



CNR: KAHC010470732024

NC: 2026:KHC:51830
WP No. 22820 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 22820 OF 2024 (GM-RES)

BETWEEN:

ATUL KUMAR SABARWAL @
MADHUGIRI MODI,
AGED ABOUT 49 YEARS,
S/O RAMACHANDRAPPA,
R/A HONNAPURA VILLAGE,
DODDERI HOBLI, MADHUGIRI TALUK,
TUMKUR-572 132.

...PETITIONER

(BY SRI. MADHUSUDHAN ADIGA B, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF HOME,
REP. BY THE PRINCIPAL SECRETARY
TO GOVERNMENT, VIDHANA SOUDHA,
BANGALORE-560 001.
2. THE SUPERINTENDENT OF POLICE,
TUMKUR DISTRICT,
TUMKUR-572 102.
3. THE STATION HOUSE OFFICER,
BADAVANAHALLI POLICE STATION,
MADHUGIRI TALUK,
TUMKUR-572 112.

Digitally signed
by
PADMAVATHI
B K

Location: High
Court of
Karnataka



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4. ANAND R D,
AGED ABOUT 50 YEARS,
S/O NOT KNOWN,
CHC 392, BADAVANAHALLI
POLICE STATION,
MADHUGIRI TALUK,
TUMKUR-572 112.

...RESPONDENTS

(BY SRI. SURYA MUKUNDARAJ, ADDL. SPP FOR R1 TO R3;
NOTICE TO R-4 IS DISPENSED WITH V.C.O DT:21.9.2026)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA R/W SECTION 482 OF THE CODE OF
CRIMINAL PROCEDURE PRAYING TO QUASH THE FIR IN CR NO.
40/2024 DATED 27.04.2024 U/S 295(A), 505(2) IPC AND ON
THE FILE OF THE PRINCIPAL CIVIL JUDGE (JUNIOR DIVISION)
AND JMFC COURT, MADHUGIRI TALUK, TUMKUR DISTRICT,
VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri.Madhusudhan Adiga B, learned counsel for the
petitioner, Sri.Surya Mukundraj, learned Additional State Public
Prosecutor for respondent Nos.1 to 3.



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2. Petitioner said to have posted a message on the facebook account known as Hindu Samrat Dharmasene. The message reads as under:

"ಜಿಹಾದಿಗಳ ಸಂಖ್ಯೆ ಹೆಚ್ಚಿದರೆ ನಿಮ್ಮನ್ನು ರಕ್ಷಿಸಲು ಯಾವುದೇ ಕಾನೂನು, ಕಾಯ್ದೆ, ಜಾತಿ, ಹಣ ಅಧಿಕಾರ ಮುಂದೆ ಬರುವುದಿಲ್ಲ. ಇಂದೇ ಜಾಗೃತರಾಗಿ ಎಂತಲೂ, ಹಿಂಧೂಗಳೇ ಈ ಮಾತನ್ನು ನೆನಪಿಡಿ ನಿಮ್ಮ ರಕ್ಷಣೆ ಹಾಗೂ ವಿನಾಶ ನಿಮ್ಮ ಕೈಯಲ್ಲೆಯೇ ಇದೆ. ನೀವು ದೊಡ್ಡ ಪೊಲೀಸ್ ಅಧಿಕಾರಿ ಆಗಿರಲಿ, ಐಎಎಸ್ ಐಪಿಎಸ್ ಅಧಿಕಾರಿ ಆಗಿರಲಿ, ಶ್ರೀಮಂತನಾಗಿರಲಿ, ಬಡವನಾಗಿರಲಿ, ಕೊನೆಗೆ ನೀವು ಕಾಫಿರ! ಒಂದಲ್ಲ ಒಂದು ದಿನ ರೇಡ್‌ಡೆ ಆಗುತ್ತೀರಿ! ಅಧಿಕಾರದಿಂದ, ಜೀವನದಿಂದ! ಸೈತಾನ್ ಜಿಹಾದಿಗಳ ಖಡ್ಗ ನಿಮ್ಮ ಕುತ್ತಿಗೆ ಸೇಳುವ ಮುನ್ನ ಜಾಗೃತರಾಗಿ"

3. The person who is said to have posted the matter, claims himself as Madhugiri Modi. The complainant being the member of social media monitoring cell, had seen the aforesaid message on the Hindu Samrat Dharmasene facebook account and found out that the said account was operated by the petitioner and by posting such a message, he has hurt the feelings of a particular community and they would result in social disharmony and therefore, sought for action.

4. Based on his complaint, the Badavanahalli police station, Tumkur District registered Crime No.40.2024 dated



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27.04.2024 for the offences under Section 295A and 505(2) of Indian Penal Code.

5. Registration of the FIR is called in question by the petitioner by contending that on plain reading of the message that has been posted on the facebook account of Hindu Samrat Dharmasene, would not in any way attract any of the ingredients insofar as offences under Sections 295A or 505(2) of the Indian Penal code and thus, sought for quashing of the complaint.

6. *Per contra*, learned Additional State Public Prosecutor Sri.Surya Mukundaraj would contend that the words used in the message like 'ಜಿಹಾದಿ, ಕಾಫಿರ್' are intended to hurt the feelings of a Muslim community. Therefore, by posting such a message on the facebook account, would result in social disharmony and thus, sought for dismissal of the petition and continuation of the criminal complaint and the matter needs to be investigated.



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7. In order to appreciate the rival contentions of the parties, it is necessary for this Court to cull out the ingredients of Sections 295A and 505(2) of Indian Penal Code. The essential ingredients of Section 295A reads as follows:

"(i) That an insult (or an attempt to insult the religion or religious belief) was done to outrage the religions feelings of any class of citizens of India;

(ii) That such an act was done by words (either spoken or written) or by signs or by visible representation or otherwise;

(iii) That such an act must be with deliberate and malicious intention."

8. The essential ingredients of Section 505(2) reads as follows:

"(a) Essential Ingredients.—An offence under this section has following essentials :

(i) That the accused made (published or circulated) any statement, rumour or alarming news;

(ii) That the accused did so with intent to,

(a) Create or promote (or which he knew it likely to create or promote) any member of the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such;

(b) Cause fear or alarm to the public or a section of the public which may induce the commission of an offence against the State or against public tranquility;



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(c) To incite (or which is likely to incite) one class or community of persons to commit an offence against any other class or community."

9. On close reading of the above ingredients, vis-à-vis the message that has been posted on the facebook account of the petitioner named as Hindu Samrat Dharmasene, this Court does not find that the *suo moto* action initiated by the Badavanahalli Police Station, needs further investigation for want of necessary ingredients to attract those offences. As such, continuation of the same would amount to abuse of the process of law.

10. Accordingly, the following:

ORDER

[I] Petition is **allowed**.

[II] Proceedings in Crime No.40/2024 dated 27.04.2024 registered for offences punishable under Sections 295A, 505(2) of Indian Penal Code, pending on the file of the Principal Civil



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Judge (Junior Division) and Judicial Magistrate
First Class Court, Madhugiri Taluk, Tumkur
District, stands quashed.

**Sd/-
(V SRISHANANDA)
JUDGE**

CBC
List No.: 2 Sl No.: 10