IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 4597 OF 2024

BETWEEN:

SRI VINITH NARAYAN NAIK
AGED ABOUT 53 YEARS,
S/O NARAYAN DHONDOPANTU NAIK
R/AT OO4/E WING, GEETANJALI,
GEETHANAGAR PHASE 2, NEAR OLD PETROL
THUNGA HOSPITAL, MIRA ROAD EAST,
BHAYANDER, THANE -401 107

...PETITIONER

(BY SRI. ARUNA SHYAM, SENIOR COUNSEL FOR
SRI. SUYOG HERELE E, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH CYBER CRIME PS,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA
BUILDING, BENGALURU -560 001

2. SRI. J SARAVANAN
S/O S JAYAPALAN
AGED ABOUT 48 YEARS,
R/AT NO. 20/3, 4TH MAIN,
SRIRAMPURAM
BENGALURU -560 021

...RESPONDENTS

(BY SRI. B.N. JAGADEESH B.N, SPP I ALONG WITH
SRI. MAHESHA P, SSP FOR R1,
R2 NOTICE SERVED BUT UNREPRESENTED)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR AND COMPLAINT IN CR.NO.17/2024 REGISTERED BY THE RESPONDENT CYBER CRIME POLICE STATION FOR THE OFFENCE P/U/S 66(C) OF INFORMATION TECHNOLOGY ACT AND SEC. 153-A OF IPC, PENDING ON THE FILE OF XLV ADDL.C.M.M., NRUPATHUNGA ROAD, BENGALURU AND ALL FURTHER PROCEEDINGS PURSUANT THERETO, PRODUCED AS DOCUMENT NO.1 AND 2.

THIS PETITION HAVING BEEN RESERVED FOR ORDERS ON 30.10.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

CAV ORDER

This petition is filed under Section 482 of Cr.P.C seeking to quash FIR and further proceedings against the petitioner - accused in Crime No.17/2024 registered by Cyber Crime Police Station, Bengaluru, for the offences punishable under Section 153A of IPC and section 66(C) of Information Technology Act, 2000 (for short, "the I.T Act"), presently pending on the file of 45th ACMM, Bengaluru (for short, 'the learned Magistrate').

2. The brief facts of the case are that respondent No.2 lodged a complaint before respondent No.1-Police on 29.04.2024, alleging that some unknown persons had been posting tweets on the social media platform Twitter (X), from 22.04.2024 onwards, through an account bearing the ID “BhikuMhatre (Modi’s Family) @MumbaichaDon”. The said

account had published a message stating, "Throw this in face of Every Liberal & Every Piddi who was arguing that CONgress Menifesto doesn't mention 'Mu$£ims' specifically & it includes SC/STs Also", along with a photograph of the then Chief Minister of Karnataka delivering a speech. It was further alleged that the said post was published with an intention to promote hatred between the Hindu and Muslim communities, disturb public peace and bring disrepute to the Congress Party. Hence, respondent No.2 lodged the complaint before the respondent No.1-police.

3. On the basis of the said complaint, respondent No.1-Police registered an FIR against the petitioner for the aforementioned offences. Aggrieved by the same, the petitioner has preferred the present petition.

4. Heard the learned senior counsel for the petitioner and learned HCGP for respondent No.1-state. There is no representation for respondent No. 2.

5. The primary contention of the learned Senior Counsel for the petitioner is that, on a plain reading of the FIR and complaint averments, the ingredients of Section 153A of IPC are not attracted against the petitioner. It is contended that

the only allegation against the petitioner is that he had criticised/commented upon the Congress manifesto by posting a photograph of the then Chief Minister of Karnataka, along with his byte to the electronic media channel TV9. As such, the petitioner has neither humiliated any particular community nor made any statement with an intention to incite hatred or violence against any group or community on the basis of its identity.

