



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF JUNE, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 8108 OF 2026**

**BETWEEN:**

AFEEFA FATHIMA

...PETITIONER

(BY SRI. MOHAMMAD IBRAHIM ARSHAD M P.,ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY MANGALURU SOUTH  
POLICE STATION  
D. K. DISTRICT  
REP BY SPP  
HIGH COURT BUILDING  
BANGALORE - 560 001
2. MOHAMMED ASLAM





MANGALURU  
D K DISTRICT - 575 002

...RESPONDENTS

(BY SMT. WAHEEDA M.M., HCGP FOR R1)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO QUASH THE FIR IN CR.NO.78/2025 REGISTERED BY MANGALURU SOUTH P.S., MANGALURU CITY, PENDING BEFORE THE JMFC II COURT, MANGALURU, D.K., FOR THE OFFENCES P/U/S 196(1)(a),353(2) OF BNS, 2023.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

### **ORAL ORDER**

The petitioner is before the Court seeking the following prayer:

*"WHEREFORE, the Petitioner respectfully prays that this Hon'ble Court may be pleased to quash the FIR in Crime No.78/2025 registered by Mangaluru South Police Station, Mangaluru City, on the file of the JMFC II Court, Mangaluru D.K for the offences punishable under Sections 196(1)(a) and 353(2) of the Bharatiya Nyaya Sanhita, 2023 in the interest of justice and equity."*

2. On a post on platform "X" (formerly Twitter), the petitioner is said to have posted certain derogatory statements



that became the fulcrum of the crime in Crime No.78/2025 for the offences punishable under Sections 196(1)(A) and 353(2) of the IPC.

3. The learned counsel for the petitioner undertook that such posts would not be made by the petitioner again and has filed an affidavit of undertaking before this Court. The affidavit reads as follows:

***AFFIDAVIT***

*I, AFEEFA FATHIMA*

*1. I am the Petitioner in the accompanying Criminal Petition and as such I am well acquainted with the facts and circumstances of the case. Hence, I am competent to swear to this Affidavit.*

*2. I state that the averments made in the accompanying Criminal Petition may be read as part and parcel of this Affidavit for the sake of brevity.*

*3. I have filed the present Criminal Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of Crime No.78/2025 registered by Mangaluru South Police Station on the file of the JMFC II Court, Mangaluru, D.K., for the offences punishable*



*under Sections 196(1)(a) and 353(2) of the Bharatiya Nyaya Sanhita, 2023.*

*4: I submit that the allegations in the complaint arise out of certain social media posts allegedly published through my personal social media account. The allegations contained in the complaint and FIR, even if accepted in their entirety, do not prima facie constitute the offences alleged against me.*

*5. I submit that the continuation of the investigation during the pendency of the Criminal Petition would cause serious prejudice and irreparable hardship to me. The investigating agency may proceed with coercive steps, including repeated summons, seizure of electronic devices, collection of personal digital data, and filing of a final report, thereby rendering the relief sought in the main petition largely illusory.*

*6. I submit that I have not made any hate speech, nor have I posted any content with an intention to promote enmity or hurt the sentiments of any religion, community, or the nation. The allegations made in Crime No.78/2025 are specifically denied and are matters to be adjudicated in accordance with law. Nothing stated herein shall be construed as an admission of guilt or acceptance of the allegations against me.*

*7. I submit that I have the highest regard and respect for all religions, communities, and the sovereignty and integrity of India. However, if any alleged post or*



*content has been perceived by any person as offensive or has caused any misunderstanding, I sincerely regret the same.*

*8. I submit that, without prejudice to my rights and contentions and while maintaining my innocence, since an FIR has been registered against me on such allegations, I solemnly undertake and assure this Hon'ble Court that I shall exercise utmost care and caution in using social media platforms in future and guarantee that no such situation giving rise to similar allegations shall recur on account of my conduct.*

*9. I submit that unless this Hon'ble Court is pleased to stay further investigation and proceedings in Crime No.78/2025 pending disposal of the Criminal Petition, I will be put to great hardship, inconvenience, and irreparable loss.*

*10. I submit that this application is bona fide and made in the interest of justice and equity.*

*WHEREFORE, I most respectfully submit that I deeply regret any misunderstanding or offence that may have been caused on account of the alleged posts and solemnly undertake before this Hon'ble Court that I shall exercise utmost care, restraint, and responsibility in my use of social media platforms in future and that no such situation giving rise to similar allegations shall recur on account of my conduct. I therefore pray that this Hon'ble Court may be pleased to take this undertaking on record*



*and pass such other order or orders as it deems fit in the interests of justice and equity.*

*What is stated above is true and correct to the best of my knowledge, information and belief. "*

4. In the light of the affidavit, I deem it appropriate to obliterate the crime with a direction to the petitioner that all the posts that are now in her account, which would depict such action shall be deleted. The learned counsel undertakes such deletion.

5. For the aforesaid reasons, the following:

**ORDER**

- i. Criminal Petition is ***allowed***.
- ii. Registration of a crime in crime No.78/2025 pending on the file of JMFC II Court, Mangaluru D.K., stands quashed *qua* the petitioner.

It is needless to observe that any breach of the undertaking in the affidavit will be viewed seriously.

**Sd/-  
(M.NAGAPRASANNA)  
JUDGE**

BH : List No.: 2 Sl No.: 15