



CNR: KAHC010719822024

NC: 2026:KHC:48396
CRL.P No. 29 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 29 OF 2025 (482(Cr.PC) /
528(BNSS)-)

BETWEEN:

SRI IMRAN PASHA
S/O ARIF PASHA
AGED ABOUT 44 YEARS
RESIDING AT NO. 45/2
13TH CROSS
K S STREET
PADARAYANAPURA
BENGALURU 560 026

...PETITIONER

(BY SRI. GOVIRDHAN REDDY. J.S., ADVOCATE FOR
SRI. MOHAMMED NAWAZ SHARIFF.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BANGARPET P S
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE 560 001
2. SRI AZAM SHARIFF
S/O LATE SUBAN SHARIFF
AGED ABOUT 50 YEARS
RESIDING AT ILAYI MASJID,
C RAHIM COMPOUND
BANGALRPET TOWN
K G F KARNATAKA 563114

...RESPONDENTS

(BY SRI. RANJITH KUMAR.N., HCGP FOR R1;
R2-SERVED)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE CHARGE SHEET IN C.C.2969/2023 FILED BY THE 1ST POLICE STATION RESPONDENT BANGARPET AT ANNEXURE-D ARISING OUT OF CR NO. 80/2023 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 504, 506, 114 R/W 34 IPC PENDING ON THE FILE OF COURT OF PRL. CJ AND JMFC, BANGARPET, AGAINST THE PETITIONER I.E ACCUSED NO. 1 AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;
 - a. *Quash the charge sheet in C.C.2969/2023 filed by the 1st respondent Bangarpet Police Station Annexure-D arising out of CR NO.80/2023 for the alleged offences punishable under section 504, 506, 114 r/w 34 IPC pending on the file of Court of Prl Civil Judge & JMFC, Bangarpet, against the Petitioner i.e Accused NO.1 in the interest of justice and equity.*
 - b. *Grant such other relief/reliefs as this Hon'ble Court may deem fit in the facts and circumstances of the case in the interest of justice and equity.*
2. The prosecution case arises out of an incident alleged to have taken place on 20.03.2023 at about 3.30 p.m. at S.M. Function Hall, situated in C-Rahim Compound.



3. It is alleged that respondent No.2-complainant, Azam Shariff, along with Mohammed Mujaphir and Mubhakar Pasha, was present at the said place when leaders of the JDS party, namely, Mr. Zameer Pasha and Mr. Siraj Ahmed, had organised a political meeting in connection with the ensuing Assembly elections of the year 2023.
4. According to the complaint, the petitioner had been invited to attend the meeting as a speaker. During the course of the gathering, Mr. Zameer Pasha and Mr. Siraj Ahmed are stated to have called upon the petitioner to address the gathering.
5. It is the specific allegation of the complainant that, while addressing the gathering, the petitioner made a statement to the effect that he would enter the house of one Mr. Narayanswamy, stated to be a candidate contesting from the Bangarpet Assembly Constituency, destroy his house and cause harm to his life and liberty.
6. The alleged statement is stated to have been made in the course of election campaigning for the 2023 Assembly elections. The complainant claims to be a follower of Mr. Narayanswamy and, alleging that the statement amounted to an offence, lodged a



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complaint resulting in registration of Crime No.80/2023 on 20.03.2023.

7. On the basis of the said complaint, the police registered the case for the offences punishable under Sections 504, 506 and 114 read with Section 34 of the Indian Penal Code, 1860.
8. The petitioner has been arrayed as accused No.1 in Crime No.80/2023. Aggrieved by the registration of the aforesaid criminal proceedings and the allegations levelled against him, the petitioner has approached this Court seeking appropriate relief in respect of the said proceedings.
9. Sri.Govirdhan Reddy.J.S., learned counsel for the petitioner contending that;
 - 9.1. The statement was made in an election campaign, Mr.Narayanswamy was not present at the said gathering. The said statement was made during the course of campaign as regards various issues which were subject matter of the campaign.