6. Placing reliance on the photograph of the news byte of the then Chief Minister of Karnataka telecast by TV9, the learned Senior Counsel submitted that the said electronic media had disseminated a breaking news item with a headline stating that the then Chief Minister had remarked that the wealth of the nation would be distributed to Muslims, along with his photograph. The petitioner had merely reposted the said photograph of the breaking news on his Twitter account, which, by itself, does not *prima facie* attract the provisions of Section 153A of IPC.

7. It is further contended that respondent No.1-Police, without conducting any investigation into the genuineness of the said news item, could not have implicated the petitioner

merely on the ground that he had reposted the same on his Twitter account. The learned Senior Counsel would further submit that respondent No.2, being a worker/president of the Indian National Congress Party from Gandhinagar Constituency, had lodged the complaint with an ulterior motive to wreak vengeance against the petitioner. It is also contended that respondent No.1-Police, acting upon the complaint of respondent No.2, hurriedly registered the FIR and arrested the petitioner.

8. Lastly, the learned Senior Counsel contended that the complaint averments do not disclose the requisite intention on the part of the petitioner to attract the offence punishable under Section 153A of IPC. Hence, the continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. Accordingly, he prays for allowing the petition and quashing the FIR.

9. To buttress his argument he relied on the following judgments:

i. *Bilal Ahmed Kaloo vs. State of Andhra Pradesh - (1997) 7 SCC 431.*

ii. Javed Ahmad Hajam vs. State of Maharashtra and another - (2024) 4 SCC 156.

iii. Manik Taneja vs. State of Karnataka - (2015) 7 SCC 423

10. *Per contra*, learned SPP appearing for respondent No.1-State opposed the prayer sought by the petitioner. Placing reliance on the translated copies of the headline, anchor's introduction and the byte of the then Chief Minister of Karnataka, he contended that the then Chief Minister of Karnataka had stated that the wealth of the nation would be distributed even to the Muslim community. However, TV9, while disseminating the said news item as breaking news, had published a headline, along with the photograph of the then Chief Minister, stating that the Chief Minister would distribute the wealth of the nation to Muslims.

11. It is further contended that the petitioner, with an intention to create communal hatred, took a photograph of the said news clip and posted the same on his Twitter account with a write-up alleging that the Congress Party intended to take away the wealth belonging to Hindus and distribute it only to Muslims. According to the learned SPP, such a post has the potential to adversely affect society and provoke or incite

hatred and violence against the targeted community, thereby attracting the provisions of Section 153A of IPC.

12. The learned SPP would further contend that the investigation is still at its nascent stage and, at this juncture, it cannot be concluded that no *prima facie* case is made out against the petitioner. Accordingly, he seeks dismissal of the petition.

13. To buttress his argument he relied on the following judgments:

i. Amish Devgan vs. Union of India - (2021) 1 SCC 1.

ii. Vishwanath vs. State of Karnataka - 2020 SCC OnLine Kar 501.

iii. Tehseen S. Poonawalla vs. Union of India - (2018) 9 SCC 501

14. I have given my anxious consideration to the submission made by the learned senior counsel for the petitioner and the learned SPP for respondent No.1-state so also perused the entire materials on record.

15. At the outset, the complaint came to be lodged on 29.04.2024 by a worker/president of the Indian National

Congress Party, Gandhinagar Constituency, against unknown persons in respect of a Twitter post dated 22.04.2024. On careful scrutiny of the complaint averments, it is alleged that certain unknown persons had posted a photograph of the speech of the then Chief Minister of Karnataka, as disseminated by TV9 media, along with a write-up stating, "Throw this in face of Every Liberal & Every Piddi who was arguing that CONgress Menifesto doesn't mention 'Mu$£ims' specifically & it includes SC/STs Also."

16. The learned Senior Counsel for the petitioner has placed before this Court the Twitter post made by the petitioner, which contains a photograph of the speech of the then Chief Minister of Karnataka, as disseminated by TV9 media, along with the aforesaid write-up. On perusal of the said photograph, it is evident that the caption carries the headline "Big Breaking – ದೇಶದ ಸಂಪತ್ತು ಮುಸ್ಲಿಮರಿಗೆ ಹಂಚುತ್ತೇನೆ", along with the English caption, "I will share the wealth of the nation to Muslims: CM Siddaramaiah". The learned Senior Counsel further submitted that the said news item continues to circulate on social media platforms.

