



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE RAVI V HOSMANI**

**CRIMINAL PETITION NO.4489 OF 2019**

**BETWEEN:**

1. RAVI BELAGERE  
S/O LAKSHMAN RAO,  
OWNER EDITOR,  
PUBLISHER OF WEEKLY MAGAZINE,  
"HAI BANGALORE"  
NO.2, NEAR PETROL BANK,  
80 FEET ROAD, KADARENAHALLI,  
PADMANABHANAGARA,  
BANASHANKARI 2<sup>ND</sup> STAGE,  
BENGALURU - 560 070.

VIDE COURT ORDER  
DATED 13.08.2021  
IS ABATED AND IS DELETED

2. KANTHARAJ URS  
S/O LATE KENGIAIAH,  
AGED ABOUT 44 YEARS,  
R/O KARUVINAKATTE CIRCLE,  
CHITRADURGA - 577 501.

...PETITIONER

Digitally signed  
by ANUSHA V  
Location: High  
Court of  
Karnataka

[BY SRI P.B.UMESH, ADVOCATE FOR  
SRI R B DESHPANDE, ADVOCATE (PH)]

**AND:**

SMT. SUNITHA MALLIKARJUNA  
W/O D.S.MALLIKARJUNA,  
EX.PRESIDENT, CITY MUNICIPAL COUNCIL,  
R/O "BELADINGALU"  
6<sup>TH</sup> CROSS, 2<sup>ND</sup> MAIN,  
VIDYANAGARA,  
CHITRADURGA CITY - 577 501.

...RESPONDENT

(NOTICE TO RESPONDENT - SERVED & UNREPRESENTED)



THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ORDER DATED 24.08.2017 PASSED BY THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., CHITRADURGA IN C.C.NO.611/2012 AND ORDER DATED 08.04.2019 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, CHITRADURGA IN CRL.RP.NO.64/2017 AND BE PLEASED TO ALLOW THE APPLICAITON FILED BY THE PETITIONERS FOR DISMISSAL OF COMPLAINT.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

**ORAL ORDER**

Challenging order dated 24.08.2017 passed by Principal Civil Judge and J.M.F.C., Chitradurga in CC no.611/2012 and order dated 08.04.2019 passed by Principal District and Sessions Judge, Chitradurga in Criminal Revision Petition no.64/2017 and to allow application for dismissal of complaint filed by petitioners, this petition is filed.

2. Sri P.B. Umesh, learned counsel appearing for Sri R.B. Deshpande, Advocate for petitioners submitted that during pendency of above petition, petitioner no.1 (accused no.1) had died and petition would abate. However, petition



would survive insofar as petitioner no.2 (accused no.2). It was submitted a private complaint in PCR no.28/2012 was filed against accused alleging offences punishable under Sections 499, 500, 501 and 384 of Indian Penal Code, 1860 ('**IPC**') before Civil Judge (Jr.Dn.) and Judicial Magistrate First Class, Chitradurga. It was submitted that respondent (complainant) was President of City Municipal Council, Chitradurga ('**CMC**'). An article was published in Hi Bangalore - Kannada Weekly Magazine, of which accused no.1 was owner, editor and publisher and accused no.2 was reporter. It was alleged reporter had made false and fabricated allegations against complainant and defamed her, for which complainant had made a demand for compensation of Rs.10,00,000/-, which was not honoured. It was submitted, sworn statement was recorded and learned Magistrate took cognizance and issued summons to accused.

3. After plea of not guilty and seeking for trial, an application was filed for dismissal of complaint on ground of non-compliance with mandatory requirement of Section 199 (2) of Code of Criminal Procedure, 1973 ('**CrPC**'). Said application was rejected by learned Magistrate on 24.08.2017.



Aggrieved, accused challenged said order in Criminal Revision Petition no.64/2017, which also came to be dismissed leading to this petition.

4. It was submitted, complainant being President of CMC, for filing complaint for defamation, compliance with Section 199 (2) of CrPC was mandated, non-compliance was fatal and sought for allowing petition.

5. Respondent (complainant) is served and unrepresented.

6. Heard learned counsel, perused impugned order and material on record.

7. From above, it is seen that sole ground on which accused are seeking for quashing of proceedings is non-compliance with requirement of Section 199 (2) of CrPC. Perusal of Section 199 (2) of CrPC, reveals that in case of prosecution for offence of defamation against President of India, Vice President of India, Governor of State, Administrator of a Union Territory or a Minister of Union, State or Union Territory or any other Public Servant employed in connection



with affairs of Union, State or Union Territory respectively, a complaint was required to be made in writing by Public Prosecutor and since private complaint herein was filed directly by complainant it was not tenable.

8. However, procedure stipulated in Section 199 (2) of CrPC, is not applicable to President and Vice President of Municipal Councils. President of CMC would not fall within meaning of Public Servant employed in connection with affairs of Union, State or Union Territory or definition of 'Public Servant' under Chapter II Section 21 of IPC.

9. Under above circumstances, contention would be spacious and untenable. Rejection by trial Court and its confirmation in Revision Petition would be justified. No grounds to interfere, petition is ***dismissed***.

**Sd/-**  
**(RAVI V HOSMANI)**  
**JUDGE**

GRD  
List No.: 1 Sl No.: 27