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CNR: KAHC010434722024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION NO. 20693 OF 2024 (GM-RES)

BETWEEN:

D. S. RAVI KUMAR
S/O LATE SHIVALINGAIAH D M
AGED ABOUT 42 YEARS,
NO. 138, DANAYAKANAPURA GRAMA
MANDYA TALUKU
MANDYA, KARNATAKA - 571 419

...PETITIONER

(BY SRI. VINOD KUMAR M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY MANDYA WEST POLICE STATION,
MANDYA WEST
MANDYA KARNATAKA - 570 401

REPRESENTED BY THE STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
VIDHANASOUDHA,
BANGALORE - 560 001

2. SRI. KANNAMBADI KUMAR
S/O LATE KULLA NINGIAH
AGED ABOUT 47 YEARS,
NO. KAL-199/1, 7TH CROSS,

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V V NAGAR, MANDYA TALUKU
MANDYA - 571 401

...RESPONDENTS

(BY SMT. WHAEEDA M.M., HCGP FOR R1

R2 - SERVED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 482 OF CR.P.C. PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CC.NO. 712/2024 FOR THE OFFENCES PUNISHABLE UNDER SECTION 153 B, 505(1)(B) OF IPC, BEFORE THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM AT MANDYA IN SO FAR AS PETITIONER CONCERNED ONLY PRODUCED AT ANNX-C HOLDING THAT IT IS AN ABUSE OF PROCESS OF LAW.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MR. JUSTICE V SRISHANANDA**

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ORAL ORDER

Heard Sri Vinod Kumar, learned counsel appearing for the petitioner, Smt. Waheeda M.M., learned High Court Government Pleader appearing for respondent No.1

2. Respondent No.2 though served remained absent and unrepresented.

3. Petition under Article 226 and 227 of the Constitution of India r/w Section 482 Cr.PC is filed with the following prayers:

> "*a) Issue a writ of certiorari or any other writ quashing the entire proceedings in C.C.No.712/2024, for the offences punishable under Section 153B, 505(1)(B) of IPC, before the Principal Senior Civil Judge and CJM at Mandaya inso far petitioner is concerned only at* ***Annexure-C****, holding that it is an abuse of process of law.*
>
> *b) Issue a writ of certiorari or any other writ quashing the order taking cognizance dated 24/06/2024 by the Principal Senior Civil Judge and CJM at Mandya, in C.C.No.712/2024, for the offences*

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punishable under section 153 B, 505(1)(B) of IPC, in so far petitioner is concerned only at ***Annexure-C*** *holding that it is an abuse of process of law.*

c) pass appropriate orders under the facts and circumstances of the case, in the interest of justice."

4. Facts of the case are as under:

West Police Station, Mandya, registered a case based on the complaint lodged by the second respondent namely Kannambadi Kumar in Crime No.30/2024 under Section 153B, 505(1)(B) of IPC.

5. Gist of the complaint averments reveal that on 18.12.2022, there was a protest by set of persons claimed to be the Bharathiya Janatha Party followers-A Political Party. In that protest, the people who had assembled were raising the slogans 'Pakistan Zindabad' by seeing such video, complainant said to have been disturbed mentally and therefore sought for action.

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6. Sri. Vinod Kumar, learned counsel for the petitioner contended that raising of slogans 'Pakistan Zindabad' is totally unintentional nor was intended to create any unrest in the society at large and also not with an intention to affect any particular community inasmuch as the procession and demonstration was by the BJP-a political party and in such procession/demonstration, the words have been spoken, the slogan has been there out of slip of tongue in the force of protest and instead of raising the slogan 'Pakistan Murdhabad' the persons have raised the slogan 'Pakistan Zindabad' and therefore, continuation of the criminal case needs to be quashed.

7. Per contra, Smt. Waheeda M.M., learned High Court Government Pleader would submit that the video clip that has been furnished by the complainant to the Jurisdictional Police clearly mentions about the words 'Pakistan Zindabad' and therefore, investigation has to continue. Therefore, the petitioner has to face the trial.

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8. She would further invite the attention of this court to the column number 17 of the charge sheet whereunder it has been mentioned that on 18.12.2022, there was a objectionable statement made by the Foreign Minister of Pakistan and in that regard the demonstration was arranged and in the heat of protest, in order to create unrest in the society purposefully, the petitioner herein has raised the slogan 'Pakistan Zindabad' and therefore sought for dismissal of the petition.

9. Having heard the arguments of both sides this court noted the relevant aspects of the matter.

10. At the outset, in a demonstration organized by the Bharathiya Janatha Party-a Political Party, It is highly unimaginable that the protesters therein would raise the slogan 'Pakistan Zindabad'.

11. It is in that context that the argument of the petitioner needs to be considered that in the flow of raising

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the slogans by mistake the words Zindabad has crept in instead of Murdhabad.

12. At any rate, the second respondent herein based on the video clip published through YouTube channel has lodged the complaint, that too after lapse of 2 years of the incident.

13. The investigation agency could not get any further information as to who are all participated in such demonstration and what are the repercussions/consequences of raising such slogans in the society which resulted in unrest in the society of a particular community or public at large.

14. Therefore, continuation of the criminal case in the considered opinion of this Court is thus unnecessary and would amounts to abuse of process of law.

15. In a similar situation where intentionally the slogan 'Pakistan Zindabad' has been complained of and

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this Court had the occasion to consider the effect of taking cognizance and proceeding with the case in view of Section 196(1)(A) of Cr.P.C. whenever an offence under Section 505 IPC is alleged.

16. The said decision is rendered in Criminal Petition No. 201668/2022 in the case of ***Sri. K. M. Basha alias Mehaboob Basha Vs. State of Karnataka***. This Court in the said case has noted that prior sanction is necessary for initiating the action for the offence punishable under Section 505 IPC.

17. In the case on hand also, no such prior sanction is obtained and cognizance is taken by the Magistrate.

18. Therefore, on one hand, ingredients of Section 153 being not attracted, and on the other hand, prior sanction is not obtained for offence under Section 505 of IPC, this Court is constrained to quash the pending criminal proceedings.

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19. Hence, the following:

ORDER

i) The writ petition is allowed.

ii) Impugned proceedings in C.C.No.712/2024, pending on the file of the Principal Senior Civil Judge and CJM, at Mandya, arising out of Crime No.30/2024, registered by the Mandya West Police Station, qua the petitioner is hereby quashed.

Ordered accordingly.

Sd/-
(V SRISHANANDA)
JUDGE

HR
List No.: 1 Sl No.: 73