

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 4575 OF 2023

BETWEEN:

SMT. D. ROOPA.

...PETITIONER

(BY SRI.MADHUKAR M DESHPANDE, ADV.)

AND:

SMT. ROHINI SINDHURI,

...RESPONDENT

(BY SRI.C.V.NAGESH, SR.COUNSEL FOR SRI.RAGHAVENDRA K, ADV.)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO 1.SET ASIDE THE ORDER DATED 24.03.2023 (ANNEXURE-A) PASSED BY THE XXIV A.C.M.M, BENGALURU IN PCR.NO.1901/2023 DIRECTING REGISTRATION OF THE CRIMINAL CASE AND ORDER OF ISSUANCE OF SUMMONS TO THE PETITIONER.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 04.08.2023, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The captioned petition is filed to set aside the order dated 24.03.2023 passed by the Additional Chief Metropolitan Magistrate, Bengaluru in PCR.No.1901/2023 directing registration of criminal case and consequent order of issuance of summons to the petitioner. The petitioner has also questioned the order dated 04.03.2023 taking cognizance under Section 500 of Indian Penal Code, 1860 ('IPC'). The petitioner has filed the present petition seeking quashing of the private complaint lodged in PCR.No.1901/2023 and also entire proceedings in C.C.No.7870/2023.

2. The facts leading to the case are as under:

The respondent-complainant has lodged a private complaint alleging that petitioner is guilty of sharing photos of the complainant on face book and that petitioner/accused has intentionally posted comments/allegations on a private face book account. She has also given a statement to the media virtually questioning the character and conduct of the

complainant not only in her professional life but the allegations even covered incidents and actions relating to her private life. Respondent has further alleged that the posts made on a private account of facebook and also comments and allegations on her face book page as well as before the print media are motivated and deliberate besides being totally false and mischievous only to belittle the complainant in the eyes of public at large and in particular before her superiors, colleagues and subordinates. The respondent-complainant has further alleged that these posts and statements to the media are made knowing fully well that they are false and far from truth but only to create a false image of the complainant and to defend her in the eyes of the public at large. Therefore, the respondent-complainant has alleged in the complaint that the comments/statements/allegations made by petitioner on her face book and before print media is *per se* defamatory. She has also alleged that these posts and statements are made in a bad manner with a sole intention of

tarnishing the professional, personal and social image of the complainant and her family members who have built up good image and reputation. On these set of allegations, a private complaint is filed for the offence punishable under Section 500 of IPC and a further direction is also sought against petitioner-accused to pay the complainant a sum of Rs.1,00,00,000/- as compensation for the injury, agony and suffering caused to the complainant. The captioned petition is filed by the petitioner seeking quashing of the orders as well as the private complaint pending in C.C.No.7870/2023.

3. Learned counsel appearing for the petitioner-accused reiterating the grounds in the captioned petition would vehemently argue and contend that the facts alleged in the complaint and in sworn statement do not satisfy the essential ingredients of an offence under Section 499 of IPC. Referring to the material on record, he would vehemently argue and contend that no offence is made out against the petitioner and therefore, would request this Court to quash the

complaint failing which the same would amount to abuse of process. Referring to the material on record, he would also point out that petitioner being a responsible officer has made statements which squarely fall under exception 2, 3 and 9 of Section 499 of IPC and therefore, he would contend that petitioner has not committed any offence. He would further submit that the essential ingredients of Section 499 are not satisfied in the present case on hand. Referring to the conduct of the respondent-complainant, he would point out that the said posts and statements made in print media are made in good faith and in discharge of her public functions. He would vehemently argue and contend that alleged imputations even otherwise are based on the basis of various reports and publications which are already available in public domain and therefore, the said posts and statements do not constitute any offence under Section 499 of IPC. Referring to the exceptions to Section 499, he would further submit to this Court that an expression made in good faith relating to

conduct of any person touching any public question and if the said statements pertain to public interest, no proceedings can be maintained under Section 499 of IPC. He would further contend that all these exercise made by petitioner relate to and are concerned to respondent's actions relating to a public servant and therefore, he would contend that learned Magistrate without there being any sufficient material has issued process which is contrary to law.