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9.2. Learned counsel appearing for the petitioner submits that, even if the allegations contained in the complaint are taken at their face value, the same do not disclose the commission of offences punishable under Sections 504 or 506 of the Indian Penal Code, 1860. His submission is that mere utterances, without the necessary statutory ingredients accompanying such utterances, cannot constitute the offences in question.

9.3. He relies upon the decision of the Hon'ble Apex Court in **Vikram Johar v. State of U.P.**,¹ more particularly para 22, 23 and 24 thereof which are reproduced hereunder for easy reference;

22. *In para 13 of the judgment, this Court has noticed the ingredients of Section 504 IPC, which are to the following effect: (Fiona Shrikhande case [Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44 : (2014) 1 SCC (Cri) 715] , SCC p. 49)*

"13. Section 504 IPC comprises of the following ingredients viz. (a) intentional insult, (b) the insult must be such as to give provocation to the person insulted, and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit

¹ (2019) 14 SCC 207



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any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The person who intentionally insults intending or knowing it to be likely that it will give provocation to any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 IPC."

23. *In another judgment i.e. Manik Taneja v. State of Karnataka [Manik Taneja v. State of Karnataka, (2015) 7 SCC 423 : (2015) 3 SCC (Cri) 132] , this Court has again occasion to examine the ingredients of Sections 503 and 506. In the above case also, case was registered for the offence under Sections 353 and 506 IPC. After noticing Section 503, which defines criminal intimidation, this Court laid down the following in paras 11 and 12: (SCC pp. 427-28)*
"11.***

A reading of the definition of "criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do.

12. In the instant case, the allegation is that the appellants have abused the complainant and obstructed the second respondent from



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discharging his public duties and spoiled the integrity of the second respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was no intention on the part of the appellants to cause alarm in the mind of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of the appellants posting a comment on Facebook may not attract ingredients of criminal intimidation in Section 503 IPC."

In the above case, allegation was that the appellant had abused the complainant. The Court held that the mere fact that the allegation that accused had abused the complainant does not satisfy the ingredients of Section 506 IPC.

24. *Now, we revert back to the allegations in the complaint against the appellant. The allegation is that the appellant with two or three other unknown persons, one of whom was holding a revolver, came to the complainant's house and abused him in filthy language and attempted to assault him and when some neighbours arrived there the appellant and the other persons accompanying him fled the spot. The above allegation taking on its face value does not satisfy the ingredients of Sections 504 and 506 as has been enumerated by this Court in the above two judgments. The intentional insult*



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must be of such a degree that should provoke a person to break the public peace or to commit any other offence. The mere allegation that the appellant came and abused the complainant does not satisfy the ingredients as laid down in para 13 of the judgment of this Court in Fiona Shrikhande [Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44 : (2014) 1 SCC (Cri) 715] .

9.4. By relying on **Vikram Johar's case**, his submission is that the Hon'ble Supreme Court, after referring to the earlier decisions in **Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44 and Manik Taneja v. State of Karnataka, (2015) 7 SCC 423**, has explained the ingredients necessary to constitute the offences under Sections 504 and 506 of the IPC.

9.5. It is submitted that, to attract Section 504 of the IPC, there must be an intentional insult; such insult must be of a nature which gives provocation to the person insulted; and the accused must intend or know that such provocation is likely to cause that person to break the public peace or to commit any other offence. Mere use of abusive, offensive or objectionable words, without the requisite



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intention and without the circumstances contemplated by the provision, would not, according to learned counsel, constitute an offence under Section 504 of the IPC.

9.6. Learned counsel submits that the allegations in the present case do not disclose any intentional insult directed against the complainant. The alleged statement was made by the petitioner while addressing a political gathering during the course of election campaigning. The complainant was not the person against whom the alleged statement was directed and, according to learned counsel, there is no allegation that the complainant was personally insulted, provoked or subjected to any conduct intended to cause him to commit an offence or disturb public peace.

9.7. It is further submitted that there is no allegation of any actual disturbance of public peace consequent upon the alleged speech. No overt act is attributed to the petitioner thereafter, nor is there any allegation that the gathering was disrupted, that any person present at the meeting was provoked into



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committing an offence, or that any breach of public peace occurred as a consequence of the alleged utterance.

