



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 7623 OF 2025

BETWEEN:

1. SRI BASANAGOUDA R PATIL (YATNAL)
S/O RAMANAGOUDA B PATIL
AGE -62 YEARS,
OCC - MLA,
VIJAYPURA CONSTITUENCY,
OLD IB, STATION ROAD,
VIJAYPURA- 586101,
KARNATAKA

ALSO AT:

SINDAGI ROAD MAHAL AINAPUR
AINAPURA,
BIJAPUR, KARNATAKA- 586104

Digitally
signed by
PADMAVATHI
B K

Location:
High Court of
Karnataka

...PETITIONER

(BY SRI. VENKATESH P. DALWAI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ADARASHNAGAR POLICE STATION,
VIJAYAPURA-586104
REPRESENTED BY



NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

CNR: KAHC010347332025

STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560001

2. ALLABAKSH DONGARISAB BADEGHAR
S/O NOT KNOWN
AGE: 56 YEARS,
OCC: BUSINESS
R/AT IBRAHIM ROZA,
VIJAYAPURA-586104

...RESPONDENTS

(BY SRI. ANOOP KUMAR, ADDL. SPP FOR R1;
SRI. MOHAMMED ALI, ADVOCATE FOR R2)

THIS CRL.P. IS FILED U/S.482 (FILED U/S.528 BNSS)
CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO
QUASH FIR IN CRIME NO.51/2025 REGISTERED BY THE
RESPONDENT NO.1 ADARSH NAGAR POLICE STATION
PENDING FILE OF THE VtH ADDL. CIVIL JUDGE AND JMFC IV
COURT VIJAYAPURA FOR THE OFFENCE P/US/ 196(1)(a),
353(2) OF BNS 2023 PRODUCED AT DOCUMENT NO.1.

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



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

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

ORAL ORDER

Heard the learned counsel Sri. Venkatesh P. Dalwai, appearing for the petitioner, Sri. Anoop Kumar, learned Addl. SPP appearing for respondent No.1, Sri. Mohammed Ali, learned counsel appearing for No.2 and have perused the material on record.

2. The petitioner is before this Court, seeking the following prayer:

"Wherefore it is humbly prayed that this Hon'ble court may be pleased to quash First Information Report in Crime No.51/2025 registered by the Respondent No. 1 Adarsh Nagar Police Station pending file of the Vth Addl Civil Judge & JMFC IV court Vijayapura for the offences punishable under Section 196(1) (a), 353(2) of Bharatiya Nyaya Sanhita 2023 produced at Document No 1, in the interest of justice and equity."

3. Learned counsel appearing for the petitioners would submit that the issue in the *lis* stands covered by the judgment rendered by this Court in Crl.P.No.2490/2024 disposed on 25.06.2026, wherein it has held as follows:



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

"The petitioner is before this Court calling in question the registration of a crime in Crime No.32/2024 registered for offences punishable under Section 153, 504, 506 and 505(2) of the Indian Penal Code, 1860 ('the IPC' for short).

2. Heard Sri. Girsih Bharadwaj, learned counsel appearing for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader appearing for respondent No.1.

3. The complainant though served has remained unrepresented. Therefore, the learned counsel appearing for the petitioner and the State are heard.

4. The petitioner is said to have made a speech on 04.03.2024, which becomes the fulcrum of the complaint on 05.03.2024 for the afore-quoted offences. The complaint then becomes a crime in crime No.32/2024. The registration of the crime has driven the petitioner to this Court in the subject petition. Since the entire issue has now sprung from the complaint, I deem it appropriate to notice the complaint. The complaint reads as follows:

" ಮೇ: ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಗಾಂಧಿಚೌಕ ಪೊಲೀಸ್ ಠಾಣೆ
ವಿಜಯಪುರ ಇವರಿಗೆ

ನಾನು- ಅಬುಬಕರ್ ತಂದೆ ರಾಜೇಸಾಬ ಕಂಬಾಗಿ ವಯಾ: 64 ವರ್ಷ ಜಾತಿ:
ಮುಸ್ಲಿಂ ಉದ್ಯೋಗ: ನಿವೃತ್ತ ಶಿಕ್ಷಕ ಸಾ: ರಜಪೂತ ಗಲ್ಲಿ, ಜುಮ್ಮಾ ಮಸೀದಿ ಹತ್ತಿರ.
ವಿಜಯಪುರ ಮೋ ನಂ: 7676370315 ಕಂಪ್ಯೂಟರ್ ಟೈಪ್ ಮಾಡಿಸಿ ತಂದು ಕೊಟ್ಟ
ಪಿರಾಡಿ ತಾ: 05/03/2024.

ನಾನು ಮೇಲಿನ ವಿಳಾಸದ ರಹವಾಸಿ ಇದ್ದು ನನ್ನ ಮನೆಯು ವಿಜಯಪುರ
ಜಿ.ಎಂ ರೋಡಿಗೆ ಇರುವ ರಜಪೂತ ಗಲ್ಲಿಯಲ್ಲಿ ಇರುತ್ತದೆ. ನಾನು ಈಗ 4 ವರ್ಷಗಳ
ಹಿಂದೆ ಶಿಕ್ಷಕ ವೃತ್ತಿಯಿಂದ ನಿವೃತ್ತಿಯಾಗಿ ಈಗ ನಿವೃತ್ತ ಜೀವನ ಸಾಗಿಸುತ್ತೇನೆ.

