



CNR: KAHC010551882019

NC: 2026:KHC:53036
CRL.P No. 498 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

CRIMINAL PETITION NO.498 OF 2020

BETWEEN:

1. DR. ASHIMA CHOUDHRY,
D/O DR. RAJIV RAJ CHOUDHRY,
AGED ABOUT 30 YEARS,
RESIDING AS SHOWN IN THE CAUSE TITLE
AT ROOM NO.10, LADIES HOSTEL,
DR. B.R.AMBEDKAR MEDICAL COLLEGE,
KADUGONDANAHALLI,
NEAR TANNERY ROAD,
BENGALURU-560045.
PERMANENT RESIDENT AT
NO.19, NAVCHETAN SOCIETY,
OPPOSITE RTO OFFICE,
RING ROAD, SURAT-395001.

2. DR. RAJIV RAJ CHOUDHRY,
AGED ABOUT 60 YEARS,
ASHUTOSH HOSPITAL,
BESIDE KSHETRAPAL TEMPLE,
NEAR KAILASH NAGAR,
MAJURA GATE, SURAT-395002.
PERMANENT RESIDING AT
NO.19, NAVCHETAN SOCIETY,
OPPOSITE RTO OFFICE, RING ROAD,
SURAT-395001.

...PETITIONERS

(BY SRI. NANDAKUMAR C.K., SENIOR COUNSEL FOR
SRI. RAGHURAM CADAMBI &
SMT. VARSHA HITTINHALLI, ADVOCATES)

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COURT OF
KARNATAKA



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AND:

1. DR. PURUSHOTHAM K.,
S/O K. SOMAYYA,
AGED ABOUT 50 YEARS,
RESIDING AT NO.104,
GAYATHRI PARADISE,
HENNUR CROSS,
BEHIND INDIAN ACADEMY,
BENGALURU-560043.

AND ALSO AT
PROF. AND HOD OF DEPT. OF ORTHOPEDICS,
DR. B.R. AMBEDKAR MEDICAL COLLEGE
KADUGONDANAHALLI,
NEAR TANNERY ROAD,
BENGALURU-560045.

...RESPONDENT

(BY SRI. SHANKARAPPA, ADVOCATE - ABSENT)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482
OF CR.P.C. PRAYING TO QUASH THE COMPLAINT AND THE
ENTIRE PROCEEDINGS IN C.C.NO.54841/2019 ON THE FILE OF
XI ADDL.C.M.M., BENGALURU.

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

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

ORAL ORDER

This Court had heard the learned counsel for the
petitioners on the previous date of hearing i.e., on
19.09.2026 and the learned counsel for the respondent was
absent in the morning session and also in the afternoon



session. However, this Court granted an opportunity to the learned counsel for the respondent to make his submission and made it clear that if the counsel fails to appear on the next date of hearing, the matter will be heard in his absence. Today also the learned counsel for the respondent is absent in both the sessions.

2. The prayer sought in this petition is to quash the complaint and the entire proceedings in C.C.No.54841/2019, on the file of XI Additional Chief Metropolitan Magistrate, Bengaluru.

3. The learned counsel for the petitioners submits that petitioner No.1 is a student and petitioner No.2 is her father. The learned counsel contend that the allegations made in the private complaint does not constitute the offence under Section 500 of IPC and the same comes within exception 8 of Section 499 of IPC. The learned counsel also vehemently contend that in fact, petitioner No.1 did not even write the letter to the college authorities and the respondent has failed to show how the complaint in the present case is



maintainable against petitioner No.1. On this ground alone, the complaint and the order ought to be quashed. The said letter is addressed to the University by petitioner No.2, being the father of petitioner No.1 and there is no any publication to defame the complainant. Only to ventilate the grievance of her daughter with the University, petitioner No.2 had written a letter to the Chairman of the Medical College as per Annexure-C and the same will not constitute any offence. In pursuance of the said letter, an Enquiry Committee is also constituted on 28.12.2016 to enquire into the matter and to that effect the learned counsel produced the document of Annexure-D. Annexure-E is the document which is marked during the enquiry as Ex.C.7 i.e., the letter given by the complainant. Annexure-F is the statement made by petitioner No.1 before the Enquiry Committee and Annexure-G is the enquiry report, wherein the enquiry team comes to the conclusion that there is no evidence of any harassment against petitioner No.1.



4. Having perused the documents which have been referred by the petitioners, it is very clear that when harassment was meted out to petitioner No.1, a letter was addressed by petitioner No.2 to the Medical College and the Medical College constituted the Committee and conducted an enquiry and the same is within the institution and the same is not published to defame the complainant. Merely because the enquiry is conducted and the report is given as no such harassment, the same cannot be a ground to initiate the defamation proceedings against the petitioners. It is not in dispute that the daughter of petitioner No.2 was pursuing her education in the Medical College and when the daughter complained about the harassment with the father, the father wrote a letter to the Medical College. In this regard, an enquiry was also conducted and that does not amount to a defamation as rightly pointed out by the learned counsel for the petitioners and the same comes within exception 8 of Section 499 of IPC. When such material is available before the Court, it is not a case to proceed against the petitioners for defamation.



5. No doubt, in the complaint at Annexure-A, it is submitted by the complainant that he is a doctor by profession and that he was appointed as a Lecturer on 10.11.1997 in the Medical College and thereafter, he was promoted as Assistant Professor in the year 1998 and during 2004, he was discharging his duties as P.G. Guide and during 2006, he was promoted as Associate Professor. The Management of the College constituted an Enquiry Committee and found that no such harassment is meted out to petitioner No.1 and the same will not enure to the benefit of the complainant to initiate the defamation case against the petitioners and it is the duty of the father to address the grievance of the daughter and it is also important to note that the daughter has not given any complaint. But when the information was given by the daughter to the father, father ventured to address the said letter in the interest of his daughter and hence, it is not a case to invoke Section 500 IPC to prosecute against the petitioners.



6. The learned counsel for the petitioners also relied upon the judgment of the Apex Court in the case of **RAJENDRA KUMAR SITARAM PANDE AND OTHERS v. UTTAM AND ANOTHER** reported in **(1999) 3 SCC 134** and brought to the notice of this Court paragraph No.7, wherein it is observed that the question for consideration is whether the allegations in the complaint read with the report of the Magistrate make out the offence under Section 500 or not. Section 499 of the Indian Penal Code defines the offence of defamation and Section 500 provides the punishment for such offence. Exception 8 to Section 499 clearly indicates that it is not a defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with regard to the subject-matter of accusation. It is also discussed in detail that the accused persons had made a report to the superior officer of the complainant alleging that he had abused the Treasury Officer in a drunken state which is the gravamen of the present complaint and nothing more, would be covered by Exception 8 to Section 499 of the Indian Penal Code. By



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perusing the allegations made in the complaint petition, we are also satisfied that no case of defamation has been made out. In this view of the matter, requiring the accused persons to face trial or even to approach the Magistrate afresh for reconsideration of the question of issuance of process would not be in the interest of justice.

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

ORDER

The petition is allowed and the proceedings initiated against the petitioners is quashed.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 22