9.8. Learned counsel submits that the context in which the alleged statement was made is also relevant. The statement is alleged to have been made during an election campaign and in the course of a political speech before persons who were assembled for that very purpose. According to him, political speeches, particularly during election campaigns, frequently contain rhetorical, exaggerated or hyperbolic expressions, and an isolated statement cannot be divorced from its context and mechanically treated as an offence under Section 504 of the IPC.

9.9. It is, therefore, contended that the essential statutory requirement of an intentional insult accompanied by the requisite intention or knowledge to provoke the person insulted to break public peace or commit another offence is absent from the allegations in the present case. The mere fact that the words attributed to the petitioner may be considered objectionable or



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intemperate, according to learned counsel, would not by itself satisfy the ingredients of Section 504 of the IPC.

9.10. Insofar as Section 506 of the IPC is concerned, learned counsel submits that the same is founded upon the concept of "criminal intimidation" as defined under Section 503 of the IPC. Reliance is again placed upon **Vikram Johar**, wherein the Hon'ble Supreme Court, referring to **Manik Taneja**, has held that there must be a threat of causing injury to the person, reputation or property of the person threatened, or to a person in whom such person is interested, coupled with the requisite intention to cause alarm or to compel the person threatened to do an act which he is not legally bound to do, or omit an act which he is legally entitled to do.

9.11. Learned counsel submits that, in the present case, the alleged statement does not disclose the necessary intention to cause alarm. According to him, there is no allegation that the petitioner thereafter proceeded towards the house of Mr. Narayanswamy, attempted to



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enter the premises, caused any damage, made any further communication or otherwise acted upon the alleged threat.

9.12. It is his submission that the distinction between an expression of anger, political rhetoric or an exaggerated statement on the one hand, and a legally cognisable threat amounting to criminal intimidation on the other, cannot be lost sight of. For Section 506 to be attracted, the prosecution must be able to demonstrate the ingredients of Section 503 IPC and not merely rely upon the words alleged to have been spoken.

9.13. Learned counsel further submits that the complainant himself is stated to be a follower of Mr. Narayanswamy and was present at the meeting. However, there is no allegation that the petitioner addressed the alleged threat to the complainant, that the complainant was the person whose property or life was threatened, or that the petitioner intended to cause alarm to the complainant. The alleged target of the statement and the complainant are, according to learned counsel, distinct persons.



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9.14. On this basis, learned counsel submits that the complaint cannot be permitted to transform an allegedly objectionable political statement into an offence of criminal intimidation merely because the complainant considered himself aggrieved by or apprehensive of the statement.

9.15. Learned counsel also submits that there is no allegation of any subsequent conduct lending assurance to the alleged threat. No overt act is attributed to the petitioner after the meeting, and there is no material to indicate that the alleged statement was accompanied by conduct demonstrating an intention to carry out the threat.

9.16. It is, therefore, contended that the allegations, even if accepted in their entirety, fall short of the threshold required to constitute the offences under Sections 504 and 506 of the IPC. Reliance is placed upon **Vikram Johar**, wherein the Hon'ble Supreme Court held, on the facts of that case, that the allegations, even when taken at face value, did not satisfy the ingredients of Sections 504 and 506 of the IPC.



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- 9.17. Learned counsel accordingly submits that permitting the criminal proceedings to continue, in the absence of the foundational ingredients of the offences alleged, would amount to an abuse of the process of law and that the proceedings arising out of Crime No.80/2023 are consequently liable to be quashed in exercise of the inherent jurisdiction of this Court.
10. Learned HCGP would submit that the utterances having been made, the petitioner was seeking to incite the person who had assembled to commit such offences and on that basis, he submits that the matter needs to go for trial and this Court ought not to intercede at this stage.
11. Heard Sri.Govirdhan Reddy.J.S., learned counsel for the petitioner and Sri.Ranjith Kumar.N., learned HCGP for respondent No.1 and perused papers.
12. Having considered the rival submissions and having perused the complaint, the material collected during investigation and the charge-sheet, this Court is of the considered view that the allegations, even if taken at their face value, do not disclose the



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essential ingredients of the offences punishable under Sections 504 and 506 of the IPC.