ದಿನಾಂಕ: 04/03/2024 ರಂದು ವಿಜಯಪುರ ನಗರದಲ್ಲಿ ಶುಭಂ ವಾಡೇಕ
ರ್, ಗಣೇಶ ವಾಡೇಕರ್ ಜನತಾ ಸೇವಾ ಸಂಘ ಇವರು ಆಯೋಜಿಸಿರುವ ಶಿವಾಜಿ
ಜಯಂತಿಯನ್ನು ಶ್ರೀ ಬಸನಗೌಡ ಪಾಟೀಲ (ಯತ್ನಾಳ) ಶಾಸಕರು ವಿಜಯಪುರ ನಗರ,
ಶ್ರೀ ರಾಜಾಸಿಂಗ್ ಲೋಗ ಶಾಸಕರು ಗೋಶಮಹಾಲ ಮತಕ್ಷೇತ್ರ ಹೈದಾರಾಬಾದ



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

ತೆಲಂಗಾಣ ರಾಜ್ಯ, ಇವರ ನೇತೃತ್ವದಲ್ಲಿ ಆಚರಿಸಲಾಯಿತು. ಸದರಿ ಜಯಂತಿ ಆಚರಣೆಯ ಕಾಲಕ್ಕೆ ಮೆರವಣಿಗೆಯ ವಿಜಯಪುರ ಶಹರದ ರಾಮ ಮಂದಿರದಿಂದ, ಸಿದ್ದೇಶ್ವರ ದೇವಸ್ಥಾನ ಗಾಂಧಿಚೌಕ ವೃತ್ತ, ಲಕ್ಷ್ಮೀ ದೇವಸ್ಥಾನ ಮುಂದಿನ ಎಂ.ಜಿ ರೋಡದಿಂದ ಶಿವಾಜಿ ಸರ್ಕಲ್ ವರೆಗೆ ಬೃಹತ್ ಮೆರವಣಿಗೆ ಮೂಲಕ ಶಿವಾಜಿ ಸರ್ಕಲ್‌ಗೆ ಬಂದು ಅಲ್ಲಿ ಸಮಾವೇಶ ಜರುಗಿತು. ಈ ಸಮಾವೇಶದಲ್ಲಿ ಶ್ರೀ ಬಸನಗೌಡ ಪಾಟೀಲ ಶಾಸಕರು ವಿಜಯಪುರ ನಗರ, ಶ್ರೀ ರಾಜಾಸಿಂಗ್ ಲೋಧ ಶಾಸಕರು ಗೋಶಮಹಾಲ ಮತಕ್ಷೇತ್ರ ಹೈದರಾಬಾದ ತೆಲಂಗಾಣ ರಾಜ್ಯ, ಹಾಗೂ ಜನಾತಾ ಸೇವಾ ಸಂಘದ ಅಧ್ಯಕ್ಷ ಶುಭಂ ವಾಡೆಕರ್, ಗಣೇಶ ವಾಡೆಕರ್ ಹಾಗೂ ಇನ್ನು ಇತರೆ ಜನರು ವೇದಿಕೆಯ ಮೇಲೆ ಇದ್ದರು

