

Reserved on : 06.06.2025
Pronounced on : 10.06.2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.12290 OF 2023

BETWEEN:

SRI TAHA HUSAIN
S/O. SRI KHALID MEHEBOOB,
AGED ABOUT 31 YEARS,
RESIDING AT 2ND CROSS,
SIRAJ LAYOUT,
SHIKHARIPALYA,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT – 562 106.

... PETITIONER

(BY SRI DEVARAJ G., ADVOCATE)

AND:

1 . THE STATE OF KARNATAKA
BY THE SUB INSPECTOR OF POLICE,
HEBBAGODI POLICE STATION,
BENGALURU URBAN DISTRICT.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

2 . MS. NIKITHA ANJANA IYER
 D/O. BAMARAVATHI IYER,
 AGED ABOUT 41 YEARS,
 RESIDING AT 2ND CROSS,
 SIRAJ LAYOUT, SHIKARIPALYA,
 ANEKAL TALUK,
 BENGALURU RURAL DISTRICT 562 106.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO 1) SET ASIDE THE ORDER DATED 02.09.2022 PASSED BY THE IV ADDL. CIVIL JUDGE AND JMFC, ANEKAL, BENGALURU RURAL DISTRICT IN C.C.NO.13477/2022 BY TAKING COGNIZANCE U/S 190(1)(b) OF THE CR.P.C. 1973, FOR THE ALLEGED OFFENCE P/U/S 504, 506, 509 OF IPC AS PER ANNEXURE-A; 2) QUASH THE ENTIRE PROCEEDINGS WHICH IS PENDING BEFORE THE IV ADDL. CIVIL JUDGE AND JMFC, ANEKAL, BENGALURU RURAL DISTRICT, IN C.C.NO.13477/2022 AS ABUSE OF PROCESS OF LAW AS PER ANNEXURE-B.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioner/accused is before this Court calling in question proceedings in C.C.No.13477 of 2022 registered for offences

punishable under Sections 428, 429, 504, 506 and 509 of the IPC and pending before the IV Additional Civil Judge & JMFC, Anekal, Bengaluru Rural District.

2. Heard Sri G. Devaraj, learned counsel appearing for the petitioner and Sri B.N. Jagadeesha, learned Additional State Public Prosecutor for respondent No.1. **The complainant though served long ago remained unrepresented.**

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

At the heart of this criminal litigation lies a wayward pet feline, named Daisy:

The 2nd respondent is the complainant and accused is the petitioner, who stays in the adjacent apartment complex. The 2nd respondent registers a complaint on 1-02-2022 alleging that the domesticated cat by name 'Daisy' went missing and it was a case of kidnapping. It is her further allegation that the cat was within the premises of the accused, and had been wrongfully confined. It is further alleged that due to kidnapping of her cat, she underwent unnecessary stress and emotional trauma due to the act of the

accused/petitioner. The narration in the complaint is that the cat is an animal and no cruelty can be meted out to an animal which becomes an important issue of animal cruelty. As the cat was taken care of like her own child, this becomes a crime in Crime No.36 of 2022 for offences punishable under the aforementioned provisions. The Police conduct investigation and file a charge sheet against the petitioner dropping offences under Sections 428 and 429 of the IPC, but retaining offences under Sections 504, 506 and 509 of the IPC. Filing of the charge sheet is what has driven the petitioner to this Court in the subject petition.

4. The learned counsel Sri G.Devaraj appearing for the petitioner would contend that the cat of the complainant, was jumping from house to house, through windows in the apartment complex. It was staying nowhere. It may have come to the house of the petitioner and jumped to another house. The CCTV footage that was handed over to the Police clearly demonstrated that the cat was jumping from one window to another. It never stayed in the premises of the petitioner. The complainant comes and enquires about the cat. In clear words the petitioner had told her why would

he keep the cat in his premises. This has enraged the complainant, goes before the jurisdictional Police and registers a complaint for the offences punishable for criminal intimidation, breach of peace and insulting the modesty of a woman. He would contend that it is understandable as to whether these offences would spring from a missing cat.

5. The learned Additional State Public Prosecutor though seek to defend the act of filing the charge sheet, would admit that it was a frivolous case that was projected by the complainant and **the complainant does not appear before the Court to answer the contentions. He would leave the decision to the Court.**

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 petitioner and the complainant being neighbours along with several others, is a matter of record. The complainant claims to be the proud owner of a cat named Daisy. One fine day it goes

missing, leaping from one window to another. It has jumped out from the complainant's house, to neighbouring houses including the house of the accused. It appears that the complainant had asked about the cat getting into the house of the accused. The accused has clearly indicated that no cat entered his house. A complaint comes to be registered against the petitioner/accused before the Hebbagodi Police Station. Since the entire issue has triggered from the complaint, I deem it appropriate to notice it. It reads as follows:

"To

The Inspector of police,
Hebbagodi Police Station,
Electronic city, Bangalore.

