Reserved on : 20.08.2026
Pronounced on : 04.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 9760 OF 2025

C/W

CRIMINAL PETITION NO. 9364 OF 2025

IN CRL.P No. 9760/2025

BETWEEN:

SIDDARAMAIAH
S/O LATE SIDDARAME GOWDA
AGED ABOUT 77 YEARS
PERMANENT RESIDENT OF
SIDDARAMANAHUNDI VARUNA HOBALI
MYSURU - 570 010
MEMBER OF LEGISLATIVE ASSEMBLY

...PETITIONER

(BY SRI SHASHI KIRAN SHETTY, SR.ADVOCATE A/W
SRI S.A.AHMED, SRI SURYA MUKUNDARAJ L.,
SRI SANJAY YADAV B., AND
SMT.ANISHKA VAISHNAV, ADVOCATES)

Digitally signed by PADMAVATHI B K
Location: High Court of Karnataka

AND:

BHARATIYA JANATA PARTY
NO.8, JAGANNATHA BHAVANA
TEMPLE STREET
11TH CROSS, MALLESHWARAM
BENGALURU - 560 003
REPRESENTED BY ITS
STATE SECRETARY
BJP KARNATAKA
S.KESHAVA PRASAD
S/O LATE SIDDALINGAIAH SETTY
AGED ABOUT 58 YEARS.

…RESPONDENT

(BY SRI VINOD KUMAR M., ADVOCATE)

THIS CRL.P IS FILED U/S.482(FILED U/S.528 BNSS) CR.P.C PRAYING TO QUASH THE ENTIRE PROCEEDING AS AGAINST THE PETITIONER ARRAIGNED AS ACCUSED NO.3 IN C.C.NO.7399/2024 (P.C.R NO.3878/2023) FOR THE ALLEGED OFFENCES P/U/S 499 AND 500 OF IPC PENDING ON THE FILE OF THE XLII ADDL. CJM, BENGALURU (SPECIAL COURT FOR TRIAL OF CASES FILED AGAINST SITTING AS WELL AS FORMER MP/MLA's TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA.

IN CRL.P NO. 9364/2025

BETWEEN:

1. KARNATAKA PRADESH CONGRESS COMMITTEE
   C/O INDIAN NATIONAL CONGRESS
   REPRESENTED BY ITS PRESIDENT
   D.K.SHIVAKUMAR

CONGRESS BHAVAN
QUEENS ROAD
BENGALURU - 560 051.

2. D.K.SHIVAKUMAR
S/O LATE KEMPE GOWDA
AGED ABOUT 60 YEARS
18TH CROSS, UPPER PALACE ORCHADE
SADASHIVANAGAR
BENGALURU 560 080
MEMBER OF LEGISLATIVE ASSEMBLY
KANAKAPURA

...PETITIONERS

(BY SRI SHASHI KIRAN SHETTY, SR.ADVOCATE A/W
SRI S.A.AHMED, SRI SURYA MUKUNDARAJ L.,
SRI SANJAY YADAV B., AND
SMT.ANISHKA VAISHNAV, ADVOCATES)

AND:

1. BHARATIYA JANATA PARTY
NO.48, JAGANNATHA BHAVANA
TEMPLE STREET
11TH CROSS, MALLESHWARAM
BENGALURU - 560 003
REPRESENTED BY ITS
STATE SECRETARY
BJP KARNATAKA
S.KESHAVA PRASAD
S/O LATE SIDDALINGAIAHSETTY
AGED ABOUT 58 YEARS.