ಸದರಿ ಸಭೆಯು ದಿನಾಂಕ:-04/03/2024 ರಂದು ರಾತ್ರಿ 9-15 ಗಂಟೆ ಸುಮಾರಿಗೆ ನಾನು ಮತ್ತು ನನ್ನ ಗೆಳೆಯ ಅಬ್ಬಾಸ ತಂದೆ ನಿಸಾರ ಅಹ್ಮದ ಸೈಯ್ಯದ್ ಕೂಡಿ ವಿಜಯಪುರ ಶಹರದ ಶಿವಾಜಿ ಸರ್ಕಲ್‌ನಲ್ಲಿ ಇದ್ದಾಗ ಮೆರವಣಿಗೆಯ ಮೂಲಕ ಶಿವಾಜಿ ಸರ್ಕಲ್ ಬಂದು ಅಲ್ಲಿ ವೇದಿಕೆಯ ಮೇಲೆ ಹೋಗಿ ಅಲ್ಲಿ ಮೊದಲಿಗೆ ಶ್ರೀ ರಾಜಾಸಿಂಗ್ ಲೋಧ ಶಾಸಕರು ಗೋಶಮಹಾಲ ಮತಕ್ಷೇತ್ರ ಹೈದರಾಬಾದ ತೆಲಂಗಾಣ ರಾಜ್ಯ, ಇವರು ಸಭೆಯನ್ನು ಉದ್ದೇಶಿಸಿ ಶಿವಾಜಿ ಜಯಂತಿಯ ಬಗ್ಗೆ ಹಿಂದಿ ಭಾಷೆಯಲ್ಲಿ ಮಾತನಾಡುತ್ತಾ ಅಬ್ ಗಲಿ ಗಲಿ ಮೆ ಅಷ್ಟಲಖಾನ ಬೆರಂಗಜೇಬ್ ಹೈ, ಇಸ್ ಲಿಯ ಗಲಿ ಗಲಿ ಮೆ ಶಿವಾಜಿ ಮಹಾರಾಜ ಬನನಾ ಹೈ' ಅಂತಾ ಇತರೆ ಪ್ರಚೋದನೆಯಾಗಿ ಮಾತನಾಡಿದರು ನಂತರ ನಗರ ಶಾಸಕರಾದ ಬಸನಗೌಡ ಪಾಟೀಲ (ಯತ್ನಾಳ) ಇವರು ಸಭೆಯನ್ನು ಉದ್ದೇಶಿಸಿ ಶಿವಾಜಿ ಜಯಂತಿಯ ಬಗ್ಗೆ ಹಿಂದಿ ಮತ್ತು ಕನ್ನಡ ಭಾಷೆಯಲ್ಲಿ ಮಾತನಾಡುತ್ತಾ "ಹರಾಮ ಕೋರರು, ತಾಯಗಂಡು, ನಮ್ಮ ಹರಾಮಿಗಳು, ಸುವ್ವರ ಕಾ ಬಚ್ಚಾ, ಅಂತಾ ಬೈದಾಡುತ್ತಾ ಅಲ್ಲದೇ "ಅಗರ ಮೇರಾ ಹಾಥಮೆ, ಹೋಂ, ಮಿನಸ್ವರ್ `ರಹಾತೋ ಗುಸ್ತೆ, ಎನಕೌಂಟರ್ ಕರಕೆ, ಏಕ್ ಬಿ ಪಾಕಿಸ್ತಾನ ನಹಿ ಫಾರಸ್ ಬಾರ ಆನೆ ತಕ್ ಭಾರತ ಮಾತಾಕಿ ಜೈ, ಭಾರತ ಮಾತಾಕಿ ಜೈ ಭತ್ತಪತಿ ಶಿವಾಜಿ ಮಹಾರಾಜ ಕಿ ಜೈ ಮೈ ಕರತಾ ಥಾ ಕ್ಯಾಕರನೆ, ಕಾ" ಅಂತಾ" ಮಾತನಾಡಿರುತ್ತಾರೆ ಈ ತರಹದ ಹೇಳಿಕೆಗಳು ಹಿಂದು ಮತ್ತು ಮುಸ್ಲಿಂ ಜ್ಯಾತಿಗಳ ಮಧ್ಯೆ ವೈರತ್ವ, ದ್ವೇಷ, ವೈಮನಸ್ಸು ಭಾವನೆ, ಭಯ ಹುಟ್ಟಿಸುವಂತಹ ಕೋಮುಗಲಭೆಯನ್ನುಂಟು ಮಾಡುವ, ಸೌಹಾರ್ದತೆಗೆ ಧಕ್ಕೆ ತರುವಂತಹಗಳಾಗಿದ್ದು ಇರುತ್ತವೆ. ಈ ಸಮಾವೇಶದಲ್ಲಿ ಮಾತನಾಡಿದ ಬಗ್ಗೆ ನಾನು ಮತ್ತು ನನ್ನ ಗೆಳೆಯ ಅಬ್ಬಾಸ ತಂದೆ ನಿಸಾರ ಅಹ್ಮದ ಸೈಯ್ಯದ್ ಕೂಡಿ ಖುದ್ದಾಗಿ ಕೇಳಿಸಿಕೊಂಡಿರುತ್ತೇವೆ. ಈ ಬಗ್ಗೆ 1) ಶ್ರೀ ಬಸನಗೌಡ ಪಾಟೀಲ (ಯತ್ನಾಳ) ಶಾಸಕರು ವಿಜಯಪುರ ನಗರ, 2) ಶ್ರೀ ರಾಜಾಸಿಂಗ್ ಲೋಧ ಶಾಸಕರು ಗೋಶಮಹಾಲ ಮತಕ್ಷೇತ್ರ ಹೈದರಾಬಾದ ತೆಲಂಗಾಣ ರಾಜ್ಯ, ಇವರುಗಳ ಮೇಲೆ ನನ್ನ ಪಿರ್ಯಾದಿ ಇರುತ್ತದೆ. ಈ ಬಗ್ಗೆ ವಿಚಾರ ಮಾಡಿ ಬಂದು ಪಿರ್ಯಾದಿ ಕೊಡಲು ತಡವಾಗಿರುತ್ತದೆ.



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

ತಮ್ಮ ವಿಶ್ವಾಸಿ

Whether the subject complaint would become the ingredients of Sections 153-A or 505(2) of the IPC, is considered by this Court concerning this very petitioner, in an identical complaint on 30.01.2025 in Crl.P.No.10145/2024, which reads as follows:

"The petitioner is before this Court calling in question registration of a crime in Crime No.131/2023, for the offence punishable under Section 505(2) of the IPC.

2. Heard Sri Venkatesh P. Dalwai, learned counsel appearing for the petitioner and Sri Jagadeesha B.N., learned Additional State Public Prosecutor appearing for the respondents - State.

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

It is the case of the respondents - complainant that on 07.10.2023, at about 7.30 p.m., in Bankapur town, the petitioner addressed a speech concerning Sanatana Dharma, which according to the complainant, the petitioner had made statement that those who hoist the flag of Pakistan, in Belgaum are the grandchildren of Pakistanis. Based on the said incident, comes the impugned complaint.

4. The learned counsel appearing for the petitioner Sri Venkatesh P. Dalwai, would contend that even if averments in the complaint are construed to be true, would not become offence under Section 505(2) of the IPC, as its ingredients do not meet. He therefore, seeks quashment of the crime.

5. The learned Additional State Public Prosecutor would refute the submissions of the learned counsel for the petitioner to contend that the police have registered a suo motu crime against the petitioner. The crime is now under investigation. The speech made by the petitioner undoubtedly forms the ingredients of Section 505(2) of the IPC. He would seek dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the learned counsel for the



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

respective parties and have perused the material on record.

7. The afore-narrated facts are not in dispute and requires no reiteration. The issue lies in a narrow compass. Since the entire issue has sprung from the complaint, I deem it appropriate to notice the complaint. It reads as follows:

"ಗೆ,

ಮಾನ್ಯ ಪಿ ಎಸ್ ಐ ಕಾನೂನು ಮತ್ತು ಸುವ್ಯವಸ್ಥೆ
ಬಂಕಾಪುರ ಪೊಲೀಸರಾಣಿ.

