



CNR: KAHC010690672025

NC: 2026:KHC:48495
CRL.P No. 14685 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 14685 OF 2025

BETWEEN:

ADAGURU H. VISHWANATH
S/O LATE T. HUCHCHEGOWDA,
AGED ABOUT 74 YEARS,
MEMBER OF LEGISLATIVE COUNCIL, MYSORE,
OFFICE AT PUBLIC OFFICE BUILDING,
CADA OFFICE ENCLOSURE,
MYSORE - 570 001.
NO.451, WARD OF VINAYAKA BADAVANE,
K.R NAGARA TOWN, K.R NAGARA POST,
MYSORE - 571 602.

...PETITIONER

(BY SRI. S. SUDHARSAN, ADVOCATE)

AND:

B.S. SURESHA
S/O LATE B.M. SUBBANNA
AGED ABOUT 52 YEARS,
CABINET MINISTER,
MINISTRY FOR URBAN DEVELOPMENT
AND TOWN PLANNING,
RESIDING AT NO.174, BYRATHI,
GOVERNMENT OF KARNATAKA,
RESIDING AT NO.174, BYRATHI
BENGALURU NORTH,
DR. SHIVARAMA KARANTH NAGAR,

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RAMNATH HEGDE on 17-09-2026





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BENGALURU - 560 077.

...RESPONDENT

(BY SRI. SHATHABISH SHIVANNA, ADVOCATE)

THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO.23151/2025 PENDING ON THE FILE OF XLII ADDL. CJM, BENGALURU CITY FOR THE OFFENCES P/U/S.356(2) OF THE BNS, 2023 (ANNEXURE-A).

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondent.

2. The present petition is filed for quashing the proceedings in C.C. No.23151/2025, pending before the XLII Additional Chief Judicial Magistrate, Bengaluru, for the offences punishable under Section 356(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

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3. The petitioner is the accused in the aforementioned criminal case. The respondent/complainant has filed a private complaint, alleging that the statements made by the petitioner during a press conference, which were widely telecast and published through both print and electronic media, are defamatory. The complainant has examined three witnesses alleging that, complainant's/respondent's reputation has gone down in the estimation of the public because of the aforementioned publication.

4. Learned counsel appearing for the petitioner would submit that the alleged defamatory articles, which are annexed to the complaint are not defamatory. The learned Trial Court could not have taken cognizance for the offence under Section 356 of the BNS, is the submission.

5. Learned counsel appearing for the petitioner to substantiate his contention, would refer to the judgment of



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CRL.P No. 14685 of 2025

the Co-ordinate Bench of this Court in ***Sri. M. Krishna Reddy Vs. Sri. N. R. Ramesh¹***, as well as the judgments of the Hon'ble Apex Court in ***Kishore Balkrishna Nand Vs. State of Maharashtra and Another²*** and ***Jayappa L. S. & Anr Vs. N. S. Shamegowda and Anr³***.

6. Referring to the contents of the alleged defamatory article, learned counsel for the petitioner would contend that the aforementioned statements are come under Exception 8 to Section 356 of the BNS, as such, the Trial Court could not have taken cognizance and could not have issued the process.

7. Learned counsel appearing for the respondent/complainant submits that the statements made during the aforementioned press conference are per se defamatory. It is contended that the statements refer to the conduct of the complainant in the context of a wide

¹ Criminal Petition No.3549/2024 dated 22.01.2025

² (2023) 8 SCC 358

³ 1985 SCC OnLine Kar 16



spread news where two Government officials were suspended in the Mysore Urban Development Authority (MUDA) scam.

8. It is further alleged in the statement that the complainant has fixed certain amount as a bribe for the conversion of land use. The statement also contains an allegation that the work which is required to be done in the office of MUDA is done in the ante chamber of the concerned Minister. It is urged that these statements are per se defamatory.

9. In addition, learned counsel for the respondent would submit that three witnesses have been examined to substantiate the contention that the complainant's reputation has gone down in the estimation of the public.

10. The Court has considered the contentions raised at the Bar and perused the records.



11. There is no dispute over the fact that the press conferences were held on 05.07.2024 and 09.07.2024. It is also not in dispute that the statements made in the press conferences referred to two officers who were suspended. There is no dispute that, at the relevant point of time, the complainant was holding the position as explained in the complaint.

12. Though the statements of the witnesses were not produced along with the petition, learned counsel for the petitioner fairly submits that three independent witnesses have been examined on behalf of the complainant, wherein they have allegedly made a statement that the complainant's reputation has gone down after the aforementioned press conferences and the publication.

13. Though learned counsel for the petitioner would place reliance on the aforementioned three judgments, the



Court is of the view that the facts are easily distinguishable.

14. In the judgment of **Sri. M. Krishna Reddy (supra)**, the alleged defamatory statement is extracted in page No.18. The Court has noticed the said statement.

15. The allegations in the present case and allegations in **Sri. M. Krishna Reddy (supra)**, are materially different. The allegation in the present case refers to the conduct of the component as a Minister in the backdrop of a scam, which is known as MUDA scam. It is widely reported in the media.

16. In the judgments of **Sri. M. Krishna Reddy and Kishore Balkrishna Nand (supra)**, it is noticed that the allegations were against the persons who have allegedly visited the shop of the complainant and there are no specific allegations against the complainant. In that context, the Apex Court has held that the order taking



cognizance for the offence under Section 500 of the Indian Penal Code, 1860, was untenable.

17. In the case of **Jayappa L. S. & Anr (supra)**, it is again noticed that allegations are way different from the allegations found in the present complaint. In addition to that, it is also noticed that in the said case the complainant was tried and after the trial, the Court has come to the conclusion that there is no defamation and the view of the Trial Court has been upheld by the Apex Court.

18. In the instant case, since the petitioner has not disputed the statements allegedly made in the press conference. The Court is of the view that as to whether the statements were made in good faith, whether the statements fall under the exceptions and whether the statements have actually lowered the reputation of the complainant/respondent, are the matters that have to be considered at the time of trial.



19. Accordingly, without entering into the merits of the matter, the petition is ***dismissed***.

20. All observations made in this order are only confined to the merits of the petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

21. This Court has not expressed any opinion on the merits of the case.

All contentions of the parties are left open.

Digitally Signed by ANANT
RAMNATH HEGDE on 17-09-2026

(ANANT RAMANATH HEGDE)
JUDGE

AMA
List No.: 1 Sl No.: 2