...RESPONDENT

(BY SRI. VINOD KUMAR M., ADVOCATE)

THIS CRL.P IS FILED U/S 482 CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS AS AGAINST THE PETITIONER ARRAIGNED AS ACCUSED NO.1 AND 2 IN C.C.NO.7399/2024 (P.C.R NO.3878/2023) FOR THE ALLEGED OFFENCES P/U/S 499 AND 500 OF IPC, 1860 PENDING ON THE FILE OF THE XLII ADDL.CJM, BENGALURU (SPECIAL COURT FOR TRAIL OF CASES FILED AGAINST SITTING AS WELL AS FORMER MP/MLAs, TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA).I.A.NO.1/2025 FOR DISPENSATION.I.A.NO.1/2025 FILED BY THE ADVOCATE FOR THE PETITIONER PRAYING TO DISPENSE WITH THE PRODUCTION OF CERTIFIED COPY OF ENTIRE ORDER SHEET FOR A PERIOD OF 4 WEEKS.,FOR THE REASONS STATED THEREIN.I.A.NO.2/2025 FOR STAY.I.A.NO.2/2025 FILED BY THE ADVOCATE FOR THE PETITIONER PRAYING TO STAY ENTIRE PROCEEDINGS IN C.C.NO.7399/2024 (PCR NO.3878/2023) FOR THE ALLEGED OFFENCES P/U/S 499 AND 500 OF IPC, 1860 PENDING ON THE FILE OF THE XLII ADDL.CJM, BENGALURU (SPECIAL COURT FOR TRAIL OF CASES FILED AGAINST SITTING AS WELL AS FORMER MP/MLAs, TRIABLE BY MAGISTRATE IN THE STATE OF KARNATAKA), IN SO FAR AS THIS PETITIONERS ARRAIGNED AS ACCUSED NO.1 AND 2 ARE CONCERNED., FOR THE REASONS STATED THEREIN.NOTE: THE COUNSEL HAS CHALLENGED THE PROCEEDINGS IN C.C.NO.7399/2024 FOR WHICH THE DOWNLOADED COPY OF THE ORDER DTD 23.06.2025 IS FILED INSTEAD OF CERTIFIED COPY AND FILED DISPENSATION TO DISPENSE WITH THE PRODUCTION OF CERTIFIED COPY OF ENTIRE ORDER SHEET.POST CRL.P BEFORE COURT FOR ADMISSION A/W 1. I.A 1/2025 FOR DISPENSE WITH THE PRODUCTION OF C.C OF ENTIRE ORDER SHEET A/W NOTE.2. I.A 2/2025 FOR STAY.(MATTER PERTAINS TO MP/MLA CASE)MD03.07.2025

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 20.08.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The petitioners in Criminal Petition No.9364 of 2025 are accused Nos. 1 and 2 and in the companion petition - Criminal Petition No.9760 of 2025 - petitioner is accused No.3.

2. Heard in both the petitions Sri **K. Shashi Kiran Shetty**, learned senior counsel appearing for the petitioners and Sri **Vinod Kumar M.**, learned counsel appearing for the respondent.

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

The respondent/complainant is a political party. Accused No.1/Karnataka Pradesh Congress Committee is said to have published a derogatory advertisement in major newspapers like Deccan Herald, Hindu, Times of India, Prajavani and Udayavani regarding prices of various posts in the respondent/Complainant’s Government in its tenure between 2019 and 2023. This was

published on 05-05-2023. A legal notice comes to be caused upon the accused to tender unconditional apology on 06-05-2023. It was ignored by the petitioners. On 09-05-2023, invoking Section 200 of the CrPC, a complaint in P.C.R.No.3878 of 2023 is registered for offences punishable under Sections 499 and 500 of the IPC. The concerned Court takes cognizance of the said offence and proceeded to issue summons for conduct of trial. It is at that stage these two petitions are preferred seeking quashment of proceedings.

4. The learned senior counsel Sri K. **Shashi Kiran Shetty** appearing for the petitioners would vehemently contend that there is violation of procedure under Section 199 of the CrPC, as there is no sanction and the complainant is not an aggrieved person. He would submit that identical issues are considered by the coordinate Bench of this Court and the same would become applicable to the cases at hand as well, as that was concerning accused No.4 and the present petitioners are accused Nos.1 to 3.