Respected sir,

I, Anjana residing in electronic city, I am lodging a complaint at the SPCA with the docket no AH00449364. This is a clear case of kidnapping my pet cat and wrongfully detaining the cat within the premises of Taha and Zaveria and his family. Animal cruelty of any kind including kidnapping and holding a pet under wrongful custody is a punishable crime under IPC sections 428 and 429.

I have undergone needless stress and emotional trauma since my pet cat was kidnapped by these neighbours. This is harassment and intimidation and punishable under IPC Sections 504, 506 and 509.

All animals are protected by the PCA Act and any force of misusing the life of an animal is a punishable offence, As per

Karnataka Police Act Section 93, it is the duty of the police to give equal importance to animal cruelty issues too.

I am afraid for the safety of my pet cat Daisy who I have taken care of like my own child, she is being wrongfully and forcibly retained by the neighbours and I demand that the police get my pet safely back to me.

I have the right to file FIR for such matter as it is my right and I request the police help me exercise my rights as a citizen of India.

The constitution of India 5(A)(g) clearly states that it is our duty to show compassion to all living things.

should anything happen to my pet cat under the wrongful custody should I be further harassed in any way or my other pets, friends and family face any untoward consequence as a result of this complaint, I shall hold the police the All Government departments and the accused Taha and Zaveria and his family responsible.

Kindly do the needful to get my cat back to me safely at any cost. If that requires in FIR so be it.

Thanking You,

Your's Sincerely,
Nikitha Anjana Iyer
D/o Bamaravathi Iyer
Phone no: 8431802284
Age: 41 years
Caste: Brahmin
Work: MNC

Address:

83, 2nd cross, Siraj Layout,
Shikaripalya, Electronic City Phase I,
Bengaluru, Karnataka- 560 100
Taha: 7022639427
Zaveria: 8792347360
Mother of Taha: 9845114890.

(Emphasis added)

“ದಿನಾಂಕ 01-02-2022 ರಂದು ಸಂಜೆ 5.00 ಗಂಟೆಗೆ ಪಿರಾದಿದಾರರು ತಾಣೆಗೆ ಹಜರಾಗಿ ನೀಡಿದ ದೂರನ್ನು ಪಡೆದು ತಾಣಾ ಮೊ.ಸಂ.36/2022 ಕಲಂ-428, 429, 504, 506, 509 IPC ರೀತ್ಯಾ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತೇನೆ.”

It is the case of the complainant that it was a clear case of kidnapping of her pet cat and wrongfully detaining it within the premises of the petitioner, due to which, the complainant has underwent needless stress and emotional trauma. Therefore, the complaint comes to be registered. The complaint becomes a crime in FIR No.36 of 2022, for what offence is shocking, it is for 504, 506 and 509 of the IPC – 509 in particular, insulting the modesty of a woman.

8. If the contents of the complaint are seen, it shocks the conscience of the Court as to how the jurisdictional Police could have registered the complaint, as there is no offence indicated in the complaint, except missing cat and alleged wrongful custody of the cat in the house of the accused. Safety of her cat, which the complainant contends that she was taking care like a child, forms the fulcrum of the complaint. The entire police machinery gets involved in the case of a missing cat, record statements of neighbours, see CCTV footage and find nothing but file a charge

sheet dropping the offences under Sections 428 and 429 of the IPC, but retaining the offences under Sections 504, 506 and 509 of the IPC. The summary of the charge sheet as obtaining in column No.17 reads as follows:

“17. ಮೊ ನಂ 36/2022 ಪ್ರಕರಣದ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ : ಕಲಂ 504, 506, 509 ಐಪಿಸಿ (ಕಲಂ 428 & 429 ಕಲಂಗಳನ್ನು ಆರೋಪ ಸಾಬೀತಾಗದ ಕಾರಣ ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯಲ್ಲಿ ಕೈ ಬಿಡಲಾಗಿದೆ)

ದಿನಾಂಕ : 20-01-2022 ರಂದು ಬೆಳಿಗ್ಗೆ 11-30 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ತಮ್ಮ ಘನ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿದ ಹೆಬ್ಬಗೋಡಿ ಪೊಲೀಸ್ ಠಾಣೆಯ ಸರಹದ್ದಾದ ಅನೇಕಲ್ ತಾಲ್ಲೂಕು, ಜಿಗಣಿ ಹೋಬಳಿ, ಶಿಖಾರಿ ಪಾಳ್ಯ ಗ್ರಾಮದ, ಸಿರಾಜ್ ಬಡಾವಣೆಯಲ್ಲಿರುವ ಸಾಕ್ಷಿ 1 ರವರು ಈ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ಕಾಲಂ ನಂ 12 ರಲ್ಲಿ ಕಂಡ ಎ1 ರವರ ಮನೆಯ ಬಳಿ ಹೋಗಿ ತಾವು ಸಾಕಿದ್ದ ಬೆಕ್ಕನ್ನು ಕೊಡುವಂತೆ ಕೇಳಲಾಗಿ ಆ ಸಮಯದಲ್ಲಿ ಸಾಕ್ಷಿ 1 ರವರಿಗೆ ಅವ್ಯಾಚ್ಛ ಶಬ್ದಗಳಿಂದ ಬೈದು, ಲೈಂಗಿಕ ಸನ್ನೆ ಮಾಡಿ ಇನ್ನೊಮ್ಮೆ ನಮ್ಮ ಮನೆಯ ಬಳಿ ಬಂದರೆ ಪ್ರಾಣ ಸಹಿತ ಬಿಡುವುದಿಲ್ಲ ಎಂದು ಪ್ರಾಣ ಬೆದರಿಕೆ ಹಾಕಿರುವುದು ತನಿಖೆಯಿಂದ ಧೃಢಪಟ್ಟಿರುತ್ತೆ.