4. To buttress his arguments, he has placed reliance on the judgment rendered by the Hon'ble Apex Court in the case of ***Rajeshappa and Others vs. Madanlal Kapoor***¹, ***Manikannan B. vs. Pavan Goud***² and ***Dinesh Kumar vs. State of Haryana***³. Referring to the ratio laid down by the Apex Court in the above cited judgments, he would point out that the material placed on record by the petitioner while seeking quashing of the proceedings has clearly demonstrated

¹ (2013) 3 SCC 330

² 2022 SCC Online DE 1033

³ 2023 SCC Online 564

the impeccable quality of the documents and therefore, these relevant materials can be looked into by this Court while deciding a petition under Section 482 of Cr.P.C. Referring to the said judgments, he would contend that the defence set up by petitioner before this Court can be considered at the stage of quashing of the proceedings. He has also placed reliance on the following judgments:

- 1. Jawarlal Darda vs. Manohar Rao - (1998) 4 SCC 112;*
- 2. Rajendra Kumar vs. Uttam - (1999) 3 SCC 134;*
- 3. Aroon Purie vs. State of NCT - 2022 SCC Online SC 1491;*
- 4. Manoj Kumar Tiwari vs. Manish Sisodia - 2022 SCC Online SC 1434;*
- 5. Dr. Mukesh Indoriya vs. The State of Madhya Pradesh MCRC - 4349/2015 decided on 03.04.2017;*
- 6. R. Rajagopal vs. State of T.N. - (1994) 6 SCC 632;*
- 7. Sanjay Pinto vs. A. Kamaraj - (2012) 2 CTC 352;*
- 8. A. Srinivasulu vs. State Rep. by Inspector of Police - 2023 Live Law (SC) 485;*
- 9. G.Krishne Gowda vs. State of Karnataka - Crl.P.No.2801/2021 dtd: 15.07.2021.*

5. Referring to the principles laid down in the above said judgments, he would point out that the allegations in the

complaint squarely fall under the exception to Section 499 and therefore, on the strength of these exceptions, the present proceedings are liable to be quashed. Placing reliance on the judgment rendered by the Apex Court in the case of ***R.Rajagopal vs. State of Tamil Nadu***⁴, he would contend that statements made in good faith and for public good, fall under exception and no proceedings can be initiated for the offence punishable under Section 499.

6. Insofar as sanction is concerned, he has placed reliance on the judgment rendered by the Hon'ble Apex Court in the case of ***Srinivasalu vs. State*** (*supra*) and also judgment rendered in the case of ***G.Krishne Gowda vs. State of Karnataka*** (*supra*). Referring to these two judgments, he would contend that the allegations averred in the private complaint clearly demonstrate that these statements are made by petitioner in her official capacity and therefore, in absence of sanction, the learned Magistrate erred

⁴ (1994) 6 SCC 632

in entertaining the private complaint for the offence punishable under Section 499 of IPC. He would also persuade this Court to take cognizance of the applications filed by the petitioner seeking summoning of documents from the Head of the Branch, Special Crimes-III Branch, Central Bureau of Investigation; enquiry report or action taken report by the Chief Secretary, Government of Karnataka and; preliminary report of the enquiry conducted by the Department of Personnel and Administrative Reforms (DPAR); copy of the letter/communication submitted by the Health Minister, State of Karnataka, and copy of the report submitted by Shri Harsh Gupta, Secretary, Food and Civil Supplies, Government of Karnataka and also probe report submitted by the Mysore Regional Commissioner. On these set of grounds, he would contend that the proceedings pending in C.C.No.7870/2023 are liable to be quashed.

7. *Per contra*, learned Senior Counsel appearing for the complainant while countering the claim made by the

learned counsel for the petitioner would contend that there is sufficient *prima facie* material to proceed against the petitioner and therefore, he would vehemently argue and contend that this is not a fit case which would warrant interference at the hands of this Court under Section 482 of Cr.P.C. Referring to the *prima facie* material he would contend that the said content *prima facie* demonstrates that it is *per se* defamatory and therefore, this Court cannot hold a mini enquiry at this juncture to decide the petitioner's defence. Referring to the *prima facie* material on record, he would vehemently argue and contend that this is not a fit case to quash the proceedings at this stage.

8. Placing reliance on the judgment rendered by the Hon'ble Apex Court in the case of ***Sewakram Sobani vs. R.K.Karanjia, Chief Editor, Weekly Blitz and Others***⁵, he would contend that whether the posts and statements made before the print media would fall under any one of the

⁵ (1981) 3 SCC 208

exceptions carved out under Section 499 is a matter to be decided only after a full-fledged trial and therefore, the petitioner is bound to face the criminal proceedings. Learned Senior Counsel would contend that the *prima facie* material are to be dealt by the Court below and the stage for deciding as to whether the imputations made by the petitioner/accused fall under exceptions or whether these statements were made in good faith and public good are all disputed questions of facts and matter for Trial. On these set of grounds, he would sum up his arguments and would contend that the trial must go on and therefore, would seriously object for quashing of the proceedings at this juncture.

9. Heard the learned counsel appearing for the petitioner/accused and learned Senior Counsel appearing for the respondent/complainant. I have given my anxious consideration to the order passed by the Court below while registering the crime and taking cognizance. I have also given my anxious consideration to the grounds urged in the petition

and the judgments cited by the learned counsel for the petitioner and learned Senior Counsel appearing for respondent/complainant.

