HC-KAR

NC: 2026:KHC:59618
CRL.P No. 8437 of 2025

CNR: KAHC010392922025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 8437 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. DEVENDRA SHARMA
PRINTER AND PUBLISHER
M/S. NEW MEDIA COMPANY,
NO.6/4, 1ST FLOOR,
CANTONMENT STATION ROAD,
BENGALURU 560 051
(HE IS THE S/O.LATE RADHESHYAM SHARMA,
47 YEARS)

2. SHREEKANT PARASHAR,
EDITOR, DAKSHIN BHARAT RASHTRAMATH,
M/S. NEW MEDIA COMPANY,
NO.6/4, 1ST FLOOR,
CANTONMENT STATION ROAD,
BENGALURU 560 051
(HE IS THE S/O.LATE J.P.PARASHAR,
AND AGED 70 YEARS)

...PETITIONERS

(BY SRI. BHAGAVAN S.G..,ADVOCATE)

AND:

M SUNIL KUMAR
S/O. M.MADANLAL JAIN,
57 YEARS,
FLAT NO.1143, PRESTIGE SOUTH RIDGE,
HOSKEREHALLI, BANASHANKARI 3RD STAGE,
BENGALURU 560085

...RESPONDENT

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03/11/2026, 16:39, Bengaluru
Verified

(BY SRI. DHIRAJ A.K., ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.P.C (U/S 528 BNSS) PRAYING TO QUASH THE PROCEEDINGS IN CC.NO.32312/2024, PENDING AGAINST THEM IN THE COURT OF THE VI ACJM, BENGALURU, FOR THE OFFENCES P/U/S 499,500 R/W 34 OF IPC, IN SO FAR AS THE ACCUSED NOs.2 AND 3 ARE CONCERNED.

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 petitioners are before this Court seeking for the following reliefs:

> *Quash the proceedings in CC.No.32312/2024, pending against them in the court of the VI ACJM, Bengaluru, for the offences p/u/s 499,500 r/w 34 of IPC, in so far as the accused nos.2 and 3 are concerned.*

2. A private complaint having been filed by respondent No. 2 under Section 499 and 500 of the IPC, sworn statements of several witnesses were recorded on several occasions and on 05.12.2023, the Magistrate took cognisance. The petitioner challenges the said order dated 5.12.2023 before this Court.

3. The submission of learned counsel for the petitioner is that though there were multiple sworn statements which had been recorded, the impugned order dated

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5.12.2023 only mentions a single sworn statement and a perusal of the impugned order does not indicate any application of mind on the part of the learned Magistrate before taking cognisance. On that ground, he submits that the taking of cognisance and the issuance of process is without application of mind, requiring this Court to intercede and quash the proceedings.

4. Learned counsel for the respondent would submit that there are multiple sworn statements; however, his submission is that the proceedings may not be quashed, but the matter be remanded for fresh consideration by the learned Magistrate in accordance with the applicable law.

5. Heard Sri.Bhagavan.S.G., learned counsel for the petitioners and Sri.Dhiraj.A.K., for respondent. Perused papers.

6. The order of cognisance is reproduced hereunder for easy reference:

05.12.2023	*Advocate for complainant present. Heard perused the sworn statement along with documents furnished. Prima facie case made out. Cognizance taken. Issue SS to accused as process memo-*

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7. When admittedly there are multiple statements of witnesses which have been recorded, the above order of cognisance mentions only a sworn statement and, without even recording the concerned provision under which the complaint had been filed and whether the ingredients thereof have been fulfilled, has taken cognisance and issued process. The same is contrary to the applicable law and a catena of decisions rendered by this Court and the Hon'ble Apex Court. In that view of the matter this Court passes the following:

ORDER

i. Criminal petition is allowed.

ii. The impugned order dated 5.12.2023 is set-aside and the matter is remitted to the learned Magistrate for fresh consideration of the sworn statements, apply his mind and list the matter from the time of filing of the complaint and proceed therefrom.

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(SURAJ GOVINDARAJ)
JUDGE

LN, List No.: 2 Sl No.: 13