petitioner said to have called the deceased and warned her and insulted her. Then why has not the petitioner enquired, whether they have teased her? Whether they have sexually harassed her? In fact he has not warned the male students at all. Instead of supporting the victim girl, he has scolded her and warned that she will be thrown out from the college by giving TC. It is pertinent to note that her parents are poor people staying in Pune for livelihood and she was staying in the hostel. The Principal also said to have compared with the deceased with the Aishwarya Rai, the cinema actress stating that merely she is she cannot act as Aishwarya Rai and in front of the other students, both male and female, he has insulted the deceased and scolded her, which led to her for depression and committing suicide in the room.



7. Learned counsel for the petitioner has contended that in a similar case the Hon'ble Supreme Court has quashed the criminal proceedings in case of Geo Varghese(Supra) and in the case of **Ramesh Kumar V/s State of Chhattisgarh** reported **in (2001) AIR(SC) 3837**. But, in this case the deceased is a student and the accused is a college Principal. He has insulted the deceased in front of the others by saying she should not act like Aishwarya Rai, the cinema actress because she is and threatened to throw away from the school by giving TC. All the female students have given statement against the petitioner, which clearly reveals the abatement made by the petitioner. That apart, as per the statement of some of the witnesses, the CCTV footage was installed in the college. But, especially the CCTV footage dated 03.02.2023 has been deleted by the petitioner willfully, in order to cause the destruction of the evidence. Also, if this CCT footage is collected, it may reveal what was the act done by the accused. But, in apprehension of the arrest, the petitioner willfully



destroyed the CCTV footage and his chamber in order to destroy the evidence. Such being the case, I am of the considered view that it is not a fit case for quashing the criminal proceedings. Accordingly, I pass the following order:

ORDER

The petition is *dismissed*.

**Sd/-
(K NATARAJAN)
JUDGE**

KJJ,NJ
List No.: 1 Sl No.: 29
CT:SI