13. The utterances attributed to the petitioner, as noticed hereinabove, are undoubtedly not in good taste. Such expressions are certainly not expected from a person holding or seeking public office, irrespective of the political position held by such person. Political discourse, even when vigorous or adversarial, cannot be permitted to degenerate into threats of violence or destruction of the property of a political opponent.
14. At the same time, the question before this Court is not whether the alleged utterances were desirable or appropriate in the context of democratic political discourse. The question is whether the words attributed to the petitioner, coupled with the surrounding circumstances and the material collected during investigation, satisfy the statutory ingredients of Sections 504 and 506 of the IPC.
15. The substance of the allegation is that, during the course of the election meeting, the petitioner stated that, depending upon what the opposing candidate did or did not do, he would enter the house of the



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said candidate, destroy the house and cause harm or injury to his life and liberty.

16. It is not in dispute that the alleged statement was made during the course of campaigning for the Assembly elections of 2023. The statement, therefore, cannot be completely divorced from the circumstances in which it is alleged to have been made. The fact that a statement is made in an election meeting does not, by itself, confer immunity upon the speaker from the operation of the criminal law. Equally, however, the political and electoral context is a relevant circumstance while determining the nature of the utterance, the intention accompanying it and whether the statutory ingredients of the alleged offence are made out.
17. Political speeches may, at times, contain rhetorical, exaggerated or hyperbolic expressions. The mere use of intemperate language cannot automatically result in criminal liability unless the ingredients prescribed by the particular penal provision are satisfied. The Court is therefore required to examine the alleged words not merely in isolation but in the context in which they are alleged to have been spoken and the



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consequences, if any, alleged to have followed therefrom.

18. In **Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44**, which has been referred to in the subsequent judgement in **Vikram Johar**, the Hon'ble Supreme Court has explained that Section 504 of the IPC requires, inter alia, an intentional insult of such a degree as to give provocation to the person insulted, coupled with the intention or knowledge that such provocation is likely to cause that person to break the public peace or commit any other offence.
19. In the present case, assuming that the words attributed to the petitioner amount to an intentional insult, the material placed before this Court does not disclose the remaining necessary ingredients with the requisite degree of specificity.
20. The person against whom the alleged statement was directed, namely, Mr. Narayanswamy, has neither lodged the complaint nor, more importantly, has his statement been recorded during the course of investigation alleging that he was provoked by the statement in the manner contemplated under Section 504 of the IPC.



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21. There is also no material placed before this Court indicating that the alleged statement resulted in, or was accompanied by, any conduct demonstrating that the person allegedly insulted was provoked to break the public peace or to commit any other offence. No subsequent overt act on the part of the petitioner pursuant to the alleged speech has been brought on record.
22. This Court is conscious that the actual occurrence of a breach of public peace is not, by itself, the sole test for attracting Section 504 of the IPC. The statutory requirement is concerned with the nature of the intentional insult and the intention or knowledge that the provocation is likely to result in the person insulted breaking the public peace or committing another offence. Nevertheless, in the facts of the present case, the absence of any complaint or statement from the person allegedly insulted and the absence of any material indicating the requisite provocation or its intended consequences assume considerable significance.
23. Thus, even accepting the prosecution allegation in its entirety, the material does not disclose a sufficient factual foundation from which the necessary



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ingredients of Section 504 of the IPC can be inferred. The alleged utterance may be objectionable and politically improper, but every objectionable or intemperate utterance does not constitute an offence under Section 504 of the IPC.