ಆದ್ದರಿಂದ ಮೇಲ್ಕಂಡ ಆರೋಪಿಗಳ ಮೇಲೆ ಮೇಲ್ಕಂಡ ಕಲಂ ರೀತ್ಯಾ ಹೊರಿಸಿದ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ.”

The summary of the charge sheet has retrospective embellishments, which even the complaint did not contain. The charge sheet narrates that abuses were hurled and sexual actions were made against the complainant. This was not even uttered in the complaint, but they form part of the charge sheet. It is then the petitioner knocks at the doors of this Court in the subject petition.

9. The offences alleged are the ones punishable under Sections 504, 506 and 509. Sections 504 and 506 read as follows:

"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.

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."

Sections 504 and 506 have their ingredients in Section 503. The Apex Court holds that hurling of abuse would not amount to offence under Sections 504 and 506 of the IPC. The Apex Court in the case of **MOHD. WAJID v. STATE OF U.P.**¹ has held as follows:

"....

¹ **2023 SCC OnLine SC 951**

"SECTIONS 503, 504 AND 506 OF THE IPC

24. Chapter XXII of the IPC relates to Criminal Intimidation, Insult and Annoyance. Section 503 reads thus:—

"Section 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 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 resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation."

25. Section 504 reads thus:—

"Section 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."

26. Section 506 reads thus:—

"Section 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.”

27. An offence under Section 503 has 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.

28. Section 504 of the 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. 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.

29. 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*, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:—

"To constitute an offence under Section 504, I.P.C. 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)

30. A bare perusal of Section 506 of the 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.

31. 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 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the 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. One of the essential elements, as discussed above, constituting an offence under Section 504 of the 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)

If the allegations against the petitioner in the complaint and in the charge sheet are considered on the bedrock of the principles laid down by the Apex Court in the aforesaid case, not even a titter of ingredient of offence under Section 504 or 506 of the IPC is found in the case at hand.

10. The other offence is the one punishable under Section 509. Section 509 of the IPC reads as follows:

"509. Word, gesture or act intended to insult the modesty of a woman.—Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine."

Section 509 punishes one who seeks to outrage the modesty of a woman. Whether this provision would get attracted to the ingredients of the complaint is a mystery. All that the complainant narrates is about her cat named Daisy. The cat named Daisy appears to have driven every one crazy and even the criminal justice system. The Police ought not to have entertained the complaint, which did not indicate any cognizable offence at the outset. As a matter of fact, the complaint does not even indicate a non-cognizable offence. But, the Police entertain the complaint ostensibly, for extraneous reasons. Plethora of cases are filed before the Court complaining that the Police are not entertaining the complaint and seek a direction to register the complaint by issuance of a writ in the nature of mandamus. But, here for a missing cat and no other offence or kidnapping of the cat, or no other cognizable offence, FIR is registered only to assuage the

feelings of the complainant who is said to have been distressed because the cat has leaped from one window to another.

11. It is not merely the present prosecution warrants judicial censure, it is the symptomatic misuse of criminal process, where hurt feelings or robust grievances masquerade as legal wrongs. If such frivolous grievances are allowed to blossom into a full fledged criminal trial, it would be nothing but wasting of precious judicial time and more gravely, diverting police resources from genuine grievances. If proceedings of this nature are permitted to continue, it would be a travesty and putting a premium on the litigious persistence of the complainant and reducing the criminal justice system to conduct a trial, in a melodrama woven around a cat.

12. This is a fit case for not only quashing the proceedings, but reserving liberty to the petitioner to initiate proceedings for malicious prosecution against the complainant. The complainant having chosen not to appear, leaves unanswered the serious nature

of her false assertions. In the light of the complainant not being represented herself or through an Advocate, this Court holds its hands in permitting the petitioner to initiate proceedings for malicious prosecution. **The Police too, deserve stern admonishing, for allowing themselves to be swept into whimsical pursuit of justice for a cat named Daisy.** Cases of this nature should serve as a gentle, but firm reminder, to all the stakeholders in the criminal justice system that the **law is a solemn instrument and not a toy to be played at the altar of personal pique.**

13. For the aforesaid reasons, I pass the following:

ORDER

- (i) Criminal Petition is allowed.
- (ii) Proceedings in C.C. No.13477 of 2022 pending before the IV Additional Civil Judge & JMFC, Anekal, Bengaluru Rural District stand quashed.

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

Bkp/CT:MJ