ಮಾನ್ಯರೆ,

ನಾನು ಬಿ ಜಿ ದೊಡ್ಡಮನಿ, ಪಿ ಎಸ್ ಐ ತನಿಖಾ ವಿಭಾಗ, ವಯಸ್ಸು 52 ವರ್ಷ, ಉದ್ಯೋಗ ಪಿ ಎಸ್ ಐ ಬಂಕಾಪುರ ಪೊಲೀಸರಾಣಿ, ಮೋಬೈಲ್ ನಂಬರ್: 9480796063 ನೀಡುವ ಗಣಕೀಕೃತ ಸರ್ಕಾರಿ ತರ್ಜಿ ದೂರು. ದಿನಾಂಕ: 13-10-2023 ನೇ ಇಸ್ತಿ ತರುವಾಯ.

ನಾನು ಕಳೆದ ಒಂದು ವರ್ಷದಿಂದ ಬಂಕಾಪುರ ಪೊಲೀಸರಾಣಿಯಲ್ಲಿ ತನಿಖಾ ವಿಭಾಗದ ಪಿ ಎಸ್ ಐ ಅಂಡಾ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಾ ಬಂದಿದ್ದು ಇರುತ್ತದೆ.

ದಿನಾಂಕ: 07-10-2023 ರಂದು ಹಿಂದೂ ಮಹಾಗಣಪತಿ ಸೇವಾ ಸಮಿತಿ ರಿ ನೆಹರು ಗಾರ್ಡನ್ ಕಮೀಟಿ ಬಂಕಾಪುರ ಆ ದಿನ ಸಾಯಂಕಾಲ ಶ್ರೀ ಬಸನಗೌಡ ರಾಮನಗೌಡ ಪಾಟೀಲ ಸಾ: ಯತ್ನಾಳ ಶಾಸಕರು ವಿಜಯಪುರ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ಇವರು ಗಣಪತಿ ವಿಶೇಷ ಪೂಜೆಗೆ ಆಗಮಿಸುತ್ತಿದ್ದು, ಹಿಂದೂ ಮಹಾಗಣಪತಿ ಸೇವಾ ಸಮಿತಿ ವತಿಯಿಂದ ಹಿಂದೂ ಜನ ಜಾಗೃತಿ ಸಮಾವೇಶದಲ್ಲಿ ಭಾಷಣ ಮಾಡುವವರು ಇದ್ದಾರೆ ಅಂತಾ ಬಾತ್ಮಿ ಮೇರೆಗೆ ತಾಣೆಯಿಂದ ನನಗೆ ಮತ್ತು ಎ.ಎಸ್.ಐ ಬಿ ಎನ್ ಅಗಸಿಮನಿ, ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರಾದ ಹೆಚ್ ಸಿ 996, 1433, ಪಿಸಿ 1133, 1136, 882, 931 ಇವರಿಗೆ ಕರ್ತವ್ಯಕ್ಕೆ ನಿಯೋಜಿಸಿದ್ದು ಇದ್ದು ಅದರಂತೆ ಸಾಯಂಕಾಲ ಬಸನಗೌಡ ರಾಮನಗೌಡ ಪಾಟೀಲ ಸಾ: ಯತ್ನಾಳ ಇವರು ಮತ್ತು ಇತರರು ಬೈಕ್ ಜಾತಾದ ಮೂಲಕ ಬಂದು ಗಣಪತಿಗೆ ಪೂಜಿಸಿ ನಂತರ ಸೇರಿದೆ. ಜನರನ್ನು ಉದ್ದೇಶಿಸಿ ಆ ದಿನ ದಿನಾಂಕ: 07-10-2023 ರಂದು 18-10 ಗಂಟೆಗೆ ಹಿಂದೂ ಮಹಾಗಣಪತಿ ಸೇವಾ ಸಮಿತಿ ವತಿಯಿಂದ ಹಿಂದೂ ಜನ ಜಾಗೃತಿ ಸಮಾವೇಶವು ಜರುಗಿದ್ದು ನದರ ಹಿಂದೂ ಜನಜಾಗೃತಿ ಸಮಾವೇಶದ ಹಿಂದು ಮಹಾಗಣಪತಿ ಸೇವಾ ಸಮಿತಿ, ಅಂದರೆ ಶಕ್ತಿ, ಗಣಪತಿ ಎಂದರೆ ಮುಕ್ತಿ, ಬಂಕಾಪುರದ ಗಣಪತಿ ಶಕ್ತಿ ಮೊದಲು. ಗೊತ್ತಿರಲಿಲ್ಲ,