17. The contention of the learned SPP that the then Chief Minister of Karnataka had stated that the wealth of the nation would be distributed even to Muslims and that the said statement was wrongly disseminated by TV9 media is concerned, the fact remains that the said news item was published by the said electronic media. Admittedly, no investigation has been conducted to ascertain the genuineness or otherwise of the said news item. Therefore, the allegation against the petitioner, at this stage, is confined to the act of reposting the said photograph on his Twitter account along with the aforesaid write-up.

18. In the backdrop of the aforesaid facts and circumstances, this Court has to examine whether the allegations made in the FIR, if taken at their face value, would attract the ingredients of the alleged offence or whether continuation of the proceedings would amount to an abuse of the process of law. In this regard, the Hon'ble Apex Court, in ***BILAL AHMED KALU*** (supra), while considering the ingredients of Sections 153A and 505 of IPC, has held that *there must be being promotion of feeling of enmity, hatred or ill-will between different religious or racial or linguistic or regional groups or caste and communities and it is*

necessary that atleast two such groups or communities should be involved. Merely inciting the feeling of one community or group without any reference to any other community or group cannot attract.

19. In the present case, admittedly, the petitioner, in the write-up accompanying the photograph of the then Chief Minister of Karnataka, has not specifically referred to or made any statement promoting enmity or hatred between two distinct communities or groups. Hence, the essential requirement of promoting enmity between two groups or communities, as contemplated under Section 153A of IPC, requires consideration in the light of the aforesaid principles.

20. The Hon'ble Apex Court, while interpreting Section 153A of IPC in the case of ***JAVEED AHMED AJAM*** (supra), has held that section 153A of IPC will attract only when an act is committed which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or caste or communities and which disturbs or is likely to disturb the public tranquility. As discussed supra, the write-up posted by the petitioner on his Twitter account does not make any reference to two distinct groups or communities. Further,

the materials on record does not disclose any such tendency or likelihood of disturbing public tranquillity.

21. Further, the Hon'ble Apex Court, in a catena of judgments, has held that the right to dissent in a legitimate and lawful manner is an integral part of the rights guaranteed under Article 19(1)(a) of the Constitution of India. Every individual is required to respect the right of others to dissent. The right to express dissent in a lawful manner must also be treated as an integral part of the right to lead a dignified and meaningful life guaranteed under Article 21 of the Constitution of India. However, such right is subject to reasonable restrictions imposed in accordance with Article 19(2) of the Constitution of India.

22. In the instant case, the petitioner had merely reposted a news item disseminated by TV9 media, along with the photograph of the then Chief Minister of Karnataka, expressing his dissent through the accompanying write-up. In the absence of any specific reference to two distinct groups or communities, such an act, by itself, would not attract the ingredients of Section 153A of IPC.

23. The Hon'ble Apex Court, in ***AMISH DEVGAN*** (supra), while dealing with the issue of hate speech and controversial expressions, has held that penal action would be justified where the speech travels beyond permissible limits and is of such a nature as to defame, stigmatise or insult a targeted group, thereby provoking violence or psychosocial hatred. The content of the speech must reflect hatred tending to vilify, humiliate or incite hatred or violence against a targeted group on the basis of its identity, beyond and besides the subject matter of the speech.

24. In the instant case, the subject matter of the complaint does not relates to an hate speech and the contents of the write-up posted by the petitioner on his Twitter account, when considered in the light of the principles laid down by the Hon'ble Apex Court, do not *prima facie* disclose any such intention or tendency to vilify, humiliate or incite hatred or violence against any targeted group or community. Consequently, the allegations made against the petitioner do not satisfy the essential ingredients of Section 153A of IPC.