10. Before I advert to the scope of interference at the hands of this Court under Section 482 of Cr.P.C., I deem it fit to refer out some *prima facie* materials which are placed on record by the respondent/complainant. It would be useful for this Court to cull out some relevant portions which read as under:

Typed copy of Annexure-S

(Relevant Portion of Exhibit - P1)

ಇಂದಿನ ಸುದ್ದಿ ಎಲ್ಲಾ ಕಡೆ viral ಆಗಿರೋದು, ರೋಹಿಣಿ ಸಿಂಧೂರಿ, ಸಾರ ಮಹೇಶ್, ಮಾನ್ಯ ಎಂಎಲ್‌ಎ ಅವರ ಬಳಿ ಸಂಧಾನಕ್ಕೆ ಹೋಗಿದ್ದರು ಅಂತ. ಸಂಧಾನಕ್ಕೆ ಹೋಗುವುದು ಅಂದರೆ ಅರ್ಥ ಏನು? ಯಾವ ಐಎಎಸ್ ಅಧಿಕಾರಿ ಕೂಡ ಎಂಎಲ್‌ಎ ಅಥವಾ ರಾಜಕೀಯ ವ್ಯಕ್ತಿಗಳ ಜೊತೆ, ತಾವು ನಿರ್ವಹಿಸಿದ ಕರ್ತವ್ಯ ನಿಮಿತ್ಯ ಸಂಧಾನಕ್ಕೆ ಹೋಗಿದ್ದು ನಾನು ಇದೇ ಮೊದಲು ಕೇಳಿದ್ದು, ಹಾಗಾದರೆ, ರೋಹಿಣಿ ಸಿಂಧೂರಿ ಐಎಎಸ್ ಸಂಧಾನಕ್ಕೆ ಹೋಗಿದ್ದು ಯಾಕೆ? ಆಕೆ ಏನನ್ನು ಮುಚ್ಚಿಕೊಳ್ಳುವ ಪ್ರಯತ್ನ ನಡೆಸಿದ್ದಾರೆ? ತಮ್ಮ ಕರ್ತವ್ಯ ಲೋಪದ ಬಗ್ಗೆಯೋ, ತಮ್ಮ ಭ್ರಷ್ಟಾಚಾರ ಬಗ್ಗೆಯೋ ಏನು?

11. Dr Ravishankar S ಈಕೆಯ ಮೇಲೆ ಪ್ರಿಲಿಮಿನರಿ inquiry ಯಲ್ಲಿ ತಪ್ಪುಮಾಡಿರುವುದು ಸಾಬೀತಾಗಿದೆ. ಮೈಸೂರಿನ ಡಿಸಿ ಮನೆ - ಪೆರಿಟೇಜ್ building ಅಂತಾ ಇದ್ದರೂ ಅಲ್ಲಿ ಟೈಲ್ಸ್ ಹಾಕಿದ್ದು, ಸ್ಟಿಮಿಂಗ್ ಫೂಲ್ ಮಾಡಿದ್ದು ಮನುಷ್ಯತ್ವ ಇರೋರು ರ ಸಮಯದಲ್ಲಿ ಜನ ಸಾಯುತ್ತಿರುವಾಗ ಸ್ಟಿಮಿಂಗ್ ಫೂಲ್ ಕಟ್ಟಿಸಿಕೊಳ್ತಾರೆ?

John was fiddling when Rome was burning ಅಂದ ಹಾಗೆ Marie Antoinette ಎಂಬ ರಾಣಿ, ಜನರು bread ಇಲ್ಲದೆ ಇದ್ದರೆ ಏನು, ಜನರು cake ತಿನ್ನಲಿ ಅಂದಳಂತೆ. ಆ ರಾಣಿಯ ನೆನಪಾಯ್ತು.

14. ಈಕೆ ಕೆಲವು ಐಎಎಸ್ ಅಧಿಕಾರಿಗಳಿಗೆ, ಒಂದಲ್ಲ, ಎರಡಲ್ಲ, ಅನೇಕರಿಗೆ ತನ್ನ not so decent ಚಿತ್ರಗಳನ್ನು ಕಳಿಸಿರುವ, ಹಾಗೂ ಅವರನ್ನು ಉತ್ತೇಜಿಸುವ ಕಾರ್ಯ ಮಾಡಿರುವ ಆಪಾದನೆ ಇದೆ. ಆ ಪಿಕ್ಸ್ ನನಗೆ ಸಿಕ್ಕಿವೆ. ಇದು private vishaya ಆಗುವುದಿಲ್ಲ. All India service conduct rules ಪ್ರಕಾರ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು ಈ ರೀತಿಯ ಪಿಕ್ಸ್, ಸುಭಾಷಣೆ ಮಾಡುವುದು ಅಪರಾಧ ಈ ಆಪಾದನೆಗಳನ್ನು ಸರ್ಕಾರ ತನಿಖೆ ಮಾಡುವುದೇ, ನೋಡಬೇಕಿದೆ, ಏಕೆಂದರೆ ಸತ್ಯಾ ಸತ್ಯತೆ ಹೊರ ಬರಬೇಕಿದೆ.