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

ಗಣಪತಿಯನ್ನು ಸ್ವಲ್ಪ ತಡೆಯುವ ಪ್ರಯತ್ನ ಮಾಡಿದಾಗ ನಮ್ಮ ಗಣಪನ ಶಕ್ತಿ ಇಡಿ ಕನ್ನಡ ನಾಡಿಗೆ ತಿಳಿಯಿತು. ಕಾಂಗ್ರೆಸ್ ಸರ್ಕಾರ ಬರ್ತಾ ಇದ್ದ ಹಾಗೆ ಬೆಳಗಾವಿಯಲ್ಲಿ ಪಾಕಿಸ್ತಾನ ಧ್ವಜ ಹಾದಿದೆ ಅವರೆಲ್ಲ ಸರ್ಕಾರದ ಮೊಮ್ಮಕ್ಕಳು ಇದು ಗಣಪತಿ ಭಕ್ತರ ಶಕ್ತಿ. ನಾವೆಲ್ಲಾ ಶ್ರೇಷ್ಠವಾದ ಸನಾತನ ಧರ್ಮಕ್ಕೆ ಸೇರಿದವರು, ವಿಶ್ವದ ಕಲ್ಯಾಣಕ್ಕಾಗಿ ಇರುವರು, ಇದನ್ನು ಕೆಲವರು ಅವಹೇಳನ ಮಾಡುತ್ತಿದ್ದಾರೆ, ನನಗೆ ಅನ್ಯಾಯವಾದರೆ ಸುಮ್ಮನೆ ಕೂಡುವುದಿಲ್ಲ. ಭಾರತ ದೇಶ ಈ ಸಂಸ್ಕೃತಿಯ ಆಧಾರದ ಮೇಲೆ ಎಲ್ಲರನ್ನು ಒಗ್ಗೂಡಿಸಿಕೊಂಡು ಬಂದಿದೆ. ಆದರೆ ಕೆಲವು ದೇಶಗಳಲ್ಲಿ ಈ ಸಂಸ್ಕೃತಿ ಇಲ್ಲಾ ನಮ್ಮ ಸಂಸ್ಕೃತಿಯ ವಿರುದ್ಧ ಮಾತನಾಡುವರೆ ವಿರುದ್ಧ ಧ್ವನಿ ಎತ್ತಲು ನಾವೆಲ್ಲಾ ಒಂದಾಗಬೇಕು. ಕೆಲವರಿಗೆ ಭಾರತ ಶಕ್ತಿಶಾಲಿಯಾಗುವುದು, ಸುಭದ್ರವಾಗಿರಲು ಇಷ್ಟಾ ಇಲ್ಲಾ, ನಮ್ಮ ಸರ್ಕಾರದಲ್ಲಿ ಯಾವುದೇ ಗಲಬೆಯಾದಾಗ ನಾವು ದಂಗೆಕೋಧರಿಗೆ ತಕ್ಕ ಶಿಕ್ಷೆ ನೀಡಿದ್ದೆವು, ಕಾಂಗ್ರೆಸ್ ಸರ್ಕಾರ ಬಂದ ಮೇಲೆ ಬೆಳಗಾವಿಯಲ್ಲಿ ಪಾಕಿಸ್ತಾನದ ಧ್ವಜಾ ಹಾರಾಡಿದೆ. ಧ್ವಜ ಹಾರಾಡಿಸಿದವರು ಪಾಕಿಸ್ತಾನದ ಮೊಮ್ಮಕ್ಕಳು. ಶಿವಮೊಗ್ಗ, ಕೋಲಾರದಲ್ಲಿ ಗಲಭೆಗಳಾಗಿದೆ. ಪೊಲೀಸರ ಮೇಲೆ ಕಲ್ಲು ತುರಾಡಿದ್ದು ಸಣ್ಣಘಟನೆ ಎಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ, ನಮ್ಮ ಹುಡುಗರು ಇನ್ನೊಬ್ಬರ ವೇಶ ಹಾಕಿಕೊಂಡು ಗಲಭೆ ಮಾಡುವಂತೆ ಹೇಡಿಗಳಲ್ಲ.

ಕೆಲವರಿಗೆ ಗಣಪನ ಮೆರವಣಿಗೆ ಅವರ ಓಣಿಯಲ್ಲಿ ಹೋದರೆ ಉರಿಯುತ್ತದೆ. ಈ ಮಕ್ಕಳು ನಮ್ಮ ದೇಶದ ಅನ್ನ ತಿಂದು ಪಾಕಿಸ್ತಾನ ಜಿಂದಾಬಾದ್ ಅನ್ನುತ್ತಿದ್ದಾರೆ. 2024ರ ನಂತರ ಪಾಕಿಸ್ತಾನ ದಲ್ಲಿ ಗಣಪತಿಯನ್ನು ಪ್ರತಿಷ್ಠಾಪನೆ ಮಾಡುತ್ತೇವೆ. ಪಾಕಿಸ್ತಾನದ ಯುವಕರು ಮೋದಿ ಪ್ರಧಾನಿ ಬೇಕು ಅಂತಾರೆ, ನಮ್ಮ ಕೆಲವರು ಪಾಕಿಸ್ತಾನ ಕಿ ಜೈ ಅಂತಾರು ಹೈಬ್ರೀಡ್ ತಳಿಯ ನಾಯಕರು ಮುಸ್ಲಿಂರೆಲ್ಲಾ ನಮಗೆ ಓಟು ಹಾಕಿದ್ದಾರೆ ಎಂದು ಹೇಳಿಕೊಳ್ಳುತ್ತಾರೆ. ಹಿಂದುಗಳಿಗೆ ಒಂದಾಗಿ ಒಂದುಕಡೆ ಒಟ್ಟಾಗಿ ಓಟು ಹಾಕಲು ಶಕ್ತಿವಂತರಾಗಬೇಕು. ನಾವು ಹಿಂದುಗಳು ದಾರ್ಮಿಕ ಕುಟುಂಬ ಎನ್ನುವುದನ್ನು ಪಾಲಿಸುತ್ತೇವೆ ನಮ್ಮ ಸಂಸ್ಕಾರ, ಅದು ನಮ್ಮ ಬಲಹೀನತೆಯಲ್ಲಾ, ಸನಾಥನ ಧರ್ಮವನ್ನು ಹಾಳು ಮಾಡಲು ಇತಿಹಾಸದಲ್ಲಿ ಎಂತೆಂತವರ ಪ್ರಯತ್ನ ಪಟ್ಟರು ನಮ್ಮ ಸನಾತನ ಧರ್ಮವನ್ನು ಕಿಂಚಿತ್ತು ಅಳಿಗಾಡಿಸಲು ಆಗಿಲ್ಲಾ, ಈ ಬಂಡುಕೋರರು ನಮ್ಮನ್ನೇನು ಮಾಡಲು ಆಗುತ್ತದೆ? ನಲವತ್ತು ವರ್ಷದಿಂದ ಈ ಬಂಕಾಪುರದ ಸಂಘಟನೆ ಭಲಿಷ್ಠವಾಗತ್ತಲೆ ಬರುತ್ತಿದೆ ನಾನು ಬಿಜಾಪುರದಲ್ಲಿ ನನಗೆ ಸಾಬರ ಓಟು ಬೇಕಾಗಿಲ್ಲ ಅಂತ ಹೇಳಿದ್ದೇವೆ ನಮ್ಮವರು ಸಂಘಟನೆಯಾಗಿದ್ದಾರೆ ನಮ್ಮವರೇ ಪೋಟು ಹಾಕಿದರೆ ಸಾಕು 20 ವರ್ಷದ ಹಿಂದೆ ಕನ್ನಡ ಕಲಿಸಿದ ಮೇಡಂಗೆ ಕನ್ನಡ ಕಲಿತ ಹುಡುಗರೇ ಮೇಡಮ್ಮನಿಗೆ ಕಲ್ಲು ಒಗೆಯಲು ಹೋಗಿದ್ದಾರೆ. ಅಕ್ಟರ್ ಎಂದೂ ಮುಂದೆ ಬಂದು ಯುದ್ಧ ಮಾಡಿಲ್ಲ. ಈಗ ಈ ಮಕ್ಕಳು ನಮಗೆ ಜಂಬೆ ತೋರಿಸುತ್ತಾರೆ ನಮ್ಮ ಮನೆಯಲ್ಲಿಯ ಜಂಬೆ ಉಳ್ಳಾಗಡ್ಡಿ ಹೆಚ್ಚಾಕ್ ಇಲ್ಲ. ಮುಸಲ್ಮಾನರು ಎಂದೂ ನಮ್ಮ ಅಣ್ಣ ತಮ್ಮಂದಿರು ಆಗುವುದಿಲ್ಲ ನೀವು ಸುಮ್ಮನೆ ತಿಳಿದುಕೊಂಡಿದ್ದೀರಿ ಬಾಯಿ ಬಾಯಿ



