

News

It is not stalking to merely send offensive text messages: High Court of Karnataka



While dismissing the stalking charge against a man under Section 354D IPC, Justice M Nagaprasanna made the statement.

According to a recent ruling by the Karnataka High Court, sending offensive text messages is not enough to qualify as stalking under the Indian Penal Code (IPC) [**Abhishek Mishra v State of Karnataka & Anr**].

When dismissing the Section 354D IPC offense against Abhishek Mishra, **Justice M Nagaprasanna** made the statement.

"The petitioner and the complainant are accused of sexual actions in relation to the stalking offense, which is punishable under Section 354D. It wouldn't be considered stalking if the two

simply exchanged texts or sent each other offensive content. As a result, the petitioner is not strictly guilty of stalking," the court said.

The Court was considering Mishra's appeal contesting the actions taken against him under the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act), the Information and Technology Act, 2000 (IT Act), and other articles of the Indian Penal Code.

After promising her a marriage, Mishra allegedly taped her private films and started threatening to post them on social media, according to a lady who claimed to have met him during their UPSC coaching in Delhi.

Mishra argued that the FIR was an abuse of the legal system and that the connection was voluntary.

Additionally, he noted that there had been discussions about marriage and that a marriage had even been registered, which the woman later said was coerced.

The court granted Mishra's plea in part after reviewing the case.

The Bench refused to dismiss proceedings under the SC/ST Act, IT Act, and other IPC provisions pertaining to voyeurism and criminal intimidation, even though it overturned the stalking offense.

According to Justice Nagaprasanna, those offenses were identified in the complaint and the charge sheet summary.

"As noted above, the matter at hand centers on hotly contested factual issues that necessitate additional processes before the relevant court, with the exception of the stalking offense. As a result, I refuse to use my authority under Section 482 of the CrPC to nullify the proceedings regarding all offenses save for stalking, which is covered under Section 354D. The Court noted that allowing a further trial regarding this offense would surely constitute an abuse of the legal system.

Monica Patil, an advocate, represented the petitioner.

Advocate MB Ravikumar and additional SPP BN Jagadeesha represented the respondents.