5. Per contra, the learned counsel Sri **Vinod Kumar M.**, representing the respondent would vehemently refute the

submissions in contending that the very act of publication of an advertisement with regard to corruption in the Government would amount to defaming the Government. The Government, at that time, was Bharatiya Janata Party and the Karnataka Pradesh Congress Committee has published this advertisement. Therefore, the matter must be tried. Insofar as quashment of proceedings against accused No.4 is concerned, the learned counsel would submit that merely because accused No.4's case is quashed it would not mean that accused Nos. 1 to 3 also should get away with the proceedings.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The coordinate Bench was considering the case of accused No.4 of the intention and involvement in publishing the advertisement and whether the political party is a person aggrieved. The issues that have fallen for consideration in the case also are the same, ostensibly so, as what the coordinate Bench considered was the case of accused No.4. Therefore, it would

suffice to notice the said judgment of the coordinate Bench in **RAHUL GANDHI v. BHARATIYA JANATA PARTY**[1], wherein it is held as follows:

> **"21. The procedural requirement of complaint being brought before the Magistrate by "some person aggrieved" would require the entity defamed in the present case to bring the complaint. The complaint broadly appears to make out a case that it is the party that is the aggrieved person.** The complainant seeks to make out a case by asserting that the allegations made in the advertisement at Exhibit-C series i.e., C2 to C6 makes an imputation to the complainant.
>
> **22.** Insofar as accused No. 4 and his role in publication of the advertisement, a perusal of advertisement at Exhibit-C series would indicate that except for the photograph of accused No. 4 there is no other apparent nexus of accused No. 4 with the advertisement.
>
> **23. In an action which seeks to fasten criminal liability, it must be demonstrated that the imputation made must be at the instance of a person who has *mens rea* to defame. This legal requirement comes out from the language of the provision as Section 499 of IPC stipulates that the person who is stated to have committed the act of defamation, must be a person "intending to harm or knowing or having reason to believe". In the absence of any material to show that the advertisement was at the instance of accused No. 4, the reliance on the advertisement by itself could not lead to the assertion that it was published by accused No. 4 with the requisite intention to defame.**
>
> **24.** Accused No. 4 may have been a leader of the party but did not hold any position in the organizational hierarchy as

[1] **2026 SCC Online KAR 779**

on the relevant date as is made out by the memo dated 11.02.2025. In terms of the memo, it is specifically made out that the accused No. 4 was neither the President nor the Vice President of the Indian National Congress as on the date of advertisement. A mere photograph on the advertisement would not be sufficient to indicate that the advertisement was at the instance of accused No. 4 when the legal provision stipulates that the person must have requisite *mens rea*.

25. The position of the accused No. 4 is different and in contradistinction to the other accused and their nexus to the advertisement by virtue of their position and the contextual background of the complaint.

26. It is however necessary to notice that the complainant's complaint also refers to tweet of accused No. 4 wherein he is stated to have tweeted the advertisement along with certain additional remarks. It is stated that the said tweet in specific refers to BJP while forwarding the advertisement which would tie down accused No. 4 as having defamed the complainant. However, strangely the text of the said tweet has not been marked along with other documents while sworn statement was recorded nor any Section 65B certificate produced in requisite format.

27. The trial Judge when taking cognizance has made reference to documents at Exs.C.1 to C14 which does not include the said tweet. If the order of the trial Judge issuing process has been passed after applying his mind to the material before him and such material in the form of tweet was not marked as an exhibit, then what material would remain is only the advertisement before the Court when order was passed issuing summons. Sans the tweet, the advertisement by itself as noticed above cannot lead to any presumption of accused No. 4 having defamed the complainant.