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

ಅಂತ ಹೇಳುತ್ತಿದ್ದೀರಿ ಆದರೆ ಅವರು ತಮ್ಮ ಬುದ್ಧಿಯನ್ನು ತೋರಿಸದೇ ಬಿಡುವುದಿಲ್ಲ. ಮುಸಲ್ಮಾನರು ಅವರು ನಮಗೆ ಎಂದೂ ಹಿಂದುಗಳು ಅನ್ನುವುದಿಲ್ಲ ನಮ್ಮ ವೈರಿಗಳು ಅಂತ ಹೇಳುತ್ತಾರೆ ಆ ವೇಳೆಯಲ್ಲಿ ನೀವು ಹೇಗೆ ಅಣ್ಣ-ತಮ್ಮಂದಿರಾಗುತ್ತೀರಿ. ನೀವು ಯಾವಾಗಲಾದರೂ ಮಸೀದಿ ಮೇಲೆ ದಾಳಿ ಮಾಡಿದ್ದೀರಾ ಆದರೆ ಶಿವಮೊಗ್ಗದಲ್ಲಿ ಹಿಂದುಗಳ ಮೇಲೆ ದಾಳಿ ಮಾಡಿದ್ದಾರೆ. ಯಾವ ಸುಳೇಮನ ಅವ ಔರಂಗಜೇಬ, ಅಕ್ಬರ್, ಮಹಾರಾಣಾ ಪ್ರತಾಪ ಅಂದರೆ ಚಡ್ಡಿಯಲ್ಲಿ ಹುಚ್ಚೆ ಹುಯ್ಯುಕೊಳ್ಳುತ್ತಿದ್ದ. ನಮ್ಮ ಹಿಂದು ಶಕ್ತಿಯನ್ನು ತೋರಿಸಬೇಕು ಅಂತ ಮುಂತಾಗಿ ಮಾತನಾಡಿದರು. ಸದರಿಯವರು ಭಾಷಣವನ್ನು ಸಾಯಂಕಾಲ 06-10 ಘಂಟೆಗೆ ಪ್ರಾರಂಭವಾಗಿ 07-30 ಘಂಟೆಗೆ ಭಾಷಣ ಮುಕ್ತಾಯ ಆಗಿದ್ದು ಇರುತ್ತದೆ.

ಬಸನಗೌಡ ರಾಮನಗೌಡ ಪಾಟೀಲ ಸಾ: ಯತ್ನಾಳ ಇವರು ವಿವಿಧ ಗುಂಪು, ಜಾತಿ-ಜಾತಿಗಳ ಮಧ್ಯೆ, ದ್ವೇಷವನ್ನುಂಟು ಮಾಡುವುದು ಮತ್ತು ಸಹೌರ್ದತೆಗೆ ಬಾಧಕವಾಗುವ ಕೃತ್ಯಗಳನ್ನು ಮಾಡಲು ಭಾಷಣದಿಂದ ವಿವಿಧ ಮತೀಯ ಮೂಲವಂಶೀಯ ಮತ್ತು ಕೋಮುಗಳ ನಡುವೆ ಅಸೌಹಾರ್ದವನ್ನು ಅಥವಾ ವೈರ, ದ್ವೇಷ, ವೈಮನ್ಯಸ್ ಭಾವನೆಗಳನ್ನು ಹೆಚ್ಚಿಸಲು ಸಾರ್ವಜನಿಕ ಕೆಡುಕಿಗೆ ಕಾರಣವಾಗುವ ಮತೀಯ ದ್ವೇಷಭಾಷಣ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ.