24. The position with regard to Section 506 of the IPC stands on an even different footing. Section 506 prescribes the punishment for criminal intimidation, while the ingredients of criminal intimidation are set out in Section 503 of the IPC.
25. As explained by the Hon'ble Supreme Court in **Manik Taneja**, and reiterated in **Vikram Johar**, mere expression of words does not, by itself, constitute criminal intimidation. The prosecution must demonstrate a threat of injury of the nature contemplated under Section 503 and the requisite intention to cause alarm to the person threatened, or to compel such person to do an act which he is not legally bound to do or omit an act which he is legally entitled to do.
26. In the present case, the alleged threat was directed against Mr. Narayanswamy. The complaint, however, has been lodged by a third person who claims to be his follower. There is no material to demonstrate that



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the alleged threat was addressed to the complainant or that the petitioner intended thereby to cause alarm to the complainant.

27. More significantly, the person who is alleged to have been threatened has not come forward before the Investigating Officer. There is no statement of Mr. Narayanswamy in the charge-sheet material stating that he received the alleged threat, that he apprehended injury to his person, property or reputation, or that the alleged statement caused the alarm contemplated under Section 503 of the IPC.
28. The absence of a statement from the person allegedly threatened is not being treated as a jurisdictional bar to the initiation of criminal proceedings. It is settled that the criminal law can, depending upon the circumstances and the nature of the offence, be set in motion by a person other than the person directly affected. The question, however, is whether the material collected during investigation discloses the ingredients of the offence alleged.
29. In the present case, when the alleged threat is specifically directed against a particular individual, the absence of any statement from that individual assumes significance in determining whether the



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alleged threat was intended to cause, or was of a nature capable of causing, the alarm contemplated under Section 503 of the IPC.

30. There is, further, no allegation of any subsequent conduct by the petitioner demonstrating an intention to act upon the alleged threat. No attempt to enter the residence of Mr. Narayanswamy, no act of destruction or damage, no physical confrontation and no other overt act pursuant to the alleged statement is brought on record.
31. The Court is not required, at this stage, to determine whether the statement was actually made in the precise terms attributed to the petitioner. Even assuming that the statement was made as alleged, the question remains whether the statement, viewed in the context of the surrounding circumstances and the material collected during investigation, satisfies the ingredients of Sections 504 and 506 of the IPC.
32. In **Vikram Johar**, the Hon'ble Supreme Court, after considering the ingredients of Sections 504 and 506 and the principles enunciated in **Fiona Shrikhande** and **Manik Taneja**, held that allegations which, even when taken at their face value, do not satisfy the statutory ingredients of the offences cannot be



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permitted to result in continuation of the criminal proceedings.

33. In the present case, the material placed before this Court discloses, at the highest, an allegedly intemperate political statement made during an election gathering. The statement is undoubtedly capable of criticism and may legitimately attract condemnation in the political and public sphere. However, the criminal law can be invoked only where the ingredients of the particular penal provision are satisfied.
34. The prosecution has not placed on record the statement of the person allegedly insulted or threatened. There is no material demonstrating that the alleged utterance provoked that person in the manner contemplated under Section 504 of the IPC. Likewise, there is no material demonstrating that the alleged threat caused or was intended to cause the alarm contemplated under Section 503 of the IPC so as to attract Section 506 of the IPC.
35. Consequently, this Court is of the view that the allegations in the complaint and the material collected during investigation do not, ex facie, satisfy



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the essential ingredients of Sections 504 and 506 of the IPC.

36. Permitting the prosecution to proceed to trial in such circumstances would require the petitioner to undergo the rigours of a criminal prosecution notwithstanding the absence of the foundational material necessary to constitute the offences alleged. The inherent jurisdiction of this Court is precisely intended to prevent continuation of criminal proceedings where the allegations, even if accepted in their entirety, do not disclose the commission of the offences alleged.
37. Accordingly, insofar as the offences punishable under Sections 504 and 506 of the IPC are concerned, the continuation of the criminal proceedings against the petitioner cannot be sustained.
38. In that view of the matter, this Court passes the following;

ORDER

- i. The criminal petition is ***allowed***.
- ii. The charge sheet in CC No.2969/2023 filed by respondent No.1 against the petitioner-Accused



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No.1 at Annexure-D arising out of Crime
No.80/2023 pending on the file of Prl. Civil
Judge & JMFC, Bangarpet, is quashed.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 11