28. Insofar as the offence of defamation as regards an entity, Explanation 2 to Section 499 of IPC does indicate that there could be defamation of an entity such as the company or an association or collection of persons. Explanation 2 to Section 499 of IPC reads as follows:

> ***"Explanation 2.— It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such."***

29. An imputation that 'party X' is corrupt, is by itself defamatory and the entity which is alleged to be corrupt could be the political party. However, where the imputation made is against certain individuals or class of persons in the entity, then the person aggrieved would be such individuals or class of persons within the larger entity who have been defamed.

30. Such legal exposition comes forth in the judgment of the Apex Court in the case of *S. Khushboo* v. *Kanniammal*[6] *as extracted below:*

> "26. …….. **Undoubtedly, the Explanation is wide but in order to demonstrate the offence of defamation, such a collection of persons must be an identifiable body so that it is possible to say with precision that a group of particular persons, as distinguished from the rest of the community stood defamed. In case the identity of the collection of persons is not established so as to be relatable to the defamatory words or imputations, the complaint is not maintainable. In case a class is mentioned, if such a class is indefinite, the complaint cannot be entertained. Furthermore, if it is not possible to ascertain the composition of such a class, the criminal prosecution cannot proceed**."

31. Where a functionary such an office bearer of the party is defamed, then such functionary who would be the aggrieved person. In the present case, the imputation itself is by way of innuendo and such imputation is sought to be stretched to the party. However, sans the tweet the advertisement by itself makes no reference to the party but rather makes an imputation to the functionaries mentioned in the advertisement. The reference that is made in the advertisement is to constitutional functionaries and Government employees being beneficiaries and to the irregularities in

> **Government Schemes. None of the persons or entities referred to above are before this Court. Accordingly, the aggrieved person in the advertisement at Exhibit-C series factually cannot be the political party.**"

8. The afore-mentioned judgment is rendered in the case of co-accused who did not face any separate allegations but similar allegations and the issues are the same, as are projected in the cases at hand. The Apex Court, in the judgment in **SAJAL BOSE v. STATE OF WEST BENGAL**[2], has held as follows:

"…. …. ….

> **23. Keeping in view the aforesaid principles, it is evident that the inherent jurisdiction of the High Court under Section 482 of CrPC is intended to be exercised, *inter alia*, where the allegations made in the FIR, even if taken at their face value, do not *prima facie* constitute any offence, or where the uncontroverted allegations and the material collected fail to disclose the commission of an offence, or where the criminal proceeding is manifestly attended with *malafide* and instituted with an ulterior motive for wreaking vengeance. The categories illustratively enumerated in paragraph 102 of *Bhajan Lal* (supra) serve as guiding principles to prevent abuse of the process of law and to secure the ends of justice.** Tested on the anvil of these settled parameters, it becomes necessary to examine whether the allegations in the present case, read as they stand along with the material on record including the CCTV footage, disclose the essential ingredients of the offences alleged against the appellants, or whether the continuation of proceedings *qua* them would amount to

[2] **2026 SCC OnLine SC 525**

permitting the criminal process to be used as an instrument of harassment.

…. …. ….

29. We are further constrained to note that by the very same impugned judgment, and on the basis of the same set of allegations arising out of the same FIR and chargesheet, the High Court proceeded to quash the criminal proceedings against two of the co-accused, while declining similar relief to the appellants. **The impugned judgment does not disclose any cogent or discernible reasoning for drawing such a distinction, particularly when the allegations stem from a common incident and are founded on substantially similar assertions. In the absence of a clear rationale justifying differential treatment, the approach adopted by the High Court is legally and factually unsustainable.**

…. …. ….