ಆ ಕಾಲಕ್ಕೆ ನಾನು ಕಾರ್ಯಕ್ರಮದ ಪ್ರಾರಂಭದಿಂದ ಮುಕ್ತಾಯವಾಗುವವರೆಗೂ ಬಂದೋಬಸ್ತ್ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆದೊಂದಿಗೆ ನಾನು ಕೇಳಿಸಿಕೊಂಡಿದ್ದು, ಮತ್ತು ನೋಡಿದ್ದು ರಾಣೆಯ ಸಿಬ್ಬಂದಿಗಳು ಅಲ್ಲದೇ ಪಿ .ಸಿ 931 ನೇದವರು ಭಾಷಣವನ್ನು ರಾಣೆಯ ಕ್ಯಾಮರಾದಲ್ಲಿ ಚಿತ್ರೀಕರಿಸಿದ್ದು, ಈ ದಿನ ರಾಣೆಯ ಸಿಬ್ಬಂದಿ ವಿಡಿಯೋವನ್ನು ಸಿ ಡಿ ಮೂಲಕ ತುಂಬಿಸಿಕೊಂಡು ಬಂದು ಹಾಜರಪಡಿಸಿದ್ದು, ಈಗ ನೋಡಿ ಖಾತ್ರಿಮಾಡಿಕೊಂಡು ತಡವಾಗಿ ದೂರು ನೀಡಿದ್ದು ಆದ. ಬಸನಗೌಡ ರಾಮನಗೌಡ ಪಾಟೀಲ ಸಾ: ಯತ್ನಾಳ ಇವರ ಮೇಲೆ ಕಲಂ 505(2) ಐಪಿಸಿ ನೇದ್ದರ ಅಡಿಯಲ್ಲಿ ಸರ್ಕಾರಿ ತರ್ಪಿ ದೂರು ಇರುತ್ತದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ."

A perusal of the complaint afore-quoted, the point that arises for consideration is, whether the complaint would meet the ingredients of Section 505(2) of the IPC.

8. Section 505(2) of the IPC reads as follows:

"505. Statements conducing to public mischief.

(1) xxx



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

(2) Statements creating or promoting enmity, hatred or ill-will between classes.--

Whoever makes, publishes or circulates any statement or report NC:2024:KHC:51256 containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill- will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both."

The purport and the necessary ingredients of Section 505(2) of IPC need not detain this Court for long or delve deep into the matter. The Apex Court in the case of **BILAL AHMED KALOO VS. STATE OF ANDRA PRADESH** reported in **(1997) 7 SCC 431**, interpreting Section 505(2) of the IPC, has held as follows:

"....

10. Section 153A was amended by the Criminal and Election Laws (Amendment) Act 1969 - Act No.XXXV of 1996. It consists of three clauses of which clauses (a) and (b) alone are material now. By the same amending Act sub-section (2) was added to Section 505 of the Indian Penal Code. Clauses (a) & (b) of Section 153A and Section 505(2) are extracted below:

"153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.-

(1) Whoever-

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious,



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, or

(c) * * *

Shall be punished with imprisonment which may extend to three years, or with fine, or with both."

505(2) Statements creating or promoting enmity, hatred or ill- will between classes.- Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both."

The common ingredient in both the offences is promoting feeling of enmity, hatred or ill-will between different religious or racial or linguistic or regional groups or castes or communities. Section 153A covers a case where a person by "words, either spoken or written, or by signs or by visible representations" promotes or attempts to promote such feeling. Under Section 505(2), promotion of such feeling should have been done by making and publishing or circulating any statement or report containing rumour or alarming news.

11. This Court has held in Balwant Singh and another vs. State of Punjab (1995) 3 SCC 214) that mens rea is a necessary ingredient for the offence under Section 153A. **Mens rea is an equally necessary postulate for the offence under Section 505(2) also as could be discerned from the words "with intent to create or promote or which is likely to create or promote" as used in that sub-section.**

12. The main distinction between the two offences is that publication of the word or representation is not necessary under the former, such publication is sine qua non under Section 505. The words "whoever makes, publishes or circulates" used in the setting of Section 505(2) cannot be interpreted disjunctively but only as



CNR: KAH010347332025

supplementary to each other. If it is construed disjunctively, any one who makes a statement falling within the meaning of Section 505 would, without publication or circulation, be liable to conviction. But the same is the effect with Section 153A also and then that Section would have been bad for redundancy. The intention of the legislature in providing two different sections on the same subject would have been to cover two different fields of similar colour. The fact that both sections were included as a package in the same amending enactment lends further support to the said construction.

13. xxx

14. In *Sunilakhya Chowdhury vs. H.M. Jadwet* and another (AIR 1968 Calcutta 266) it has been held that the words "makes or publishes any imputation" should be interpreted as words supplementing each other. A maker of imputation without publication is not liable to be punished under that section. We are of the view that the same interpretation is warranted in respect of the words "makes, publishes or circulates" in Section 505 IPC also.

15. The common feature in both sections being promotion of feeling of enmity, hatred or ill-will between different" religious or racial or language or regional groups or castes and communities it is necessary that atleast two such groups or communities should be involved. Merely inciting the felling of one community or group without any reference to any other community or group cannot attract either of the two sections.

16. The result of the said discussion is that appellant who has not done anything as against any religious, racial or linguistic or regional group or community cannot be held guilty of either the offence under Section 153A or under Section 505(2) of IPC."

(Emphasis supplied)

Later, the Apex Court in the case of **MANZAR SAYEED KHAN V. STATE OF MAHARASHTRA** reported in **(2007) 5 SCC 1**

"....

....

....