15. ಮೊನ್ನೆ ಇವರ ಭಾವ ಮಧುಸೂಧನ್ ರೆಡ್ಡಿ ಅವರು, lucky Ali ಎಂಬ ಗಾಯಕರ ಜಾಗಕ್ಕೆ 20 - 30 ಜನ ಕರೆದುಕೊಂಡು ಹೋಗಿ ರೌಡಿಸಂ ಮಾಡಿರುವ ವಿಷಯ ಮಾಧ್ಯಮಗಳಲ್ಲಿ ಬಂತು. ಈಕೆಯು ತನ್ನ ಐಎಎಸ್ ಪ್ರಭಾವ ಬಳಸಿ ದುರುಪಯೋಗ ಮಾಡಿಕೊಂಡು ಇರುವುದಾಗಿ lucky Ali ಆರೋಪ ಮಾಡಿದರು. ವ್ಯಾಜ್ಯದ ಜಮೀನಿಗೆ 20-30 ಜನ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಕಾನೂನು ಕೈಗೆ ತೆಗೆದುಕೊಳ್ಳಬಹುದು? ಈ ರೀತಿಯ ಭಂಡ ಧೈರ್ಯ ಎಲ್ಲಿಂದ ಬರುತ್ತದೆ? ಐಎಎಸ್ ಅಧಿಕಾರದಿಂದ?

17. ಅನೇಕ ಬಾರಿ ಸರ್ಕಾರ ಅಧಿಕಾರಿಗಳನ್ನು transfer ಮಾಡಿದಾಗ ಆ ಜಾಗದಲ್ಲಿ ಇದ್ದವರು ಕ್ಯಾಟ್/ಕೋರ್ಟ್‌ಗೆ ಹೋಗುವುದು ಸಹಜ. ನಾನು 3 ವರ್ಷ ದೂರದ ಯಾದಗಿರಿಯಲ್ಲಿ ಕೆಲಸ ಮಾಡಿ(senior most sp in the state, 2013 ರಲ್ಲೇ ನಾನು) ಬೆಂಗಳೂರಿಗೆ ನನಗೆ ವರ್ಗವಾದಾಗ, ಆ ಜಾಗದಲ್ಲಿ ಇದ್ದ ಅಧಿಕಾರಿ, ಪವಾರ್, ನನ್ನ ವರ್ಗಾವಣೆ ಪ್ರಶ್ನಿಸಿ ಕ್ಯಾಟ್ ಗೆ ಹೋದರು. ಆದರೆ, ರೋಹಿಣಿ ಸಿಂಧೂರಿ ಗೆ ಸಾಕ್ಷಾತ್ ಅಡ್ಡಕೇಟ್ ಜನರಲ್ ಅವರೇ ಬಂದು ವಾದ ಮಾಡಿದರಲ್ಲ, ಮೈಸೂರು ಡಿಸಿ ವರ್ಗಾವಣೆ ವಿಷಯದಲ್ಲಿ, ಆ ಸೌಲಭ್ಯ ನನಗೇಕೆ ಸಿಗಲಿಲ್ಲ? ನನ್ನಂತಹ ಕನ್ನಡಿಗ ಅಧಿಕಾರಿಗಳು, ಹೇಗೆ ನಡೆಸಿ ಕೊಂಡರೂ ಸುಮ್ಮನ ಇರ್ತಾರ ಅಂತಲೇ? ಸ್ವತಃ ಅಡ್ಡಕೇಟ್ ಜನರಲ್‌ಹಾಜರಾಗಿ ವಾದ ಮಾಡಿದ್ದು ಈಕೆಗಲ್ಲದೆ ಮತ್ಯಾವ ಅಧಿಕಾರಿಗೂ ಈ ಸೌಲಭ್ಯ ಸಿಕ್ಕಿಲ್ಲ. ಯಾಕೆ ಈ ಮಲತಾಯಿ ಧೋರಣೆ?

