VERDICTUM.IN

HC-KAR

NC: 2026:KHC:61560
CRL.P No. 10649 of 2026
C/W CRL.P No. 10650 of 2026

CNR: KAHC010495252026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO.10649 OF 2026
C/W
CRIMINAL PETITION NO.10650 OF 2026

IN CRL.P. NO.10649/2026:

BETWEEN:

SRI KIRAN R @ KIRAN ARADHYA
S/O RENUKARADHYA,
AGED ABOUT 37 YEARS,
RESIDING AT: KIRANA NILAYA,
GAYATHRI LAYOUT,
BASAVANAPURA MAIN ROAD,
DEVASANDRA,
BENGALURU - 560 036.

...PETITIONER

(BY SRI GIRISH BHARADWAJ AND SRI VIVEKANANDA N.,
ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
BY HIGH GROUNDS POLICE STATION,
BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. MR. KUSHAL HURUVEGOWDA

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FATHER NAME NOT KNOWN,
AGED ABOUT 42 YEARS,
VICE PRESIDENT,
BENGALURU WEST,
DISTRICT CONGRESS COMMITTEE,
KPCC OFFICE, QUEENS ROAD,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI M.V. ANOOP KUMAR, ADDITIONAL STATE PUBLIC PROSECUTOR, FOR R-1, AND
SRI M. JAYA MOVIL, ADVOCATE, FOR R-2)

* * *

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE F.I.R. IN CRIME NO.108/2026 DATED 18.07.2026 REGISTERED BY HIGH GROUNDS POLICE STATION, BENGALURU, FOR THE OFFENCE PUNISHABLE UNDER SECTION 192 OF THE BNS, 2023, BEFORE I ADDITIONAL CHIEF METROPOLITAN MAGISTRATE COURT, BENGALURU, PRODUCED AT ANNEXURE-A.

IN CRL.P. NO.10650/2026:

BETWEEN:

KIRAN R.
S/O RENUKARADHYA,
AGED ABOUT 37 YEARS,
RESIDING AT: NO.383,
KIRANA NILAYA, GAYATHRI LAYOUT,
BASAVANAPURA MAIN ROAD,
DEVASANDRA,
BENGALURU - 560 036.

...PETITIONER

(BY SRI ANIRUDH A. KULKARNI AND SRI TEJASVI L.S., ADVOCATES)

AND:

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1. STATE OF KARNATAKA
BY BANTWALA TOWN POLICE STATION,
REPRESENTED BY THE S.P.P. OFFICE,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. MOHAMMAD SIRAJ M.U.
S/O UMMAR M.S.,
AGED ABOUT 29 YEARS,
RESIDING AT: MADAKA HOUSE,
VITLA PADNOOR VILLAGE,
BANTVALA TALUK, BANTVAL,
DAKSHINA KANNADA,
KARNATAKA - 574 243.

...RESPONDENTS

(BY SRI M.V. ANOOP KUMAR, ADDITIONAL STATE PUBLIC PROSECUTOR, FOR R-1, AND
R-2 IS SERVED AND UNREPRESENTED)

* * *

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO QUASH THE COMPLAINT AND THE F.I.R. IN CRIME NO.100/2026 DATED 17.07.2026 REGISTERED BY BANTWALA TOWN POLICE STATION, DAKSHINA KANNADA, FOR THE OFFENCE PUNISHABLE UNDER SECTION 353(2) OF THE BNS, 2023, ON THE FILE OF THE HON'BLE ADDITIONAL CIVIL JUDGE (JN. DN.) AND JUDICIAL MAGISTRATE FIRST CLASS, BANTWALA, DAKSHINA KANNADA, AGAINST THE PETITIONER.

THESE CRIMINAL PETITIONS ARE COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

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ORAL ORDER

Heard the learned counsel for the petitioner, learned Additional State Public Prosecutor for respondent No.1-State, and the learned counsel for respondent No.2.

2. Criminal Petition No.10649/2026 is filed to quash FIR in Crime No.108/2026 registered on 18.07.2026 by High Grounds Police Station, Bengaluru, for the offence punishable under Section 192 of the Bharatiya Nyaya Sanhita, 2023 ('BNS, 2023'), whereas Criminal Petition No.10650/2026 is filed to quash FIR in Crime No.100/2026 registered on 17.07.2026 by Bantwala Town Police Station, Dakshina Kannada, for the offence punishable under Section 353(2) of the BNS, 2023.

3. Learned counsel for the petitioner, at the threshold, would submit that registration of FIR is contrary to the guidelines laid down by the Hon'ble Apex Court in ***State of Telangana v. Nalla Balu @ Durgam Shashidhar Goud and Another.***[1]

4. Learned counsel for the petitioner would urge that, before registering FIR relating to a social media post,

[1] (***Special Leave Petition (Criminal) Diary No.71178/2025)***

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preliminary enquiry is not conducted. In addition to that, the complainant cannot be construed as an aggrieved person, as the social media post does not refer to the complainant.

5. It is the further submission that, the social media post refers to an action taken by the Government and the Government has not filed any complaint. It is also the further submission that, pursuant to the social media post, which is the subject matter of the complaint, no untoward incident has taken place and the complaint could not have been registered.

6. In addition, the learned counsel for the petitioner also referred to the judgment of the Hon'ble Apex Court in ***Javed Ahmad Hajam v. State of Maharashtra and Another***[2] to urge that criticism made, which has not resulted in any untoward incident, cannot be a subject matter of FIR in a criminal complaint.

