

THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.8492 of 2023

Date:09.04.2026

Between:

Lakakula Ayappa

...Petitioner/Accused

And

The State of Telangana,
Rep. by its Public Prosecutor,
High Court for the State of Telangana
and another

... Respondents

ORDER:

This Criminal Petition is filed seeking to quash the proceedings against the petitioner-accused in CC No.349 OF 2024 on the file of Principal Junior Civil Judge cum Judicial Magistrate of First Class, Narayanpet, registered for the offences under Sections 504, 505(2), and 153-A (a) (b) IPC.

2. The case of the prosecution is that the *de facto* complainant is the leader in Rythu Samanvaya Committee and an active member in TRS Party. Accused No.1 is the admin of Marikal WhatsApp group, added an unknown phone number in the group and hatched a plan along with accused No.2 to damage the political career of the *de facto* complainant. As a part of their plan, on 04.08.2022 at about

5.00 hours, the accused No.2 shared a message with phone No.9550632115 in Marikal WhatsApp group dishonouring the freedom of LW.1 and that on 30.08.2022, a message provoking Muslims against the *de facto* complainant was forwarded in the group by phone No.95050632115. On 03.09.2022 a message on TRS leaders stating that they are land grabbers and gamblers was forwarded through phone No.9985225254, which belongs to accused No.1. Based on the complaint lodged by the *de facto* complainant, the police filed charge sheet *vide* CC No.349 of 2024 against accused Nos.1 and 2 for the offences 504, 505 (ii), and 153-A (a) (b) IPC.

3. Heard Sri M. Vijaykumar Goud, learned counsel for the petitioner, Sri D. Arun Kumar, learned counsel for the respondent No.1-State and Sri Bajarang Singh Thakur, learned counsel for the respondent No.2.

4. Learned counsel for the petitioner-accused No.1 has submitted that the allegations in the complaint are to the effect that the messages are alleged to have been sent through Mobile No.9550632115 and that it is only an open representation to the MLA and there is nothing concerned to the *de facto* complainant. None of the messages, which are alleged to have been sent through the said mobile number, point out any defamatory statements as against the

de facto complainant. The allegations in the complaint are false in nature as the messages do not promote any disharmony or feelings of enmity, hatred or ill-will between any of the groups much less the religious groups or political groups. Therefore, there is no substance in the allegations and that it is only by using the freedom of expression, such messages are being sent in the interest of public at large. He further submitted that the ingredients of Section 504 IPC do not get attracted in the present case and it has not resulted in any breach of peace as alleged by the *de facto* complainant. The offence under Section 153(A) IPC is not at all applicable to the case on hand as the allegations or the WhatsApp messages referred to by the *de facto* complainant do not point out any such offences against the petitioner. He therefore, prayed to quash the proceedings against the petitioner.

5. The learned counsel for the respondent No.2-*de facto* complainant submits that the petitioner has been sending WhatsApp messages damaging the reputation of the *de facto* complainant in the society. The said WhatsApp messages are being posted in the Marikal WhatsApp group. The *de facto* complainant is the leader of Farmers Coordinating Committee since 30 years and has been working sincerely without remarks on his reputation and that because of the said WhatsApp messages, his reputation is being damaged

and that one of the messages intends to result in a communal hatred and that it is aimed at provoking one of the communities in the society and further some other messages are posted affecting the reputation of the TRS party leaders. He further submitted that the copies of the messages if filed along with the complaint are examined in detail, they would point out the ingredients of the offences alleged against the petitioner herein. One of the messages disclose the name of the *de facto* complainant by saying that the *de facto* complainant, who is the husband of the Ex.Sarpanch of the village is alleged to have taken money to settle certain land disputes and that he has been earning crores of money and has been dealing with the real estate agents and settling the matters as per his convenience and it is further alleged that the petitioner is resorting to influence the Muslim community and settle the land disputes in the village. Hence, the *de facto* complainant apprehends that such messages would provoke the said community as against the other communities in the village and it would result in breach of peace. It is further alleged that the messages are directly targeting the TRS leaders alleging that TRS leaders are resorting to land grabbing activities and are making money. Thus, it may provoke political groups disturbing the harmony in the society. Therefore, the allegations point out a *prima facie*

offence against the petitioner and hence, he prayed to dismiss the petition.

6. Perused the record.

7. A perusal of the charge sheet discloses that the case is registered for the offences under Sections 504, 505(2) and 153-A(a)(b) IPC against the accused. The said Sections are extracted hereunder for the sake of convenience:

“504. Intentional insult with intent to provoke breach of the peace.—

Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

505(2). Statements conducing to public mischief.—

(1) xxxx

(2) **Statements creating or promoting enmity, hatred or ill-will between classes.—** Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.—

(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility."

8. The recitals of charge sheet disclose that LWs.2 to 5 are the eye witnesses and WhatsApp group members. The *de facto* complainant-LW.1 is stated to be an active member in TRS party as well as a leader of Rythu Samanvaya Committee. It is alleged that the accused No.2 found an unknown sim card with phone No.9550632115 and thus accused Nos.1 and 2 hatched a plan to damage the political career of the *de facto* complainant and that the accused No.1-petitioner, who is the admin to Marikal Whatsap group added the said number in the group and on 04.08.2022, they shared a message dishonouring the reputation of the *de facto* complainant and on 30.8.2022, a message provoking Muslim community against the *de facto* complainant was forwarded in the group through the phone number 95050632115. On 03.09.2022 a message leveling certain allegations against TRS leaders to be the land grabbers, has been posted.

9. The contention of the counsel for the *de facto* complainant is that the reputation of the *de facto* complainant is damaged and further he has been alleged to be a land grabber and alleged to have been provoking the Muslim community and has been making money. The contention of the counsel for the petitioner is that none of the offences are attracted against the petitioner.

10. Copies of alleged WhatsApp messages are filed along with the petition. The , *prima facie*, point out that there is threat of public peace and harmony perceived by the *de facto* complainant. It is pertinent to refer to the decision of the High Court of Bombay in ***Kishor v. State of Maharashtra***¹, wherein it was held that:

“The very purpose of WhatsApp status is to convey something to his contacts. It is nothing but a mode of communication with known persons. One puts up the status in order to get a reaction and most of them crave for support. Now-a-days, the people are checking WhatsApp status now and then. One should behave with sense of responsibility while communicating something to others. The applicant cannot shed his primary responsibility by saying about its limited circulation. There is no justification for the applicant to display such kind of status. Contents of FIR *prima facie* discloses applicant's deliberate and malicious intention to insult the feelings of a group.”

11. The above cited decision is squarely applicable to the case on hand. In the present case also the petitioner has shared a

¹ 2023 SCC OnLine Bom 1515

message on the WhatsApp group, which is a prominent social media and thus, the petitioner is not justified in posting objectionable messages in the WhatsApp group. The allegations point out that the said message would harm the reputation and tarnish the image of the *de facto* complainant. Since the allegations *prima facie* point out the offences alleged against the petitioner, the proceedings cannot be quashed. The veracity of the witnesses and the truth or otherwise in the allegations can be culled out after a full-fledged trial. Hence, it is not a fit case to quash the proceedings against the petitioner at this stage. However it is deemed appropriate to dispose of the petition by dispensing with the attendance of the petitioners before the trial court.

12. Accordingly, the Criminal Petition is disposed of dispensing with the attendance of the petitioner before the trial court provided he is represented by a counsel on every date of hearing before the trial court and shall appear before the trial court as and when his presence is required.

Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE TIRUMALA DEVI EADA

Date:09.04.2026
KTL