



CNR: KAHC010443052019

NC: 2026:KHC:40733
CRL.P No. 7417 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 7417 OF 2019

BETWEEN:

SRI AJIT HANUMAKKANAVAR
S/O SHIVARAMU,
AGED ABOUT 35 YEARS,
HEAD - NEWS & PROGRAMMES
C/O SUVARNA NEWS CHANNEL
NO.36, CRESCENT ROAD,
OPP MALLIGE HOSPITAL
BENGALURU - 560 001.

...PETITIONER

(BY SRI S SUDHARSAN, ADVOCATE AND
SRI SAINATH D.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY TUNGA NAGAR POLICE STATON,
SHIMOGA RURAL CIRCLE
SHIVAMOGGA - 577 205.
2. ISAQ AHAMAD
AGED ABOUT 40 YEARS,
R/A TIPPUNAGARA,
SHIMOGA TALUK
SHIVAMOGGA - 577 205.

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ L., ADDL. SPP FOR R1;
SRI SADDAM R MULLA, ADVOCATE FOR
SRI MOHAMMED TAHIR, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH
THE FIR DATED 04.01.2019 REGISTERED IN CRIME NO.12/2019 IN





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TUNGA NAGAR POLICE STATION, SHIMOGGA RURAL CIRCLE, SHIVAMOGGA VIDE ANNEXURE-B PENDING ON THE FILE OF THE ADDITIONAL CIVIL JUDGE (Jr.Dn.) AND JMFC-3 COURT, SHIMOGGA DISTRICT, SHIVAMOGGA FOR THE OFFENCE P/U/S.153-A,34,295-A,505(2) OF IPC.

THIS PETITION IS COMING ON FOR *HEARING ON I.A.*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.12/2019 by Tunga Nagar Police Station, Shivamogga and stated to be pending on file of Addl. Civil Judge (Jr.Dn.) and JMFC-3, Shivamogga for offences punishable under Sections 153 (A), 34, 295(A) and 505(2) of Indian Penal Code, 1860 (**IPC**), this petition is filed.

2. Sri S. Sudharsan, learned counsel for petitioner submitted that petitioner was accused no.2 (**petitioner**) in a complaint filed by respondent no.2 (**complainant**) stating that he belonged to Islam and was in habit of watching TV. That at 7:00 pm on 27.12.2018, when he was watching Suvarna News 24/7 Channel telecasting discussion about offensive statements made by Prof.Bhagwan in his Book 'Why Ram Mandir is not



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needed', petitioner who was anchor of program made provocative statements as follows:

" ... 'ಯಾರು ಕೂಡ ಪ್ರಶ್ನಾತೀತರಲ್ಲ ಆದರೆ ಯಾರನ್ನು ಪ್ರಶ್ನೆಮಾಡಲು ಆಯ್ಕೆ ಮಾಡುತ್ತೀರಿ. ಅಂದರೆ ಯಾರನ್ನು ಪ್ರಶ್ನೆ ಮಾಡಿದರೆ ಅತ್ಯಂತ ಕಡಿಮೆ ಅಪಾಯ ಆಗುತ್ತೆ ಅಂತವರನ್ನು ಆರಿಸಿ ಕೊಳ್ಳುತ್ತೀರಿ? ರಾಮನನ್ನು ಪ್ರಶ್ನೆ ಮಾಡಲು ಬಂದ 53 ವಯಸ್ಸಿನಲ್ಲಿ 6 ವರ್ಷದ ಹುಡುಗಿನ ಮದುವೆ ಮಾಡಿಕೊಂಡ, 9 ವರ್ಷ ಆ ಹುಡುಗಿಗೆ ಆದಾಗ ಲೈಂಗಿಕ ಸಂಪರ್ಕ ಬೆಳೆಸುವುದು, ಶಿಶು ಕಾಮ ಅಂತ ಹೇಳುವುದು ನಿಮಗೆ ದೈರ್ಯ ಬರುವುದಿಲ್ಲ. ಮಹೇಶ್‌ಚಂದ್ರ ಗುರುಗಳೇ ನಿಮಗೆ ಅಪಾಯದ ಅರಿವಿದೆ, ಯಾರನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುವುದರಿಂದ ಯಾರನ್ನು ನಿಂದನೆ ಮಾಡುವುದರಿಂದ ಯಾವ ಧರ್ಮವನ್ನು ಹರ್ತ್ ಮಾಡುವುದರಿಂದ ಅತ್ಯಂತ ಕಡಿಮೆ ಅಪಾಯವೇ ಅಂತವರನ್ನು ಆರಿಸಿಕೊಂಡು ನೀವು ಹರ್ತ್ ಮಾಡುತ್ತೀರಿ. ಯಾರನ್ನು ಹರ್ತ್ ಮಾಡಿದರೆ ಮನೆಗೆ ಬಾಂಬ್ ಬೀಳುತ್ತೇ ಅಂತವರ ಸುದ್ದಿಗೆ ಹೋಗುವುದಿಲ್ಲ'. ಈ ರೀತಿಯಾಗಿ ಪ್ರಚೋದನಾಕಾರಿಯಾಗಿ ಹೇಳಿದ್ದಾರೆ.