31. In view of the foregoing discussion and upon a cumulative consideration of the allegations in the FIR, the material collected during investigation, and the evidence placed before us, we are of the considered opinion that the present case falls squarely within the illustrative categories (1), (3) and (7) enumerated in paragraph 102 of *Bhajan Lal* (supra). Even if the allegations in the FIR and the material collected during investigation are taken at their face value and accepted in their entirety, they do not *prima facie* constitute the necessary ingredients of offences alleged against the appellants. Further, the uncontroverted material available on record, to be specific, the CCTV footage, completely belies the allegation of their participation in the alleged offences so as to justify their being put to trial. Additionally, the attendant circumstances, particularly the admitted pre-existing disputes between the parties and the absence of specific and distinct overt acts attributed to the appellants, lend substance to their contention that the criminal proceedings are manifestly attended with *malafide* and have been initiated with an ulterior motive. In such circumstances, permitting the continuation of prosecution of the appellants would not advance the cause of justice but would instead amount to an abuse of the process of law.

32. Recently, this Court in *Pradeep Kumar Kesarwani* v. *State of Uttar Pradesh*[11], revisited and further elucidated the parameters governing the exercise of inherent jurisdiction under Section 482 of CrPC. While drawing guidance from earlier precedents, this Court delineated a structured four-step test to assess the sustainability of a prayer for quashing criminal proceedings. The said decision underscores that where the material relied upon by the accused is of sterling and impeccable quality; is sufficient to negate the allegations in the complaint; remains unrefuted or incapable of justifiable refutation by the prosecution; and where continuation of the proceedings would amount to an abuse of the process of Court and not serve the ends of justice, the High Court would be justified in exercising its inherent powers to quash the proceedings. For ready reference, the relevant observations from the said judgment are reproduced hereinbelow:—

> **"20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr. P.C.: —**
>
> (i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?
>
> (ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.
>
> (iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

> (iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?
>
> **If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C.** Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.
>
> [(See: *Rajiv Thapar* v. *Madan Lal Kapoor* (Criminal Appeal No. 174 of 2013)]"
>
> **[Emphasis supplied]"**

The Apex Court holds that the co-accused cannot be treated differently in quashing proceedings without any cogent reasons when the allegations stem from a common incident and are found on substantially similar assertions. In the cases at hand as well, the allegations against accused Nos. 1 to 3 are similar to the allegations against accused No.4 and all stem from the publication of advertisement. Hence, if the proceedings against accused No.4 have been quashed by the coordinate Bench in the judgment quoted *supra* and the said quashment has attained finality, I do not find any reason to differ in the aforesaid circumstance.

9. The Apex Court, in yet another judgment, was considering the plea of an accused to draw parity with the discharge of co-accused, as there was no evidence or stronger evidence against the petitioner before the Apex Court. The Apex Court, in **SUSANTA KUMAR DALEI @ SUSANTA KUMAR DALAI v. STATE OF ODISHA**[3], has held as follows:

"…. …. ….

> **15. It can be safely stated that firstly, the nature of accusation is of joint accusation against all the accused persons including the Appellant and this factum is revealed from the perusal of the FIR and the charge sheet. It also reveals further that there is no specific material against the Appellant nor the Courts below recorded any finding or observation for not considering the case of discharge against the Appellant on an independent assessment of the material qua the Appellant. Secondly, on the backdrop of similar set of accusations against the other accused persons, the plea for discharge by those accused persons is favorably entertained by the Court qua those accused persons. On this fact situation, there was no reason for the High Court to single out the Appellant from the other co-accused persons and rejecting his claim when the Appellant claimed parity with the other accused persons. In our opinion, the reasons assigned by the High Court rejecting the claim of the Appellant neither stand to reason nor sustainable on the facts of the matter.**
>
> **16. In *Neelu Chopra* v. *Bharti* 2009 10 SCC 184, it has been held that**:

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[3] **2026 SCC OnLine SC 889**

> ***9. In order to lodge a proper complaint, mere mention of the sections and the language of those sections is not the be all and end all of the matter. What is required to be brought to the notice of the court is the particulars of the offence committed by each and every accused and the role played by each and every accused in committing of that offence.***

We are of the opinion that material on record in the present case do not satisfy such a requirement for implicating the Appellant in the criminal proceeding which is pending against him. In the absence of allegations indicating specific role played by the Appellant towards commission of the alleged offences, continuance of criminal proceeding against the Appellant shall not serve any useful purpose and rather would amount to abuse of process of court. Therefore, in order to secure ends of justice, criminal proceeding, against the Appellant is liable to be dropped.