25. Admittedly, respondent No.2, who is stated to be a party worker, has not appeared before this Court despite service of

notice. In the aforesaid circumstances, the contention of the petitioner that the complaint was lodged with an ulterior motive and out of political vengeance also requires consideration. The Hon'ble Apex Court in the case of ***MOHAMMED ALI AND OTHERS VS. STATE OF UP - 2023 (15) SCC 488*** in paragraph No.11 to 14 held as under:

> *"11. The entire case put up by the first informant on the face of it appears to be concocted and fabricated. At this stage, we may refer to the parameters laid down by this Court for quashing of an FIR in the case of State of Haryana v. Bhajan Lal, AIR 1992 SC 604. The parameters are:-*
>
> > *"(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." We are of the view that the case of the present appellants falls within the parameters Nos. 1, 5 and 7 resply of Bhajan Lal (supra).

12. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the

necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

13. In State of Andhra Pradesh v. Golconda Linga Swamy, (2004) 6 SCC 522, a two-Judge Bench of this Court elaborated on the types of materials the High Court can assess to quash an FIR. The Court drew a fine distinction between consideration of materials that were tendered as evidence and appreciation of such evidence. Only such material that manifestly fails to prove the accusation in the FIR can be considered for quashing an FIR. The Court held:-

> *"5. …Authority of the court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the court has power to prevent such abuse. It would be an abuse of the process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers court would be justified to quash any proceeding if it finds that initiation or continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is*

permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

6. In R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239, this Court summarised some categories of cases where inherent power can and should be exercised to quash the proceedings : (AIR p. 869, para 6)

> *(i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;*
>
> *(ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;*
>
> *(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or*

manifestly fails to prove the charge.

7. In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it accusation would not be sustained. That is the function of the trial Judge. Judicial process, no doubt should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly. At the

> *same time the section is not an instrument handed over to an accused to short-circuit a prosecution and bring about its sudden death….." (Emphasis supplied)*
>
> *14. In the result, this appeal succeeds and is hereby allowed. The impugned order passed by the High Court of Judicature at Allahabad is hereby set aside. The criminal proceedings arising from FIR No. 127 of 2022 dated 04.06.2022 registered at Police Station Mirzapur, Saharanpur, State of U.P. are hereby quashed."*

26. It is well settled that continuation of the criminal proceedings against any person on the basis of a frivolous or vexatious complaint is something very serious. This would tarnish the image of the person against whom false, frivolous and vexatious allegations are leveled. The Hon'ble Apex Court in the case of ***Mohammad Wajid v. State of U.P.*** reported in ***2023 SCC OnLine SC 951***, held that whenever an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C or extraordinary jurisdiction under Article 226 of constitution to get the FIR or criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted

with the ulterior motive for wreaking vengeance, then in such circumstance, Court owes a duty to look into the FIR with care and a little more closely. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. On the other hand, the Court owes a duty to look into many other attending circumstance emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of Cr.P.C or Article 226 of Constitution need not restrict itself only to the stage of a case, but is empowered to take into a count the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

27. In view of the foregoing discussion, particularly with regard to the essential ingredients of Section 153A of IPC and the principles laid down by the Hon'ble Apex Court, I am of the considered view that, even if the entire allegations made in the complaint and FIR are taken at their face value and accepted in their entirety, no offence is made out against the petitioner.

Therefore, the continuation of FIR and further proceedings against the petitioner would amount to abuse of process of court. Accordingly, I proceed to pass the following:

ORDER

i. The petition is ***allowed***.

ii. The FIR and further proceedings against the petitioner - accused in Crime No.17/2024 registered by Cyber Crime Police Station, Bengaluru, for the offences punishable under Section 153A of IPC and section 66(C) of Information Technology Act, 2000 (for short, "the I.T Act"), presently pending on the file of 45th ACMM, Bengaluru, is hereby quashed.

SD/-
(RAJESH RAI K)
JUDGE

PKS/K