



CNR: KAHC010195632019

NC: 2026:KHC:50793
CRL.P No. 4759 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4759 OF 2019

BETWEEN:

1. AJITH,
S/O DINAKAR SHETTY,
AGED ABOUT 38 YEARS,
OCC: FACTORY MANAGER/COLUMNIST,
THIMMEGOUDA, 2ND FLOOR BUILDING,
SAIHYADRI, 2ND CROSS,
PIPELINE ROAD, J.C.NAGAR,
MAHALAKSHMI LAYOUT,
BENGALURU-86.

...PETITIONER

(BY SRI. DEEPAK S. SHETTY, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY HIGH GROUND POLICE STATION,
THROUGH STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU-560 001.
2. DINESH,
AGE: MAJOR,
SECRETARY,
NO.204, 2ND FLOOR,
VIDHAN SOUDHA,
BENGALURU CITY,
KARNATAKA-560001.

...RESPONDENTS

(BY SRI. SUHAS GOWDA M., HCGP FOR R1;
SRI. K. CHANDRA MOHAN, ADVOCATE FOR R2)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C PRAYING TO QUASH THE FIR BEARING HIGH GROUND POLICE STATION CRIME NO.57/2019 ON THE COMPLAINT FILED BY THE SECOND RESPONDENT AGAINST THE PETITIONER HEREIN AS ACCUSED NO.2 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 468, 471, 474, 507, 509 OF IPC, PENDING BEFORE 8TH ACMM COURT, BENGALURU, THIS CRIMINAL PETITION WITH COST THROUGHT OUT.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

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

2. This petition is filed by the petitioner/accused No.2 praying this Court to quash the FIR in Crime No.57/2019, for the offences punishable under Sections 468, 471, 474, 507 and 509 of IPC.

3. The factual matrix of the case of the prosecution is that a complaint was given by Media Secretary to the Chief Minister against the petitioner on 29.04.2019, stating that there was a news published in One India.com website under



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the heading “ಎರಡು ದಿನಗಳ ಕಾಲ ಪ್ರಕೃತಿ ಚಿಕಿತ್ಸೆಗೆ ಮೊರೆಹೋದ ಸಿ.ಎಂ.” i.e., Chief Minister has undergone for naturopathy treatment for two days. Thereafter, on 24.04.2019, one U.K. Suddi web portal newspaper, wherein shown as accused No.1 has published news item under the heading “ರಾಧಿಕ ಜೊತೆ ಉಡುಪಿ ರೆಸಾರ್ಟ್‌ಗೆ ಆಗಮಿಸಿದ ಕುಮಾರಸ್ವಾಮಿ” i.e., Kumaraswamy has come to resort with Radhika. It is alleged against accused No.1 that the said photos and news contents are false and forged one. It is alleged that this petitioner had commented when the said posting was made and hence, this petitioner has been arraigned as accused No.2.

4. The learned counsel for the petitioner would submit that the said comment is made within the scope of Article 19 of the Constitution of India. The learned counsel would submit that he is innocent and not committed any offence and the said comment is also made in good taste and not in bad taste. The learned counsel would vehemently contend that the very invoking of criminal offences against the petitioner is nothing but unconstitutional. The Apex Court has declared Section 66A of the Information Technology Act, 2000, as unconstitutional by



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upholding the right of freedom of speech and expression guaranteed under Article 19 of the Constitution of India. It is also contended that the petitioner has expressed his view and supported the Chief Minister stating that even politicians are also having private life. The involvement of media in the personal life of politician will be problem to them and he has asked the same question to the Chief Minister and he has not degraded or disrespected the Chief Minister nor he has used any defamatory word against the Chief Minister. But the petitioner has commented on news coverage and personal life of politician saying that they also have personal life. The same will not constitute any offence and hence, it requires interference of this Court.

5. Per contra, the learned High Court Government Pleader appearing for respondent No.1/State would submit that though accused No.1 had indulged in such act, this petitioner also aided in making such comment in a bad taste and he cannot invoke Article 19 of the Constitution of India that he has got freedom of speech and expression. The learned counsel would also submit that the matter requires investigation.



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6. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for respondent No.1/State and having considered the grounds urged in the petition, the petitioner not disputes the fact that he had reacted when the said posting was made. But his only contention is that the same was made with good intention and not in bad taste and it was made in favour of the then Chief Minister. The same has to be within the definition of the offences which have been invoked, particularly under Sections 507 and 509 of IPC and though other offences are also invoked under Sections 468, 471 and 474 of IPC, it relates to accused No.1. Insofar as the present petitioner is concerned, whether the allegations and comments attributed to the petitioner constitute the ingredients of the offences invoked against him is a matter of investigation. It is for the Investigating Officer to investigate the matter and unearth the truth as to whether the comments made by the petitioner fall within the purview of the offences alleged against him. At this stage, this Court cannot quash the proceedings arising out of the registration of the FIR, as the matter requires investigation.



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7. In view of the discussions made above, I pass the following:

ORDER

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 15