ನಾನು ನಮ್ಮ ದೇಶದಲ್ಲಿರುವಂತಹ ಹಾಗೂ ವಿಶ್ವದಲ್ಲಿನ ಎಲ್ಲಾ ಮುಸಲ್ಮಾನರು ಅತ್ಯಂತ ಪ್ರೀತಿಯಿಂದ ಗೌರವಿಸುತ್ತಿರುವ ಪ್ರವಾದಿ ಪೈಗಂಬರರ ಜೀವನ ಶೈಲಿಯ ಬಗ್ಗೆ ಕೀಳು ಮಟ್ಟದ ಪದಗಳನ್ನು ನಿರೂಪಕ ಅಜಿತ್ ಹನುಮಕ್ಕನವರ್ ಬಳಸಿದ್ದಾರೆ. ಇದರಿಂದ ನನಗೆ ವೈಯಕ್ತಿಕ ನೋವಾಗಿದ್ದು ಎರಡು ಧರ್ಮಗಳ ಮಧ್ಯೆ ವೈಷಮ್ಯ ಉಂಟುಮಾಡಲು ಪ್ರಯತ್ನಿಸಿದ, ಸಮಾಜದ ಕೋಮು ಸೌಹಾರ್ದಕ್ಕೆ ದಕ್ಕ ತಂದತಹ ಹಾಗೂ ಇಸ್ಲಾಂ ಧರ್ಮದ ಹಾಗೂ ಪ್ರವಾದಿಯವರ ಬಗ್ಗೆ



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ಕೆಟ್ಟ ಶಬ್ದಗಳನ್ನು ಬಳಸಿ ಮುಸ್ಲಿಂ ಜಾಂಧವರ ಮನಸ್ಸಿಗೆ ನೋವುಂಟು
ಮಾಡಿದ ಧಾರ್ಮಿಕ ಭಾವನೆಗೆ ದಕ್ಕೆ ಉಂಟುಮಾಡಿದ"

3. It was stated use of disrespectful words about life style of Mohd.Paigambar held in high esteem by Muslims not only in this country but all over world had hurt complainant. And for making disrespectful statements to provoke enmity between people of two faiths, disrupting communal harmony and not only hurting Islam but also Muslims, complainant sought legal action not only against petitioner who was anchor of program but also against Manager of News Channel for using disrespectful words against prophet and hurting religious sentiments of Muslims. Same was registered as Crime no.1243/2018 by Tunganagar Police Station, Shivamogga for offences punishable under Sections 153A, 34, 295A and 505 (2) of IPC. Aggrieved by same, this petition was filed.

4. It was submitted in respect of same incident, another complaint was registered against petitioner and Manager of Suvarna News 24/7 News Channel, in Crime no.292/2018 by Mangalore South Police Station on a complaint



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by one Shareef Pandeshwar for offences punishable under Sections 153A and 505(2) of IPC.

5. In Crl.P.no.6/2019 filed under Section 482 of Code of Criminal Procedure, 1973 (**CrPC**) challenging same, this Court in its judgment dated 24.01.2019 had held statements made by petitioner were in exercise of his freedom of speech and expression and would not constitute offences punishable under Sections 153A and 505(2) of IPC. It was also submitted, that with dismissal of Special Leave Petition filed, said order had attained finality. Even in respect of offence under Section 295A of IPC, it was contended that complaint did not disclose that statements were made referring to any religion or belief. Therefore, registration of FIR and initiation of proceedings would amount to abuse of process.