18. ಈಕೆ ಪ್ರೊಬೇಷನರಿ ಅಂತ ಇದ್ದಾಗ, ಅಲ್ಲಿಯ ಡಿಸಿ, ಹಾಗೂ ಅವರ ಪತ್ನಿ ನೆರೆಯ ಜಿಲ್ಲೆಯ ಡಿಸಿ, ಇವರಿಬ್ಬರ ಸಂಸಾರದಲ್ಲಿ ಹುಳಿ ಬಿದ್ದು ಅವರು ಬೇರ್ಪಟ್ಟಿದ್ದಾರೀಗ ಹಾಗೂ ಇದು ಈಕೆಯ ದೆಸೆಯಿಂದ ಎಂಬ ಮಾತು ಅನೇಕರ ಬಾಯಲ್ಲಿ ಕೇಳಿದ್ದೇನೆ.

20. ಜಾಲಹಳ್ಳಿ ಯಲ್ಲಿ ಈಕೆಯ (ಪತಿಯರು ಇದ್ದರೂ ಈಕೆಯದೂ ಆಗುತ್ತದೆ) ದೊಡ್ಡ ಮನೆ ಒಂದು ಕಟ್ಟುತ್ತಿದ್ದು, ಐಎಎಸ್ ಅಧಿಕಾರಿ ಸಲ್ಲಿಸಬೇಕಾದ immovable property returns ನಲ್ಲಿ ಈ ಮನೆಯ ಉಲ್ಲೇಖ ಇರದೆ, ಬೇರೆಲ್ಲಾ ಲಂಗು ಲೊಟ್ಟು property ಬಗ್ಗೆ ವರದಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆ ಮನೆಗೆ ಕೋಟಿಗಟ್ಟಲೆ ಇಟಲಿ ಫರ್ನಿಚರ್, 26 ಲಕ್ಷದ ಜರ್ಮನ್ Appliances (ಅದನ್ನು duty free ಮಾಡಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ಚರ್ಚೆ ಇರುವ, 6 lakhs ಕೇವಲ

ಬಾಗಿಲಿನ hinges ಗೆ ಖರ್ಚ್ ಮಾಡಿರುವ ಬಗ್ಗೆ ಈಕೆ ಮಾಡಿರುವ ಚಾಟ್ ಗಳ ಮಾಹಿತಿ ಸಾರಕ್ಕೆ ಸಿಕ್ಕಿದೆ. ಇದರ ಮೇಲೆ ಕೂಲಂಕುಷ ತನಿಖೆ ಆಗುವುದೇ ನೋಡಬೇಕಿದೆ. ಇಷ್ಟೆಲ್ಲಾ ಅದ್ರೂ, ಯರು ಪ್ರತಿ ಬಾರಿ ಈಕೆಯನ್ನು ತನಿಖೆಗೂ ಒಳಪಡಿಸದೇ ಬಚಾವ್ ಮಾಡುತ್ತಾ ಇರುವುದು. ಈಕೆ ಕಮ್ಮಿಡ್ಡಾಗಿದ್ದು ತಮ್ಮ TRP ಗೊಡ್ಡು ಹಾಕುವ ಮೀಡಿಯಾಗಳೇ ಈಕೆಯನ್ನು ಹೀರೋ ಹೀರೋಯಿನ್ ಮಾಡುವ ಮೂಲಕ ಈಕೆ ಯಾವುದೇ ಶಿಕ್ಷೆಯಿಲ್ಲದೆ ಪ್ರತಿ ಬಾರಿ ಬಚಾವ್ ಆಗಿರುವುದೇ? ಅಥವಾ ಕಿಂದರಿ ಜೋಗಿ ಮಾಡಿದರೀತಿಯಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ಇರುವ ಪ್ರಭಾವಿಗಳು ಕಿಂದರಿ ಜೋಗಿಯ ಪಾಶಕ್ಕೆ ಸಿಲುಕಿದರೆ?

Typed copy of Annexure-S
(Relevant Portion of Exhibit - P2)

1. ರೀತಿಯ ಪಿಕ್ಚರ್ಸ್ normal ಅನ್ನಿಸಬಹುದು, ಆದರೆ, ಒಬ್ಬ ಮಹಿಳಾ ಐಎಎಸ್ ಅಧಿಕಾರಿ ಒಂದಲ್‌ಲ, ಎರಡಲ್ಲ ಮೂರು ಐಎಎಸ್ ಪುರುಷ ಅಧಿಕಾರಿಗಳಿಗೆ ಆಗಾಗ ವುಗಳನ್ನು ಹಾಗೂ ಈ ರೀತಿಯ ಅನೇಕ ಪಿಕ್ಸ್ ಗಳ one one ಕಳಿಸ್ತಾರೆ ಅಂದ್ರೆ ಅದಕ್ಕೆ ಏನರ್ಥ? ಇದು ಆಕೆಯ private matter ಆಗುವುದಿಲ್ಲ ಐಎಎಸ್ SERVICE CONDUCT RULES ಪ್ರಕಾರ ಅಪರಾಧ, ಈ ಪಿಕ್ಸ್ ಗಳ ಜತ ಬಗ್ಗೆ ಯಾವುದೇ ತನಿಖಾ ಸಂಸ್ಥೆ ಕೂಡಾ investigate ಮಾಡಬಹುದು. ಸಲೂನ್ haircut chitra, ಲೆದಿಂಬು ಇತ್ತು ಮಲಗಿ ತೆಗೆದಿರುವ ಚಿತ್ರ. Normal ಎನ್ನಿಸಬಹುದು ಕೆಲವರಿಗೆ ಕಳಿಸಿರುವ ಸನ್ನಿವೇಶ speaks otherwise.