7. In addition, reliance is also placed on the judgment of the Division Bench of this Court in ***Girish Bharadwaj v.***

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[2] ***(2024) 4 SCC 156***

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State of Karnataka and Others[3]***,*** wherein it is held that withdrawal of the cases by the State Government is contrary to the law and it is the further submission that the posting on the social media is with reference to the withdrawal of cases by the State Government. Thus, the learned counsel for the petitioner would urge that the proceedings are to be quashed as the FIR is the gross abuse of the process of the Court.

8. Learned Additional State Public Prosecutor for the respondent No.1-State would submit that the contents of the complaint discloses the ingredients of the offences, as such, the matter requires investigation and FIR registered based on the complaint filed by the member of a political party. It is submitted that, since the allegation is made against a political party, he has the *locus*. The said complaint has been duly accepted and FIR has been registered thereon is the submission.

9. Learned counsel for respondent No.2 would submit that the contents of the complaint disclose ingredients of the

[3] ***2025 SCC OnLine Kar 1893***

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offences and applying the law laid down by the Hon'ble Apex Court in ***Neeharika Infrastructure Private Limited v. State of Maharashtra and Others***[4], the Police has to register the FIR and proceed with the investigation. In addition, the learned counsel would also refer to the judgment of the Division Bench of the High Court of Tripura, Agartala, in ***Shri Manik Sarkar v. The State of Tripura and Others***[5].

10. Referring to the said judgment, the learned counsel for respondent No.2 would submit that the Division Bench of Tripura High Court has referred to the judgment of the Hon'ble Apex Court in ***Neeharika Infrastructure,*** *supra*, and has rejected the prayer of quashing the FIR.

11. It is the further submission that the Court has come down heavily on the persons, who have indulged in spreading the hate speeches and disturbing the public tranquillity.

12. Learned counsel for the petitioner, by way of reply, would refer to the Circular dated 21.09.2026 issued by the Government of Karnataka, which is stated to be in consonance

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[4] ***(2021) 19 SCC 401***
[5] ***WP (Crl.) No.16/2026***

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with the directions issued by the Hon'ble Apex Court in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*.

13. Learned counsel for the petitioner would contend that, even in terms of the said Circular, registration of the FIR is impermissible.

14. The Court has considered the contentions raised at the Bar and perused the records.

15. The contents of the complaint dated 18.07.2026 and dated 17.07.2026, respectively in both the petitions, would indicate that the complaint is filed pursuant to a social media post in X (Twitter) by the petitioner.

16. The relevant portion of the objected portion of the post reads as under:

> *"Monster with wrist watch on his left hand, pants above his ankles, killed a girl at Bantwal bus stand, Karnataka. He probably knows that even if they arrest him, Congress will quietly withdraw the case. Be that as it may, just hope the RSS gets registered soon."*

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17. Based on the said complaint, the FIR has been registered for the offence punishable under Section 192 of the BNS, 2023.

18. Section 192 of the BNS, 2023, reads as under:

> *"**192. Wantonly giving provocation with intent to cause riot-if rioting be committed; if not committed.-** Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both."*

19. From Section 192 of the BNS, 2023, referred to above, it is evident that it is an offence, if anybody malignantly or wantonly does anything which is illegal and gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting.

20. From the contents of the complaint filed by the member of a political party, it is noticed that there is no

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allegation of any such rioting. However, there is an allegation that it is likely to cause rioting. So far, nothing is placed before the Court to take a view that riot took place pursuant to the said complaint.

21. In addition to that, it is also required to be noticed that admittedly, there is no preliminary enquiry in terms of the law laid down by the Hon'ble Apex Court in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*.

22. The Hon'ble Apex Court in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*, has taken a view that when it comes to the social media post, the threshold to register FIR must be high. The relevant portion of the said judgment reads as under:

> *"xxx xxx xxx*
>
> *iii. High threshold for media post/speech-related offences: No case alleging promotion of enmity, intentional insult, public mischief, threat to public order, or sedition shall he registered unless there exists prima facie material disclosing incitement to violence, hatred, or public disorder. This threshold must be applied in line with the principles laid down in Kedar Nath Singh v. State of Bihar, 1962 Supp (2) SCR 769, and Shreya Singhal v. Union of India, (2015) 5 SCC 1.*

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> *iv. Protection of political speech/post: The police shall not mechanically register cases concerning harsh, offensive, or critical political speech. Only when the speech amounts to incitement to violence or poses an imminent threat to public order may criminal law be invoked. Constitutional protections for free political criticism under Article 19(l)(a) of the Constitution must be scrupulously enforced."*

23. Considering the aforementioned guidelines, the Government has issued a Circular on 21.09.2026 incorporating the guidelines in the aforementioned case.

24. Though the learned Additional State Public Prosecutor would submit that the Circular is issued on 21.09.2026 and the FIR was registered much earlier, what is required to be noticed is that, the Circular is implementation of the guidelines laid down in the judgment of the Hon'ble Apex Court in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*.

25. Under these circumstances, this Court does not find any difficulty in holding that the guidelines laid down in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*, have been violated.

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26. Though the learned counsel for respondent No.2 would refer to the judgment of ***Neeharika Infrastructure,*** *supra*, this Court is of the view that in the said case, the Hon'ble Apex Court has laid down the broad guidelines relating to the cases falling under Section 482 of the Code of Criminal Procedure, 1973. However, in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*, the Hon'ble Apex Court has laid down the guidelines in respect of cases relating to social media posts. Hence, the ratio laid down in ***Nalla Balu @ Durgam Shashidhar Goud,*** *supra*, does apply to the facts of present case.

27. Accordingly, the criminal petitions are ***allowed***. The proceedings against the petitioner, in both the petitions, are quashed.

28. In view of the disposal of the petitions, pending interlocutory applications, if any, shall stand dismissed.

(ANANT RAMANATH HEGDE)
JUDGE

KVK
List No.: 1 Sl No.: 37