6. It was further submitted, Hon'ble Supreme Court in case of **S Khushboo v. Kanniammal & Anr.** reported in **(2010) 5 SCC 600**, had quashed multiple complaints filed in respect of same incident. Hence, on ground of maintainability of multiple complaints in respect of same incident also



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impugned FIR was required to be quashed. On above grounds prayed for allowing petition.

7. On other hand, Sri Surya Mukundaraj L., Addl. SPP for respondent no.1 - State opposed petition. It was submitted since contents of complaint disclosed cognizable offences, registration of FIR was justified.

8. Sri Saddam R. Mulla, learned counsel appearing for Sri Mohammed Tahir, advocate for complainant opposed petition. It was submitted, though FIR in Crime no.292/2018 was quashed, same would not apply to present complaint where offence under Section 295A of IPC was also invoked and manner in which statements were made by petitioner it was obvious that they were made with reference to life style of prophet Mohd. and indicated deliberate and malicious intention of petitioner to hurt religious sentiments of Muslims. It was submitted, as complaints were filed by different persons and against which there was no legal bar, challenge on said ground was untenable and sought for dismissal.



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9. Heard learned counsel and perused material on record.

10. This petition is by accused no.2 challenging registration of FIR for offences punishable under Sections 153A, 34, 295A and 505(2) of IPC.

11. Main grounds of challenge are in respect of very same incident, another FIR registered on similar allegations was quashed, registration of multiple complaints was illegal and complaint did not disclose essential ingredients for offences alleged.

12. At outset, there is no dispute about fact that there was another complaint in respect of very same incident registered as Crime no.292/2018, same was challenged before this Court and quashed by this Court with following reasoning:

"15. In the light of allegations made in the complaint having been already extracted hereinabove and analysis of the case law as discussed above when read together, it would disclose that petitioner during the course of conducting the program had posed question to the Panelists who had participated in the said programme for eliciting their views and there has been no mens rea present in either inciting a particular community, caste or religion against another. An omnibus statement expressing two different views to enable the Penalists to answer or express their views,



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by itself would not amount to blasphemy, as sought to be alleged by the complainant i.e., second respondent. During the course of such programme, without referring to any particular caste or community statements are made or express both the views calling upon the Penalists to air their views would not attract the provision of either Section 153A or Section 505(2) of the Indian Penal Code. In fact petitioner in his preface to the programme and in the midst of the programme has clearly stated "ಯಾರು ಕೂಡ ಪ್ರಶ್ನಾತೀತರಲ್ಲ ಆದರೆ ಯಾರನ್ನು ಪ್ರಶ್ನೆಮಾಡಲು ಆಯ್ಕೆ ಮಾಡುತ್ತೀರಿ". No one is above being questioned" or "everyone can be questioned" and "whom you choose to question". It is further stated by the anchor namely, petitioner herein that "selectively it has been chosen to question the acts", which per se by itself would not amount to inciting to create communal disharmony. In fact, a plain reading of the complaint dated 31.12.2018 at Annexure 'A' would not disclose that any particular community having been referred to or any person belonging to a particular community having been referred to. However, on the other hand, complainant-respondent No.2 is attempting to draw inference that it is referable to particular person or sect or community.

16. At this juncture itself, it would be apt and appropriate to note that freedom of speech and expression as provided under Article 19(1)(a) of the Constitution means right to express one's views and opinions freely, by word or mouth, writing, printing, picture or by electronic media, or in any other manner addressed to the eyes or the ears. It would thus include not only freedom of the press, but also freedom of expression of one's ideas by any visible representation, such as by gestures and the like. Expression, naturally, presupposes there is a second party to whom the ideas are expressed or communicated. In short, freedom of expression includes the freedom of preparation of ideas, their publication and circulation and the right to answer the criticism levelled against such use, the right to acquire and import ideas and information about matters of common interest. However, the right to freedom of



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speech and expression cannot raise above national interest and the interest of the society, which in another name can be called and regarded as "interest of general public".