2. Get well soon ಅಂತಾ ನನಗೆ ಹೇಳಿದ್ದಾರಲ್ಲ press ನಲ್ಲಿ ಇವತ್ತು ರೋಹಿಣಿ ಸಿಂಧೂರಿ, ಅವರ deleted ನಗ್ಗೆ ಚಿತ್ರಗಳ ಬಗ್ಗೆ ಮಾತಾಡ್ತಾರೆ, Number ಅವರದೇ ಅಲ್ಲವಾ, ಐಎಎಸ್ ಅಧಿಕಾರಿ ಚಿತ್ರ, nude, naked pics ಕಳಿಸಬಹುದೆ?

ಈ ರೀತಿಯ ಪಿಕ್ಸ್ ಕಳಿಸಿದ್ದು ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಸಂಧಾನಕ್ಕೆ? ಅವರ ಮೇಲಿನ ಆರೋಪ prove ಆಗಿರುವ preliminary inquiry ವಿಷಯದಲ್ಲಿ ಮುಂದೆ ಶಿಕ್ಷೆ ಆಗದಂತೆ ತಡೆಯಲು? ಯಾವುದು? ಅವರೇ ಉತ್ತರಿಸಬೇಕು.

Get well soon ಅಂತಾ ಹೇಳುವುದರ ಮೂಲಕ mental illness ಅವರ ಅಭಿಪ್ರಾಯ ಎಷ್ಟು cheap ಅಂತಾ ತೋರಿಸುತ್ತದೆ . for sure it is defamation, which will be dealt with court of law.

Typed copy of Annexure-S
(Relevant Portion of Exhibit - P3)

Dear media, please keep the focus on corruption issue that I have raised against Rohini sindhuri ias. I have not prevented anyone from fighting against corruption, that most affects common man. At

the same time, also inquire into the pattern. the PATTERN where one IAS officer dies in Karnataka, one ips officer dies in Tamilnadu, one IAS husband-wife in Karnataka are already divorced.

Me and my husband are still together. Please don't speculate. Please question the perpetrator who exhibits the pattern becoming obstacle to family. Else, many more families will be destroyed. I am a strong woman. I Will fight. I have been fighting for all women victims. Not all women have the same strength to fight. Please be a voice to such women. India is known for family values. Let's keep up that. Thanks

Kiran Rajanahally

I am totally agree with you. Media should focus on corruption: Indeed you are fighting for the welfare of the society, salute to you.

Parimala Rodda

I'm with you Roopa. Take care.

Roopa Lakshmipathi Rao

We are with you, and we support you Madam. We understand that dealing with this kind of situation can be challenging, I hope the mask of the people shall be revealed soon.

Naveen Kumar RO

You are doing great job madam...

Typed copy of Annexure-S
(Relevant Portion of Exhibit - P7(a))

(Relevant portion of Ex.P7)

ಕುಟುಂಬ ಉಳಿಸಿಕೊಳ್ಳಲು ಹೋರಾಟ!

ವರ್ಷದಿಂದ ರೋಹಿಣಿ ನಮ್ಮ ಮನೆಯವರ ಹಿಂದೆ ಬಿದಿದಾರ: ರೂಪಾ ಆಡಿಯೋ ?

ಕನ್ನಡವುಭ ವಾರ್ತೆ ಬೆಂಗಳೂರು

ಅಧಿಕಾರಿ ರೂಪಾ ಮೌದ್ಲಿಲ್ ಹಾಗೂ ಐಎಎಸ್‌ಅಧಿಕಾರಿ ರೋಹಿಣಿ ಸಿಂಧೂರಿ ದಿನ ತಿಕ್ಕಾಟ ಇದೀಗ ಕೌಟುಂಬಿಕ, ಷರದ ಸ್ವರೂಪ ಪಡೆದಿದೆ. ತಮ್ಮ ಪತಿ ಐಎಎಸ್‌ಅಧಿಕಾರಿಯೂ ಆಗಿರುವ ಮುನಿಶ್ ಮೌದ್ಲಿಲ್ ಹಿಂದೆ ಎಂಟು ವರ್ಷದಿಂದ ರೋಹಿಣಿ ಸಿಂಧೂರಿ ಬಿದ್ದಿದ್ದಾರೆ ಎಂದು ಮಾತನಾಡಿದ್ದಾರೆನ್ನಲಾದ ಸಂಭಾಷ ಆಡಿಯೋ ಬಹಿರಂಗಗೊಂಡಿದೆ, ತಮ್ಮ ಕುಟುಂಬದ ಉಳಿವಿಗೆ ಹೋರಾಟನಡೆಸಬೇಕಿದೆ ಎಂಬರ್ಥದಲ್ಲಿ ರೂಪಾ ಅಡುವ ಮಾತುಗಳು ಅವರಲ್ಲಿವೆ.

