

Karnataka High Court Refuses To Quash FIR Registered Against Kannada Actor Chetan Kumar For Allegedly 'Hurting' Hindu Sentiments

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

M.I. ARUN; J.

CRIMINAL PETITION NO. 10651 OF 2022; 23 NOVEMBER, 2022

CHETHAN A. KUMAR *versus* STATE OF KARNATAKA

Petitioner by S. Balakrishnan, Advocate; Respondents by Rahul Rai K., HCGP.

ORDER

The second respondent gave a complaint against the petitioner to the first respondent - Police alleging that the petitioner has given statements which hurts the sentiments of the Hindu religion and it has the effect of disturbing the peace in the Society. Based upon the said complaint, the first respondent - Police has registered FIR against the petitioner for the offence punishable under Section 505(2) of the Indian Penal Code, 1860. Aggrieved by the same, the instant petition is filed by the petitioner herein.

2. The case of the petitioner is that he has not uttered any statement which would create or promote enmity, hatred or ill-will between the persons of the Society. He has merely expressed his opinion regarding the Tribal deity worship not being a part of Hindu religion and that it is a fair comment and is academic in nature and cannot be considered as promoting any enmity, hatred or ill-will between the persons in the Society and does not constitute an offence as contemplated under Section 505(2) of IPC and for that reason, it is prayed that the proceedings against the petitioner be quashed.

3. Per contra, learned High Court Government Pleader for respondent No.1 submits that there are allegations made against the petitioner as to him making statements which promotes enmity, hatred or ill-will between different sections of the Society and information has been received in this regard and accordingly, FIR has been registered. Whether the petitioner has made a statement which would promote enmity, hatred or ill-will between the persons of the Society, is a matter of investigation and only upon seizing of the relevant material the police will be able to determine whether the petitioner has committed such an offence and a charge sheet will be filed only upon investigation and that the petition filed by the petitioner is premature and for that reason, it is prayed that the petition be dismissed.

4. Allegations are made against the petitioner as having made statements amounting to commission of an offence under Section 505(2) of IPC. Whether the statements made by him amounts to an offence as contemplated under Section 505(2) of IPC or not, is a subject matter of investigation. It is needless to state that the first respondent - Police will not mechanically file a charge sheet without due investigation. The petitioner under the circumstances is always at liberty to move the appropriate Court for obtaining the necessary bail and the same shall be considered by the concerned Court in accordance with law. As the matter is still under investigation, it is not possible for this Court to decide as to whether the allegations made against the petitioner constitutes an offence as contemplated under Section 505(2) of IPC. It is also needless to state that if the first respondent - Police decides to file a charge sheet against the petitioner after completion of investigation, the petitioner is always at liberty to move this Court in accordance with law.

5. For the aforementioned reasons, the petition is hereby ***dismissed***.

In view of dismissal of the main petition, pending interlocutory applications, if any do not survive for consideration and the same are hereby disposed of.