

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE, 2022

BEFORE

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUNDAR

WRIT PETITION NO.10262 OF 2019(GM-RES)

BETWEEN:

1. PUBLIC TV (KANNADA NEWS CHANNEL)
OWNED AND HOSTED BY
M/S. WRITEMEN MEDIA PVT. LTD
(A PRIVATE LIMITED COMPANY INCORPORATED UNDER
COMPANIES ACT 1956)
HAVING ITS MAIN OFFICE AT BMTC BUILDING
YESHWANTHPUR CIRCLE
BANGALORE-560004
REP. BY ITS CEO OF M/S WRITERS MEDIA PVT LTD

2. SHRI.H.R.RANGANATH
AGED ABOUT 54 YEARS
DIRECTOR, M/S. WRITEMEN MEDIA PVT. LTD
CHIEF PATRON OF PUBLIC TV
C/O OF PUBLIC TV
BMTC BUILDING
YESHWANTHPUR CIRCLE
BANGALORE-560004

... PETITIONERS

(BY SRI. M.S.SHYAM SUNDAR, SENIOR COUNSEL FOR
SRI. PRASANNA KUMAR, ADVOCATE)

AND:

SHRI. BANNADI SOMANATH HEGDE
ADVOCATE BY PROFESSION
MAJOR IN AGE
UPLADI HOUSE, BANNADI
BANNADI POST
UDUPI TALUK AND DISTRICT
KARNATAKA
ADVOCATE BY PROFESSION
MAJOR IN AGE

UPLADI HOUSE, BANNADI
BANNADI POST
UDUPI TALUK AND DISTRICT
KARNATAKA- 571511

... RESPONDENT

(RESPONDENT IS SERVED BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, READ WITH SECTION 482 OF CR.P.C., PRAYING TO QUASH THE COMPLAINT AND ALL FURTHER PROCEEDINGS IN CC NO.1378/2012 ON FILE OF THE ACJ AND JMFC COURT, KUNDAPURA, UDUPI DISTRICT (VIDE ANNEXURE-A AND B TO THE PETITION) AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The respondent has filed a private complaint u/s.200 of Cr.P.C. for the offence punishable under Sections 499 and 500 of the Indian Penal Code ('IPC' for short) against the petitioners and other accused alleging that several media entities has spoken ill about the advocate's fraternity at large. The learned Magistrate after recording the sworn statement of the complainant took cognizance of the aforesaid offence and issued summons to the petitioners-accused among

other accused. Taking exception to this, the petitioners have filed this petition.

2. Sri. M.S.Shyam Sundar, learned Senior counsel appearing for the petitioners submits that the petitioners are not aggrieved persons as defined under Section 499 of IPC, so as to maintain the complaint for the offence punishable under Section 499 of IPC. In support, he has placed reliance on the decision of the Hon'ble Apex Court in the case of **S.KHUSHBOO Vs. KANNIAMMAL AND ANOTHER** reported in **AIR (SC)-2010-0-3196**. He further submits that the petitioners-accused Nos.9 and 10 are media entities, however, summons have been issued against individuals and the same is impermissible.

3. The respondent-complainant though served with notice has remained absent.

4. I have considered the submissions made by the learned counsel for the petitioners and also perused the documents annexed to the petition.

5. The allegation in the complaint is that sections of Media have spoken ill about the advocate's fraternity which amounts to defamation under Section 499 and 500 of IPC. The Hon'ble Apex Court in the case of S.Khushboo supra, at para 26 and 27 has held that:

So as to attract the offence punishable under Sections 499 and 500 of IPC, 'an essential element of the cause of action for defamation that the words complained of should be published "of the complainant/plaintiff". Where he is not named, the test would be whether the words would reasonably lead people acquainted with him to the conclusion that he was the person referred to.'

6. In the present case the allegation is that the petitioners-accused have spoken ill about the

advocate's fraternity and the words complained of is not against the complainant in his individual capacity. Hence, the complainant is not an aggrieved person as enumerated under Section 198 of Cr.P.C., so as to maintain the complaint for the offence punishable under Sections 499 and 500 of IPC. Accordingly, I pass the following:

ORDER

- i) Writ Petition is allowed.
- ii) The impugned proceedings in C.C.NO.1378/2012 pending on the file of the Additional Civil Judge and JMFC Court, Kundapura, Udupi District, insofar it relates to accused Nos.9 and 10 is hereby quashed.

**Sd/-
JUDGE**

SKS