ಆರ್ ಟಿಐ ಕಾರ್ಯಕರ್ತೆ ಎನ್.ಗಂಗರಾಜು ಎಂಬುವರು ಜ.30 ಹಾಗೂ ಫೆ.1ರಂದು ಐಪಿಎಸ್ ಅಧಿಕಾರಿ ರೂಪಾ ತನ್ನೊಂದಿಗೆ ಮಾತನಾಡಿದ್ದಾರೆನ್ನಲಾದ ಅಡಿಯೋ ಸಂಭಾಷಣೆಯನ್ನು ಮೈಸೂರಿನಲ್ಲಿ ಬಹಿರಂಗಪಡಿಸಿದ್ದಾರೆ.

ಸಾವು, ದೈವೋರ್ಸನ ಸಿಂಧೂ ಪ್ಯಾಟರ್‌ಗೆ ಇನ್ನಷ್ಟು ಕುಟುಂಬ ಮೃಪತಿ ಬಲಿಯಾಗದಿರಲಿ:

ರೂಪಾ

ನಾನು ಪ್ರಸ್ತಾಪಿಸಿದ ವಿಚಾರದ ಎಂದು ಬಗ್ಗೆ ಸೂಕ್ತ ತನಿಖೆ ನಡೆಸಿ ಎಂದು ಫೇಸ್‌ಬುಕ್ ಫೋಲ್ಯಾನಲ್ಲಿ ಹೇಳಿರುವ ಡಿ.ರೂಪಾ ಅವರು, 'ರಾಜ್ಯ ಸಬೇಕಿದೆ - ದಲ್ಲಿ ಓರ್ವ ಐಎಎಸ್ ಅಧಿಕಾರಿ, ತಮಿಳುನಾಡಿನಲ್ಲಿ ಓರ್ವ ಐಪಿ ಎಸ್ ಅಧಿಕಾರಿ ಸಾವನ್ನಪ್ಪಿದ್ದರು. ರಾಜ್ಯದಲ್ಲಿ ಐಎಎಸ್‌ಅಧಿಕಾರಿ ದಂಪತಿಗಳು ವಿಚ್ಛೇದನ ಪಡೆದಿದ್ದರು. ಈ ಪ್ಯಾಟರ್ನ್ (ಮಾದರಿ) ಬಗ್ಗೆಯೂ ತನಿಖೆಯಾಗಬೇಕು. ಕುಟುಂಬಕ್ಕೆ ಧಕ್ಕೆ ತರುವ ಶಕ್ತಿಗಳನ್ನು ಪ್ರಶ್ನಿಸಬೇಕು. ಇದಕ್ಕೆ ಇನ್ನೂ ಹಲವು ಕುಟುಂಬಗಳು ಬಲಿಯಾಗಬೇಕಾಗುತ್ತದೆ' ಎಂದು ಜಾಲತಾಣದಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ.

ರೂಪಾಗೆ ರೋಹಿಣಿ ಸಿಂಧೂರಿ 1 ಕೋಟಿ ಮಾನನಷ್ಟ ನೋಟಿಸ್

ರೋಹಿಣಿ ಸಿಂಧೂರಿ ಅವರು ವಕೀಲ 2.0. ನಾಗೇಶ್ ಮೂಲಕ ರೂಪಾ ಅವರಿಗೆ ಲೀಗಲ್ ನೋಟಿಸ್‌ಜಾರಿ ಮಾಡಿದ್ದಾರೆ. 'ರೂಪಾ ಅವರು ತಮ್ಮ ಹೇಳಿಕೆಗಳಿಗೆ 24 ಗಂಟೆಗಳೊಳಗಾಗಿ ಲಿಖಿತ ರೂಪದಲ್ಲಿ ಬೇಷರತ್ ಕ್ಷಮೆ ಕೋರಬೇಕು. ಜೊತೆಗೆ ಸಾಮಾಜಿಕ ಜಾಲತಾಣಗಳಲ್ಲಿ ಮಾಡಿರುವ ಮಾನಹಾನಿ ಕಾರಿ ಆರೋಪಗಳನ್ನು ಡಿಲೀಟ್ ಮಾಡಬೇಕು. ಇಲ್ಲದಿದ್ದರೆ, ಕೋರ್ಟ್ ನಲ್ಲಿ 1 ಕೋಟಿ ರು. ಮಾನನಷ್ಟ ಮೊಕ ದ್ಧಮೆ ಹೂಡುತ್ತೇನೆ' ಎಂದು ಎಚ್ಚರಿಕೆ ನೀಡಿದ್ದಾರೆ.

