



CNR: KAHC010170182025

NC: 2026:KHC:51074
CRL.P No. 3845 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 3845 OF 2025 (482(Cr.PC) /
528(BNSS))

BETWEEN:

1. RITVIK S SHARMA,
S/O. SRIKANTH SHARMA,
AGED ABOUT 22 YEARS,
R/AT No.100-A, 20TH A MAIN,
1ST R BLOCK, RAJAJINAGARA,
NAGAPURA WARD, BENGALURU,
KARNATAKA - 560010.

...PETITIONER

(BY SRI PADMAVATHI N., ADVOCATE)

AND:

1. STATE BY
SUBRAMANYA NAGARA P.S.,
REPRESENTED BY THE STATE
PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE -560001

...RESPONDENT

(BY SMT. RASHMI PATEL, HCGP)

THIS CRL.P. FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING TO QUASH
THE ENTIRE PROCEEDINGS IN C.C.NO.3031/2021
(CR.No.159/2021 OF SUBRAMANYA NAGAR POLICE STATION,
BANGALORE) REGISTERED FOR THE OFFENCE P/U/S 67 OF THE



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I.T. ACT, 2000, PENDING ON THE FILE OF THE XXXII ACJM AT BANGALORE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following relief:

"Wherefore, the petitioner most humbly and respectfully pray that this Hon'ble Court may kindly be pleased to quash the entire proceedings in C.C.No.3031/2022 (Crime No.159/2021 of Subramanya Nagar Police Station, Bangalore) registered for the offence punishable under Section 67 of the I.T. Act, 2000, pending on the file of the XXXII ACJM at Bangalore."

2. On the basis of a complaint lodged by the Police Sub-Inspector, Crime No.159/2021 came to be registered by Subramanya Nagar Police Station for the offences punishable under Section 67 of the Information Technology Act, 2000 and Section 153A of the Indian Penal Code.
3. The allegation in the complaint is that, on 01.11.2021 at about 8.30 p.m., the complainant received information that the petitioner had made derogatory comments on social media regarding the death of well-known Kannada film actor Puneeth Rajkumar. It is alleged that a



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photograph was uploaded on the petitioner's Instagram account showing a Kingfisher beer bottle bearing an offensive message, namely, "*Rajkumar cunt can't stop us.*"

4. According to the complaint, the post was made immediately after the demise of the actor and caused concern among members of the public and was likely to affect public peace and harmony. It is in this background that the complaint came to be lodged.
5. Learned counsel for the petitioner has raised three principal contentions.
6. Firstly, it is contended that the contents of the post do not satisfy the ingredients of Section 67 of the Information Technology Act, 2000, as the material is neither lascivious nor does it appeal to the prurient interest, nor is it of such a nature as would tend to deprave or corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied therein.
7. Secondly, it is contended that the post was not actually uploaded by the petitioner and that it had been put up by one of his friends using the petitioner's Instagram account.



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8. Thirdly, it is submitted that the petitioner is a young student pursuing a Bachelor of Economics at Ashoka University, Sonipat, Haryana, and that continuation of the criminal proceedings would have serious consequences for his future.
9. Learned counsel for the petitioner submits that, even assuming that the post appeared on the petitioner's Instagram account, the same may at the most be regarded as an inappropriate and objectionable comment. It is contended that the material does not satisfy the ingredients of either of the offences alleged against the petitioner and that, having regard to the circumstances of the case and the consequences of continuation of the proceedings, this Court may exercise its jurisdiction to bring the proceedings to an end.
10. Heard learned counsel for the Petitioner and Learned High Court Government Pleader. Perused papers.
11. At the outset, it is necessary to bear in mind that the question before this Court is not whether the contents of the post were in good taste or whether the language used was offensive. The question is whether the allegations and the material relied upon by the prosecution disclose the ingredients of the offences invoked against the petitioner.



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12. The Court is also required to consider the words used in their proper context. The timing of the post is relevant. The material was allegedly published immediately following the demise of a well-respected Kannada film actor. The petitioner ought to have exercised greater restraint and ought to have appreciated that publication of such material at such a time was likely to cause hurt and offence to persons who held the deceased in high regard.
13. However, an objectionable or offensive statement does not, by that circumstance alone, become an offence under every penal provision invoked against it. The ingredients prescribed by the particular statutory provision must be satisfied.
14. **Section 67 of the Information Technology Act, 2000:** This Provision deals with publication or transmission in electronic form of material which is obscene within the meaning of the provision. The statutory ingredients therefore have to be examined with reference to the character of the material alleged to have been published.
15. On a consideration of the material placed before this Court, the offending expression, though vulgar and objectionable, cannot by itself be characterised as material which satisfies the ingredients of Section 67 of



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the Information Technology Act, 2000. The fact that the expression contains a vulgar or offensive word is not sufficient to attract Section 67. The prosecution must establish the nature of the electronic material in the manner contemplated by the provision. The material placed before this Court does not disclose the requisite ingredients of the offence under Section 67.