17. Sub-Article (2) of Article 19 of the Constitution of India empowers the State from making any law in so far as such law imposing reasonable restriction on the exercise of the right conferred by clause (a) of sub-Article (1) of Article 19 of the Constitution, which would be in the interest of sovereignty and integrity of India, the security of the State, friendly relations with foreign states etc., In fact, Hon'ble Apex Court in the case of Venkateshwara Vs. State of Tamil Nadu reported in AIR 1983 SC 631 vide paragraph 20 has held that Articles 14, 19 and 21 are not mutually exclusive and it is further held that freedom given to citizens by Article 19 are further sought to be guaranteed by Articles 20, 21 and 22 in particular. While examining action resulting in deprivation of such liberty of any person, guaranteed under Article 19(1)(a) of the Constitution, the limitations if any imposed will have to be considered or examined with reference to other fundamental rights and this will have to be borne in mind also.

18. Keeping this principle in mind and at the cost of repetition, when material on record are perused or examined, as noticed hereinabove, questions posed by the petitioner during the course of panel discussion held on 27.12.2018, it cannot be held as the provisions of Section 153-A or 505(2) of IPC having been attracted and even if they are uncontroverted, allegations made in the complaint if taken at its face value and accepted in its entirety, it would not constitute the alleged offences or make out a case against the accused justifying any sort of investigation by a police officer and as such this Court is of the considered view that proceeding with the investigation in the instant case would be abuse of process of law and it would not be out of place to notice at this juncture itself that with a view to curtail the right guaranteed under Article 19(1)(a) of the Constitution, such complaint has been filed.



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19. Hence, this Court is of the considered view that proceedings initiated against petitioner cannot be allowed to be continued and if continued it could be abuse of process of law. In the instant case neither allegations made in the complaint nor the programme which has been aired, which is also partially seen by this Court in open Court in the presence of the learned Advocates is of the view that statement made by accused would not constitute any offence or said statement being caustic or unpleasantary or it would have incited communal disharmony. In fact, freedom of speech has always been considered to be the quintessence of every democracy. The doctrine of free speech has evolved as a bulwark against state's power to regulate speech. In fact, Law Commission of India in its recommendation-2017 on the Impact of Hate Speech on Freedom of Expression has observed to the following effect:

4.5 Free speech has always been considered to be the quintessence of every democracy. The doctrine of free speech has evolved as a bulwark against state's power to regulate speech. The liberal doctrine was a measure against the undemocratic power of the state. The freedom of expression was one of the core freedoms that were incorporated in the Bill of Human Rights. The greater value accorded to the expression, in the scheme of rights, explains the reluctance of the law makers and judiciary in creating exceptions that may curtail the spirit of this freedom. Perhaps, this is the reason behind the reluctance in defining hate speech."

13. It is seen, this Court has specifically held absence of *mens rea* to incite a particular community, caste or religion. It is observed that an omnibus statement expressing two different views to enable panelists to express their views would not be blasphemous. It is also observed that there is no reference to



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any particular community. Though with said observations, it was held registration of FIR for offences punishable under Sections 153A and 505 (2) of IPC was illegal, said observations/findings would inure to petitioner even insofar as offence under Section 295 A of IPC, where element of *mens rea* is doubly qualified in phrase '*deliberate and malicious intention of outraging religious feelings*'. Consequently, registration of impugned FIR would be illegal warranting interference.

14. Though in **S Khushboo's** case (supra), Hon'ble Supreme Court interfered with registration of numerous complaints against petitioner therein, same was taking note of fact that complaints were filed at various locations rendering it inconvenient for accused to defend herself. It is seen that Hon'ble Supreme Court in case of **TT Antony v. State of Kerala** reported in **(2001) 6 SCC 181**, **Krishna Lal Chawla & Ors. v. State of Uttar Pradesh** reported in **(2021) 5 SCC 435** and **Tarak Das Mukharjee v. State of Uttar Pradesh & Ors.** reported in **2022 SCC OnLine 2121** etc. has held registration of multiple complaints in respect of same incident by same complainant illegal and quashed same.



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15. For aforesaid reasons, petition is ***allowed***, proceedings in Crime no.12/2019 by Tunga Nagar Police Station, Shivamogga on file of Addl. Civil Judge (Jr.Dn.) and JMFC-3, Shivamogga District for offences punishable under Sections 153A, 34, 295A and 505 (2) of IPC stands quashed *qua* petitioner.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

AV/YKL
List No.: 1 Sl No.: 10