



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 10651 OF 2024

BETWEEN:

1. SRI. PRASHANTH SAMBARGI
S/O S.B. SAMBARGI
AGED ABOUT 50 YEARS
RESIDING AT FLAT NO. C-203
2ND FLOOR, BLOCK-C, STERLING TERRACE
BANASHANKARI 3RD STAGE
BENGALURU CITY-560085.

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR, ADVOCATE)

AND:

1. SRI. Y.K. DEVANATHA
S/O Y.V. KRISHNAPPA
AGED ABOUT 48 YEARS
RESIDING AT NO. 285, 6TH C MAIN
2ND PHASE, 2ND STAGE
MAHALAKSHMIPURAM
BENGALURU CITY-560 061.

...RESPONDENT

(NOTICE TO RESPONDENT SERVED)

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNNS)
PRAYING TO QUASH THE PRIVATE COMPLAINT BEARING PCR
NO.15323/2019 DATED 30.11.2019 FOR THE OFFENCE P/U/S
500 AND 499 OF IPC AT ANNEXURE-A, THE ORDER TAKING



COGNIZANCE DATED 21.08.2023 PASSED BY THE LEARNED XXX ADDL. C.J.M COURT, BENGALURU CITY AND REGISTRATION OF CASE IN C.C.NO.21118/2023 AGAINST THE PETITIONER FOR OFFENCE P/U/S 499 AND 500 OF IPC AT ANNEXUER-B AND ALL FURTHER PROCEEDINGS IN C.C.NO.21118/2023 PENDING ON THE FILE OF THE LEARNED XXX ADDL.C.M.M COURT, BENGALURU CITY AS AGAINST THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed under Section 482 of the Code of Criminal Procedure seeking to quash the proceedings pending in C.C.No.21118/2023, arising out of PCR No.15323/2019, on the file of the XXX Additional CMM Court, Bengaluru City, for the offences punishable under Sections 499 and 500 of the Indian Penal Code.

2. The records disclose that the respondent herein lodged a private complaint in PCR No.15323/2019, alleging that the petitioner had circulated defamatory



messages against him in a WhatsApp group. Acting on the said private complaint, the learned Magistrate referred the matter for investigation under Section 156(3) of Cr.P.C., pursuant to which a case came to be registered in Crime No.286/2020 for the offences punishable under Sections 499 and 500 of IPC and Section 67 of the Information Technology Act.

3. The gravamen of the allegations in the complaint is that the petitioner circulated messages in a WhatsApp group consisting of several members, wherein the complainant was portrayed as a "cheater" and a "con artist". It is specifically alleged that the petitioner stated that the complainant should not be referred to as "420" but instead as "840", asserting that the petitioner had been cheated twice by the complainant. The messages are further alleged to contain statements suggesting that the complainant had been arrested by CCB officials and that multiple criminal cases were pending against him. According to the complainant, such statements were false,



scandalous and intended to tarnish his reputation in the eyes of the members of the WhatsApp group.

4. It is also borne out from the records that the petitioner had earlier approached this Court in Criminal Petition No.349/2021, calling in question the very same proceedings. This Court, by order passed therein, allowed the petition in part and directed the learned Magistrate to reconsider the matter afresh in compliance with the requirements of Section 156(3) of Cr.P.C. Thereafter, upon completion of investigation, the police laid a charge sheet against the petitioner. The learned Magistrate, on being satisfied with the materials placed on record, took cognizance of the offences alleged, which has resulted in the present proceedings.

5. Assailing the continuation of the criminal proceedings, the petitioner has once again approached this Court invoking inherent jurisdiction under Section 482 of Cr.P.C., contending inter alia that the prosecution is



malicious, that the messages were based on materials already available in the public domain, and that the dispute between the parties is essentially civil and matrimonial in nature.

6. Having heard the learned counsel appearing for the parties and upon careful perusal of the complaint, charge sheet and accompanying materials, the central question that arises for consideration is whether the criminal proceedings initiated for the offences punishable under Sections 499 and 500 of IPC, arising out of circulation of alleged defamatory WhatsApp messages, deserve to be quashed at the threshold in exercise of inherent powers under Section 482 of Cr.P.C.

7. At the outset, it requires to be reiterated that the jurisdiction under Section 482 of Cr.P.C. is extraordinary and inherent in nature, to be exercised sparingly, with circumspection and only in rare cases to prevent abuse of process of Court or to secure the ends of



justice. While exercising such jurisdiction, this Court cannot conduct a roving inquiry into disputed facts, cannot test the veracity of allegations, nor can it appreciate the evidentiary value of materials collected during investigation. If the complaint and charge sheet, when read as a whole, disclose the basic ingredients of the alleged offence, the proceedings ordinarily ought not to be interdicted at the nascent stage.

8. On a close and careful reading of the complaint and charge sheet materials, *prima facie* it is evident that the petitioner is alleged to have circulated messages in a WhatsApp group comprising several members. The contents of the messages are not vague or innocuous. The alleged imputations attributed to the petitioner specifically brand the complainant as a "cheater", a "con artist", and go to the extent of stating that he should not be called "420" but "840", coupled with assertions that the petitioner was cheated twice by the complainant and that multiple criminal cases are registered against him. Such



expressions, on the face of it, are capable of lowering the moral and social standing of the complainant in the estimation of others and cannot be brushed aside as mere casual remarks or expressions of personal grievance.

9. It is trite law that “publication” is an essential ingredient of the offence of defamation. Circulation of messages in a WhatsApp group consisting of multiple members, other than the complainant, prima facie constitutes publication, as the imputations are communicated to third parties. The scandalous and pejorative tenor of the messages, as alleged, is such that the determination as to whether they were made with the requisite intention, knowledge or reason to believe that the reputation of the complainant would be harmed, necessarily requires appreciation of evidence. Equally, whether the petitioner merely reproduced material available in the public domain or whether he embellished such material with personal comments and imputations is



a disputed question of fact, which cannot be adjudicated in proceedings under Section 482 of Cr.P.C.

10. The defences sought to be raised by the petitioner, namely that the statements fall within the exceptions to Section 499 IPC, that they were made in good faith, or that they were intended to protect his interest, are all matters of defence. The applicability of any of the ten exceptions to Section 499 IPC is a mixed question of law and fact, which can be decided only upon evidence being led by both sides. At the stage of considering a petition under Section 482 Cr.P.C., this Court cannot pre-emptively accept such defences and stifle a legitimate prosecution. The contention that the complaint is a counter blast to earlier proceedings, even if assumed to be true, by itself does not constitute a ground for quashing, when the complaint otherwise discloses prima facie commission of an offence.



11. The Hon'ble Apex Court has consistently held that defamatory statements made through electronic and social media platforms stand on the same footing as other forms of publication, if not more, having regard to their speed, reach and potential impact on reputation. In the present case, the allegations disclose circulation of alleged scandalous imputations in a group forum, thereby amplifying their effect. Whether such imputations are justified, truthful, or protected by law is a matter that must necessarily be tested in a full-fledged trial. At this stage, the materials on record do disclose sufficient grounds to proceed against the petitioner, and no case is made out for exercising inherent jurisdiction to quash the proceedings.

12. Accordingly, this Court proceeds to pass the following:

ORDER

- (i) Criminal Petition is dismissed;



(ii) All contentions of the parties are kept open to be urged before the Trial Court.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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