Exhibit - P7(a)
Sd/

11. If the statements posted on a private account as well as the statements made before the print media are examined, I am more than satisfied that petitioner/accused is bound to face a criminal trial. The question as to whether the posts made on a face book account and the statements made before the print media fall under exceptions is a matter of trial. In order to claim good faith, the accused must show that before making the alleged imputation, she has made enquiry with due care and attention. In order to establish good faith and bonafides, it has to be seen that the circumstances under which imputations were made and published. It is only during full-fledged trial, it can be ascertained as to whether imputations were made with any malice. It is only in an full-fledged trial, it can be assessed as to whether there are reasons to accept that petitioner had taken care and caution and as to whether there is preponderance of probabilities that petitioner acted in good faith.

12. The above culled out portions which are part of a *prima facie* material which were produced by the respondent/complainant by recording sworn statement *prima facie* demonstrates that these imputations are obviously not made in discharge of her duty. It is equally trite law that burden is always on the accused to show that his/her case comes under any of the exceptions and that he/she is not liable for defamation. Therefore, having taken cognizance of *prima facie* material, this Court at this stage is not inclined to grant any reliefs as claimed in the captioned petition.

My findings on Sanction:-

13. Now coming to sanction, the above culled out portion does not indicate that these posts and statements are duties relating to a public servant. The posts and statements given to the print media *prima facie* not being part of her official duties, I am of the view that she is not entitled for protection under Section 197 of Cr.P.C. The acts complained

by the respondent/complainant by filing a private complaint *prima facie* do not indicate that these allegations hinge on the official duties as a public servant and therefore, petitioner cannot claim protection under Section 197 of Cr.P.C. These statements made do not fall within the domain of her assigned duties which a public servant is required to discharge or perform. The culled out portions clearly do not demonstrate that the acts done by the petitioner which are indicated in the private complaint are obviously not done in the course of her service and therefore, Section 197 of Cr.P.C. does not extend its protective cover insofar as the above culled out portions are concerned. The scope of operation of Section 197 of Cr.P.C. is restricted to only those acts or omissions which are done by a public servant in discharge of official duty.

14. The Hon'ble Apex Court upholding the precedent of ***Rajib Ranjan vs. R.Vijayakumar***⁶ held that if a public servant is involved in any acts which do not fall within the

⁶ (2015) 1 SCC 513

domain of duties assigned to her/him, such misdemeanor conducted shall not be treated as an act of his/her official duties and no protection under Section 197 could be attracted. The Doctrine of state humanity covers all the acts performed by a public servant in exercise of function of the Government and not where acts are done by the public servant for her or his own benefit or pleasure and may be under the power of authority, such acts will not fall under the immunity principles.

15. In the light of discussion made supra, I am of the view that this is not a fit case which would warrant interference at the hands of this Court. If respondent/complainant has placed on record sufficient *prima facie* materials, petitioner is bound to face the proceedings.

16. In view of prima facie material culled out by this court at para 10, I am not inclined to entertain the applications filed in I.A.Nos.2 to 4 of 2023 seeking summoning of documents from the Head of the Branch, Special Crimes-III

Branch, Central Bureau of Investigation; enquiry report or action taken report by the Chief Secretary, Government of Karnataka and; preliminary report of the enquiry conducted by the Department of Personnel and Administrative Reforms (DPAR); copy of the letter/communication submitted by the Health Minister, State of Karnataka, and copy of the report submitted by Shri Harsh Gupta, Secretary, Food and Civil Supplies, Government of Karnataka and also probe report submitted by the Mysore Regional Commissioner. Since this court is not inclined to entertain 482 petition, these applications cannot be entertained at this stage. However, there shall be no impediment for the petitioner to place reliance on these documents during trial. Accordingly, I.A.Nos.2 to 4 of 2023 are hereby rejected.

17. For the reasons stated supra, I pass the following:

ORDER

(i) The petition is devoid of merits
and accordingly, stands dismissed.

(ii) Since this Court has declined to take cognizance of additional documents, however, order passed by this Court on these applications would not be an impediment for the petitioner to place reliance on these documents before the Trial Court.

(ii) Pending applications, if any, are also dismissed.

Sd/-
JUDGE

CA