

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL REVISION CASE No.130 of 2026

DATE: 06.04.2026

BETWEEN:

Ganduri Krishna

.....petitioners

And

The State of Telangana
Rep. by its Public Prosecutor,
High Court of Telangana,
Hyderabad and another

.....Respondents

ORDER

This Criminal Revision Case is filed challenging the order dated 05.01.2026 passed in CrI.M.P.No.2677 of 2023 in C.C.No.3045 of 2021 by the learned XXII Additional Chief Judicial Magistrate, Secunderabad.

2. The brief facts of the case are that the petitioner/accused filed the present Criminal Revision Case challenging the order dated 05.01.2026 passed by the learned XXII Additional Chief Judicial Magistrate, Secunderabad in CrI.M.P.No.2677 of 2023 in C.C.No.3045 of 2021, whereby the petition filed by the accused under Section 239 Cr.P.C. seeking discharge was dismissed. The case of the prosecution is that the accused posted certain messages in a WhatsApp group named "Save Democracy," allegedly containing insulting, defamatory and provocative statements against a public representative, which according to the prosecution amounted to offences under Sections 504, 505(1)(b) and 506 IPC. After investigation, a charge sheet was filed and the trial Court, upon considering the material on record, held that there was *prima facie* material against the accused and dismissed the discharge petition. Aggrieved by the said order, the petitioner has filed the present revision seeking to set aside the same.

3. Heard Sri T. Rahul, learned counsel appearing on behalf of the petitioner as well as Sri M. Ramachandra Reddy,

learned Additional Public Prosecutor appearing on behalf of the respondent - State.

4. Learned counsel for the petitioner submitted that the trial Court erred in dismissing the discharge petition as the allegations in the charge sheet, even if accepted in their entirety, do not constitute the offences alleged. He further submitted that the messages circulated in a private WhatsApp group merely amount to political criticism and are protected under Article 19(1)(a) of the Constitution of India, and that there was no intentional insult, threat or provocation to disturb public peace. He contended that the de facto complainant is not the alleged victim and no complaint was lodged by the person said to have been insulted. Therefore, he prayed the Court to set aside the order of the trial Court by allowing this Criminal Revision Case.

5. On the other hand, learned Additional Public Prosecutor submitted that the order passed by the learned Magistrate is well reasoned and does not suffer from any illegality. He further submitted that the investigation revealed *prima facie* material against the accused, including the WhatsApp

messages and the statements of witnesses, which disclose the commission of the alleged offences. He further submitted that at the stage of considering a petition under Section 239 Cr.P.C., the Court is only required to see whether there is sufficient ground to proceed with the trial and not to conduct a detailed appreciation of the evidence. Therefore, he prayed the Court to dismiss the Criminal Revision Case.

6. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it appears that the allegation against the petitioner/accused is that he posted certain messages in a WhatsApp group named "Save Democracy," wherein he allegedly made statements describing a Minister as a "rowdy" and made certain critical remarks regarding the accumulation of crores of rupees by the said public representative. According to the prosecution, the said message is insulting and defamatory and is likely to disturb public peace, thereby attracting the offences under Sections 504, 505(1)(b) and 506 of IPC. However, a careful examination of the material placed on record shows that the message attributed to the petitioner appears to be in the nature of criticism against a public

representative. Mere expression of criticism, particularly in a private social media group, would not by itself constitute the ingredients of the offences alleged unless the prosecution establishes the essential elements required under the respective provisions of law.

7. Insofar as the offence under Section 504 IPC is concerned, the prosecution must show that there was intentional insult with an intent to provoke the person insulted so as to cause a breach of peace. In the present case, the material on record does not disclose any specific intention on the part of the petitioner to provoke the breach of public peace. Likewise, for attracting Section 505(1)(b) IPC, the statement must be one which is made with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby a person may be induced to commit an offence against the State or against public tranquility. The message relied upon by the prosecution does not indicate any such intention or consequence. Similarly, the essential ingredients of Section 506 IPC relating to criminal intimidation are also not made out, as there is no

material to show that the petitioner issued any threat causing alarm or injury to any person.

8. It is also pertinent to note that the allegations in the message, even if assumed to be defamatory in nature, would primarily fall within the scope of defamation, for which the aggrieved person has to initiate appropriate proceedings in accordance with law. In the absence of the necessary ingredients constituting the offences alleged by the prosecution, continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law. Therefore, this Court is of the considered view that the material placed on record does not disclose sufficient grounds to proceed against the petitioner for the offences under Sections 504, 505(1)(b) and 506 IPC. Consequently, the order dated 05.01.2026 passed by the learned XXII Additional Chief Judicial Magistrate, Secunderabad in Crl.M.P.No.2677 of 2023 in C.C.No.3045 of 2021, dismissing the discharge petition filed under Section 239 Cr.P.C., is liable to be set aside.

9. Accordingly, this Criminal Revision Case is allowed setting aside the order dated 05.01.2026 passed in Crl.M.P.No.2677 of 2023 in C.C.No.3045 of 2021 by the learned XXII Additional Chief Judicial Magistrate, Secunderabad.

Miscellaneous applications, if any pending, shall stand closed.

Date: 06.04.2026
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K. SUJANA, J