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

15. We have given our thoughtful consideration to the respective contentions of the learned counsel for the parties. The question to be decided now is whether the paragraph complained of would attract the penal consequences envisaged in Section 153-A IPC. Section 153-A IPC was amended by the Criminal Law (Amendment) Act, 1969 (Act 35 of 1969). It consists of three clauses of which clauses (a) and (b) alone are material for the case on hand, which read as under:

"153-A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.—(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity, or

(c)***

shall be punished with imprisonment which may extend to three years, or with fine, or with both."

16. Section 153-A IPC, as extracted hereinabove, covers a case where a person by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, disharmony or feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities or acts prejudicial to the maintenance of harmony or is likely to disturb the public tranquillity. The gist of the offence is the intention to promote feelings of enmity or hatred between different classes of people. The intention to cause disorder or incite the people to violence is the sine qua non of the offence under Section 153-A Indian Penal Code, 1860 ('the IPC' for short) and the prosecution has to prove prima facie the existence of mens rea on the



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

part of the accused. The intention has to be judged primarily by the language of the book and the circumstances in which the book was written and published. The matter complained of within the ambit of Section 153-A must be read as a whole. One cannot rely on strongly worded and isolated passages for proving the charge nor indeed can one take a sentence here and a sentence there and connect them by a meticulous process of inferential reasoning.

17. In *Ramesh v. Union of India* [(1988) 1 SCC 668 : 1988 SCC (Cri) 266 : AIR 1988 SC 775] this Court held that TV serial Tamas did not depict communal tension and violence and the provisions of Section 153-A IPC would not apply to it. It was also not prejudicial to the national integration falling under Section 153-B IPC. Approving the observations of Vivian Bose, J. in *Bhagwati Charan Shukla v. Provincial Govt.* [AIR 1947 Nag 1] the Court observed that

"the effect of the words must be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view. ... It is the standard of ordinary reasonable man or as they say in English law 'the man on the top of a Clapham omnibus'." (*Ramesh case* [(1988) 1 SCC 668 : 1988 SCC (Cri) 266 : AIR 1988 SC 775] , SCC p. 676, para 13)

18. Again in *Bilal Ahmed Kaloo v. State of A.P.* [(1997) 7 SCC 431 : 1997 SCC (Cri) 1094] it is held that the common feature in both the sections viz. Sections 153-A and 505(2), being promotion of feeling of enmity, hatred or ill will "between different" religious or racial or linguistic or regional groups or castes and communities, it is necessary that at least two such groups or communities should be involved. Further, it was observed that merely inciting the feeling of one community or group without any reference to any other community or group cannot attract either of the two sections.

19. Prof. James W. Laine, the author of the book, has exercised his reason and his own analytical skills before choosing any literature which he intends to include in his book. Even if the appellant Manzar Sayeed Khan, a constituted attorney of Oxford University Press,



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

India and the appellant Vinod Hansraj Goyal, proprietor of Rashtriya Printing Press, Shahdara, Delhi, or the persons whose names are mentioned in the acknowledgment by the author, have provided information for the purpose, including the said paragraph in the book, it is important and worth observing that the author has mentioned that BORI, Pune has been his scholarly home in India and many people therein helped him for collecting the material. The author has given the names of many persons, who had helped him in one way or the other and enlightened him about the history of the historical hero "Shivaji". The author has also mentioned in the book about the International Conference on Maharashtra, etc. which has given him a lot of material for inclusion in his book. As it appears from the records, BORI, Pune was established almost 90 years back and it has a great tradition of scholarly work. It is very improbable to imagine that any serious and intense scholar will attempt to malign the image of this glorious institute. The author thought his work to be worthy of dedication to his mother, Marie Whitwell Laine, which was purely a scholarly pursuit and without any intention or motive to involve himself in trouble. It is the sole responsibility of the State to make positive efforts to resolve every possible conflict between any of the communities, castes or religions within the State and try every possible way to establish peace and harmony within the State under every and all circumstances.

20. In State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426 : AIR 1992 SC 604] this Court has observed that an FIR can be quashed if it does not disclose an offence and there is no need for any investigation or recording of any statement."

(Emphasis supplied)

If the complaint as afore-quoted is considered on the touchstone of the principles elucidated by the Apex Court in the judgments afore-quoted, the inevitable inference would be obliteration of the crime.

9. It becomes apposite to refer to the judgment of the Apex Court rendered in the case of **STATE OF HARYANA V. BHAJAN LAL** reported in **1992 Supp. 1 SCC 335**, wherein the Apex Court holds as follows:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) **Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.**
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a noncognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.
- (5) **Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.**



CNR: KAHC010347332025

NC: 2026:KHC:46532
CRL.P No. 7623 of 2025

- (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.
- (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

(Emphasis supplied)

10. For the aforesaid reasons, the following:

ORDER

- a. The criminal petition is allowed.
- b. The impugned crime in Crime No.131/2023, pending before the Principal Civil Judge (Jr. Dn.) and JMFC, Siggaon, Haveri, qua the petitioner, stands quashed. "

In the light of the issue standing completely answered, despite the vehement opposition of the learned High Court Government Pleader, I deem it appropriate to follow suit and obliterate the crime against the petitioner.

- 5. For the aforesaid reasons, the following:

ORDER

- (i) The criminal petition is ***allowed***;
- (ii) The impugned crime in crime No.32/2024 registered by respondent No.1/Gandhi Chowk Police Station, Vijayapura, pending on the file of I JMFC, Vijayapura stands quashed."



**NC: 2026:KHC:46532
CRL.P No. 7623 of 2025**

In the light of the order passed by this Court (*supra*) and for the reasons aforementioned, the following:

ORDER

- (i) Criminal Petition is allowed.
- (ii) Proceedings in Crime No.51/2025 stand quashed, *qua* the petitioner.

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

SJK
List No.: 1 Sl No.: 27