16. **Section 153A of the Indian Penal Code:** The prosecution has also invoked Section 153A of the Indian Penal Code. Section 153A is intended to address acts or statements which promote or attempt to promote, on the grounds specified in the provision, disharmony or feelings of enmity, hatred or ill-will between different groups, or acts prejudicial to the maintenance of harmony between such groups which disturb or are likely to disturb public tranquillity.
17. The provision therefore requires something more than an objectionable, insulting or offensive statement. There must be a connection between the impugned act or expression and the statutory mischief contemplated by Section 153A. The intention and the surrounding circumstances are relevant and that the essential question is whether the material has the requisite tendency or intention to promote enmity, hatred, ill-will or disharmony between different groups.



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18. In the present case, the post is alleged to contain an offensive comment concerning the deceased actor. However, there is no material placed before this Court to demonstrate that the statement was directed against any religious, racial, linguistic, regional, caste or community group, or that it was intended to promote or had the requisite nexus with the promotion of enmity, hatred, ill-will or disharmony between any such groups.
19. The allegation that the post caused concern among members of the public or affected public sentiment cannot, without more, satisfy the ingredients of Section 153A IPC. Public offence or indignation and promotion of enmity between groups are distinct concepts. The latter is the statutory requirement.
20. Even if the contents of the post are regarded as distasteful, vulgar or highly inappropriate, the material relied upon by the prosecution does not disclose the necessary ingredients of Section 153A IPC.
21. It is also relevant that the allegation is essentially in relation to a comment concerning an individual who had died. The prosecution material, as placed before this Court, does not disclose any identifiable class or group against whom the petitioner is alleged to have promoted enmity, hatred or ill-will.



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22. The mere assertion in the complaint that the post affected public peace and harmony cannot substitute the statutory requirements of Section 153A. The allegation must disclose the necessary factual foundation for the offence; a general apprehension of disturbance of public sentiment is not, by itself, sufficient.
23. The disputed question of authorship: Learned counsel for the petitioner has also contended that the post was made by one of his friends and not by the petitioner. Having regard to the view taken by this Court on the applicability of Sections 67 of the Information Technology Act, 2000 and 153A of the Indian Penal Code, it is unnecessary to examine or record any final finding on the disputed question as to who actually uploaded the post.
24. This Court is conscious that the freedom available to an individual in expressing an opinion on a public platform is accompanied by a corresponding responsibility to exercise restraint, particularly when dealing with matters which are likely to affect the sentiments of others.
25. It is not only the statement which is made that is required to be considered, but also the timing and context in which the statement was made which is required to be taken into consideration. It is rather sad that such a post had been put up immediately after the demise of a well-respected film actor. The petitioner



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should have known that making such a statement at that moment, especially given the context of a film actor opposing alcohol consumption among youth, would have a significant impact. Apart therefrom, the word which had been used would not come within the offence under Section 67 of the IT Act.

26. The timing and language of the post in the present case were plainly inappropriate. The petitioner ought to have exercised greater care before permitting such material to be published from an account associated with him.
27. At the same time, the criminal law cannot be permitted to operate merely because an expression is offensive or distasteful when the essential ingredients of the particular penal provisions invoked are not disclosed.
28. In the present case, upon consideration of the complaint and the material placed before this Court, the essential ingredients of Section 67 of the Information Technology Act, 2000 and Section 153A of the Indian Penal Code are not made out.
29. The continuation of the criminal proceedings in such circumstances would therefore serve no useful purpose.
30. The petitioner is a young student and is presently pursuing his undergraduate studies. While that circumstance cannot by itself constitute a ground for



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quashing a prosecution, it may be taken into consideration in the overall circumstances of the case, particularly when the material does not disclose the ingredients of the offences alleged.

31. This Court is, therefore, of the considered view that the interests of justice would be met by bringing the proceedings to an end while making it clear to the petitioner that expression in the public domain carries with it a responsibility to exercise due restraint and to have regard to the likely consequences of one's words and conduct.
32. As such this Court passes the following:

ORDER

- i) The Criminal Petition is **allowed**.
- ii) The proceedings in C.C.No.3031/2022 (Crime No.159/2021) pending on the file of the XXXII ACJM, Bangalore, is quashed.



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(SURAJ GOVINDARAJ)
JUDGE