17. In *State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335; AIR 1992 SC 604, it has been held that:

> *102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter 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 have given 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 non-cognizable 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.*

(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.*

In the present case, the allegations are vague and do not specify the Appellant's role. This falls squarely within the first

category mentioned above. Even if the entire prosecution case is taken as true, there is no material that specifically links the Appellant to the alleged offence. Therefore, the discharge petition deserves to be allowed. **If there's any indication that the Appellant was roped in simply because they were part of a larger group or due to political/personal vendetta, and there is no clear act or role assigned, it can be observed that the continuation of proceedings amounts to harassment and abuse of the process of law.**

18. The Court is not convinced that continuing the criminal case against the Appellant would be fair or just. **The Appellant has approached this Court saying that the allegations made in the chargesheet are unclear, general, and do not mention any specific wrongdoing by them. After carefully checking the records, the Court agrees with this argument.**

19. In any criminal case, there must be clear and specific material that shows the accused might have committed the crime. A case cannot be allowed to continue based only on guesses or vague statements. In this case, the material does not show any direct involvement of the Appellant in the crime. The accusations are made against a group of people together and do not explain what exactly the Appellant is supposed to have done. Such broad and general claims, without mentioning the Appellant's individual role, are not enough to continue with the trial.

20. We are of the opinion that the presence of general allegations, without any overt act or specific imputations against the accused, cannot be sufficient to proceed to trial. **The law is well settled that at the stage of consideration of discharge, though a detailed appreciation of evidence is not warranted, the Court must be satisfied that there exists sufficient ground for proceeding against the accused. In this case, even if the entirety of the material produced by the prosecution is accepted as true, it does not disclose the commission of any offence by the Appellant. The allegations appear to be cast in a net wide enough to implicate all, without regard to individual acts or culpability. This is impermissible under law.**

> **21.** Furthermore, it is not in dispute that two co-accused, namely Indian Forest Service officers who were similarly situated and even more prominently placed in the administrative chain of events, have already been discharged by the High Court. A comparative examination of the roles ascribed to the discharged co-accused and the present Appellant shows no distinguishable basis that would justify differential treatment. The principle of parity, which is a fundamental tenet of criminal jurisprudence, requires that similarly situated accused persons be treated alike. When the allegations and evidence against the Appellant are not even qualitatively stronger than those against the discharged co-accused, the continuation of proceedings against the Appellant alone would be arbitrary and violative of Article 14 of the Constitution of India.
>
> **22. This Court is further persuaded by the broader consideration that the criminal process must not be permitted to degenerate into an instrument of oppression. The law must act as a shield for the innocent, not as a sword in the hands of the vindictive. Where the material does not disclose the commission of an offence, the Court is duty-bound to interdict the proceedings at the threshold. The criminal trial is not a mere formality, nor a ritualistic procedure to be endured regardless of merit. It entails stigma, hardship, and irreparable harm to the reputation and liberty of the individual. Where the materials do not establish even a grave suspicion, the accused must not be compelled to undergo the ordeal of trial."**
>
> (Emphasis supplied at each instance)

10. In the light of the issue being the same, evidence being the same and allegations being the same, all stemming from a solitary advertisement, the benefit that is granted to the co-accused by quashment cannot be denied to these petitioners.

11. For the aforesaid reasons, the following:

O R D E R

(i) Criminal Petitions are **allowed.**

(ii) Proceedings in C.C.No.7399 of 2024 arising out of P.C.R.No.3878 of 2023 pending before the XLII Additional Chief Judicial Magistrate, Bengaluru stand quashed *qua* the petitioners.

Pending applications if any, also stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

BKP