



CNR: KAHC010495542026

NC: 2026:KHC:53190
CRL.P No. 10660 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.10660 OF 2026

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

BETWEEN:

SMT. H.K. PRATHIBHA,
AGED ABOUT 43 YEARS,
W/O ADARSH SANJEEV NAYAK,
R/AT NO.333, ASHIRVADA,
6TH MAIN ROAD, DASARAHALLI,
SRINAGARA, 1ST STAGE,
BANASHANKARI,
BENGALURU - 560 050.

...PETITIONER

(BY SRI. SUYOG HERELE E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH SUBRAMANYAPURA P.S,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA BUILDING,
BENGALURU - 560 001.

2. ABCD
AGED ABOUT 30 YEARS,
FATHER NAME NOT KNOWN,
UTTARAHALLI,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. NAGHARISH G.S., HCGP FOR R1,
SRI. RAMESHA H.E., ADVOCATE FIR R2)





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THIS CRL.P IS FILED UNDER SECTION 482(FILED U/S.528 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THIS CRIMINAL PETITION AND QUASH THE FIR AND COMPLIANT IN CRIME NO.185/2026 REGISTERED WITH THE RESPONDENT POLICE FOR THE ALLEGED OFFENCE P/US/ 69,308(2),351(2) R/W SEC.3(5) OF BNS 2023 AND U/S.66(E),67(A) OF IT ACT 2000 ON THE FILE OF THE LEARNED XXX ADDL CJM BENGALURU CITY IN SO FAR AS PETITIONER IS CONCERNED PRODUCED AT DOCUMENTS NO.1 RESPECTIVELY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner; learned High Court Government Pleader for respondent No.1 and learned counsel for respondent No.2.

2. This petition is filed to quash the FIR and the complaint in Crime No.185/2026 registered before the Subrahmanyapura police station for the offences alleged under Sections 69, 308 (2), 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 66E and 67A of the Information Technology Act, 2000.



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3. The learned counsel appearing for the petitioner would submit that, the petitioner is the legally wedded wife of accused No.1 who is not a party to the present proceedings.

4. The complainant claims that she had a relationship with accused No.1, the husband of the petitioner. The complaint is filed on the allegation that the petitioner and accused No.1 represented to the complainant that their marital relationship is not cordial. It is stated in the complaint that the complainant developed acquaintance with the accused and it is alleged that accused No.1 promised to marry the complainant and thereafter, had a physical relationship with the complainant.

5. It is also alleged that, several photographs and videographs of the complainant were taken by accused No. 1 and 2 and that they have shared the same to third



person without the consent and knowledge of the complainant.

6. It is also alleged that, there was an attempt by accused No.1 and 2 to blackmail the complainant and in this behalf the complaint is filed.

7. Learned counsel appearing for the petitioner would submit that, Section 69 of the BNS, 2023, does not apply to the petitioner. It is also submitted that, data is not transmitted by the petitioner/Accused No.2 to any other person, as alleged.

8. It is also contended on behalf of the petitioner that, if there is a dispute between accused No.1 and the complainant arising out of their alleged relationship, the petitioner, who is married to accused No.1, 11 years ago, cannot be made accused of the crime.

9. Learned High Court Government Pleader would oppose the petition on the ground that the investigation is still in progress and during the course of investigation, the



police have recovered certain materials indicating that the petitioner has transmitted the photographs and the videographs of the complainant without the consent and knowledge of the complainant.

10. The Court has considered the contentions raised at the Bar and perused the records.

11. Admittedly, the petitioner is a women and is arrayed as accused No.2 and the offence under Section 69 of the BNS, 2023, cannot be attracted against the petitioner and the allegations in the complaint do not indicate any such act by the petitioner.

12. However, it is noticed from the materials placed on record that, there is an allegation of transfer of photographs pertaining to the complainant without the consent and knowledge of the complainant.

13. Learned counsel for the petitioner would urge that the complainant has not transferred any images/photographs pertaining to the complainant and



even if it is found to be transferred from the petitioner's cell phone, then, it is quite possible that somebody might have misused the petitioner's cell phone and for such misuse the petitioner cannot be prosecuted.

14. The Court is of the view that the contentions raised relating to data transfer require investigation. In case, during the course of investigation if it is found that there is no data transfer by the petitioner or with the consent of the petitioner, then there cannot be any charge sheet for the said offence against the petitioner.

15. For the aforementioned reasons, the petition is ***allowed-in-part***. The complaint against the petitioner insofar as offence under Section 69 of the BNS, 2023 is quashed.

16. There shall be investigation relating to the other offences alleged. Based on the investigation appropriate report will have to be filed by the Investigating Agency.



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CRL.P No. 10660 of 2026

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17. It is made clear that the observations made in this order should not be construed as having reflected anything on the allegations against accused No.1, who is not party to this proceeding.

18. All other contentions of the petitioner are kept open.

(ANANT RAMANATH HEGDE)
JUDGE

PK
List No.: 1 Sl No.: 4