



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR JUSTICE M.I.ARUN

CRIMINAL PETITION NO. 10651 OF 2022

BETWEEN:

1. SRI CHETHAN A. KUMAR
S/O. DR. AMAR KUMAR
AGED ABOUT 38 YEARS
RESIDING AT KUMARA PARK WEST
SHESHADRIPURAM
BANGALORE - 560 051.

...PETITIONER

(BY SRI S. BALAKRISHNAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SHESHADRIPURAM POLICE STATION
BENGALURU, REPRESENTED BY SPP.
HIGH COURT OF KARNATAKA
BENGALURU - 560 001.
2. SRI SHIVAKUMAR
S/O. ANJANAPPA
AGED ABOUT 34 YEARS
R/AT NO.1ST CROSS ROAD
SECTOR - II, SHANKARAPURAM
BENGALURU - 560 004.

...RESPONDENTS

(BY SRI RAHUL RAI K., HCGP FOR R.1)





THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE F.I.R. IN CRIME NO.142/2022 FOR THE OFFENCE PUNISHABLE UNDER SECTION 505(2) OF IPC., ON THE FILE OF SHESHADRIPURAM POLICE STATION, PENDING BEFORE THE HON'BLE 32ND ADDITIONAL CMM COURT, NRUPATUNGA ROAD, BANGALORE CITY IN THE ENDS OF JUSTICE.

THIS CRIMINAL PETITION COMING ON FOR ADMISSION, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The second respondent gave a complaint against the petitioner to the first respondent - Police alleging that the petitioner has given statements which hurts the sentiments of the Hindu religion and it has the effect of disturbing the peace in the Society. Based upon the said complaint, the first respondent - Police has registered FIR against the petitioner for the offence punishable under Section 505(2) of the Indian Penal Code, 1860. Aggrieved by the same, the instant petition is filed by the petitioner herein.

2. The case of the petitioner is that he has not uttered any statement which would create or promote enmity, hatred or ill-will between the persons of the Society. He has merely expressed his opinion regarding the Tribal deity worship not



being a part of Hindu religion and that it is a fair comment and is academic in nature and cannot be considered as promoting any enmity, hatred or ill-will between the persons in the Society and does not constitute an offence as contemplated under Section 505(2) of IPC and for that reason, it is prayed that the proceedings against the petitioner be quashed.

3. Per contra, learned High Court Government Pleader for respondent No.1 submits that there are allegations made against the petitioner as to him making statements which promotes enmity, hatred or ill-will between different sections of the Society and information has been received in this regard and accordingly, FIR has been registered. Whether the petitioner has made a statement which would promote enmity, hatred or ill-will between the persons of the Society, is a matter of investigation and only upon seizing of the relevant material the police will be able to determine whether the petitioner has committed such an offence and a charge sheet will be filed only upon investigation and that the petition filed by the petitioner is premature and for that reason, it is prayed that the petition be dismissed.



4. Allegations are made against the petitioner as having made statements amounting to commission of an offence under Section 505(2) of IPC. Whether the statements made by him amounts to an offence as contemplated under Section 505(2) of IPC or not, is a subject matter of investigation. It is needless to state that the first respondent - Police will not mechanically file a charge sheet without due investigation. The petitioner under the circumstances is always at liberty to move the appropriate Court for obtaining the necessary bail and the same shall be considered by the concerned Court in accordance with law. As the matter is still under investigation, it is not possible for this Court to decide as to whether the allegations made against the petitioner constitutes an offence as contemplated under Section 505(2) of IPC. It is also needless to state that if the first respondent - Police decides to file a charge sheet against the petitioner after completion of investigation, the petitioner is always at liberty to move this Court in accordance with law.

5. For the aforementioned reasons, the petition is hereby ***dismissed***.



In view of dismissal of the main petition, pending interlocutory applications, if any do not survive for consideration and the same are hereby disposed of.

**SD/-
JUDGE**

VMB