



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 2ND DAY OF SEPTEMBER, 2025

**BEFORE
THE HON'BLE MRS JUSTICE M G UMA**

**CRIMINAL PETITION NO. 201027 OF 2025
(482(Cr.PC)/528(BNSS))**

BETWEEN:

SRI MANIKANTH RATHOD
AGED ABOUT 31 YEARS,
C/O NARENDRA RATHOD,
H.NO.1-1-42, CHANDRIKA ROAD,
GURMITKAL YADGIR,
KARNATAKA – 585 214

...PETITIONER

(BY SRI ARUN SHYAM, SENIOR COUNSEL FOR
SRI BASAVAKIRAN G. R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH CHITTAPURA PS,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA BUILDING,
KALABURAGI –585 103.
2. SRI HANAMANTH S/O MAHADEVAPPA SOMAN,
AGED ABOUT 49 YEARS,
SANKNOOR VILLAGE,
INDIRANAGAR, CHITTAPUR, DIST. KALABURAGI,
KARNATAKA -585 101.

...RESPONDENTS





(BY SRI SIDDALING P. PATIL, ADDL. SPP AND
SRI GOPALKRISHNA B. YADAV, HCGP FOR R1;
R2 SERVED)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, PRAYING TO ALLOW THIS CRIMINAL PETITION AND QUASH THE FIR AND COMPLAINT CRIME NO.0059/2025 FOR THE ALLEGED OFFENCES UNDER SECTIONS 352 AND 353(2) OF THE BNS 2023 AND REGISTERED BY THE RESPONDENT CHITTAPUR PS ON THE FILE OF LEARNED CJ (J.D) AND JMFC CHITTAPUR, GULBARGA IN THE INTEREST OF JUSTICE AND EQUITY (PRODUCED AT DOCUMENT NO. 1 AND GRANT SUCH OTHER RELIEF OR FURTHER RELIEFS AS THIS COURT MAY DEEM FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE M G UMA

ORAL ORDER

(PER: HON'BLE MRS JUSTICE M G UMA)

The petitioner being the accused in Crime No.59/2025 of Chittapur Police Station, now pending on the file of the learned Civil Judge (J.D.) and JMFC, Chittapur, registered for the offences punishable under Sections 352, 353(2) of the Bharatiya Nyaya Sanhita, 2023 [for short, 'the BNS, 2023'] is seeking to quash the criminal proceedings initiated against him.



2. Heard Sri Arun Shyam, learned Senior Counsel appearing for Sri Basavakiran G.R., learned counsel for the petitioner and Sri Siddaling P. Patil, learned Additional State Public Prosecutor for respondent No.1 – State. Respondent No.2 though served, has remained un-represented. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the criminal proceedings initiated against the petitioner is liable to be quashed invoking inherent power under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023?"

My answer to the above point is in the '**Affirmative**' for the following:

REASONS

4. The informant, one Hanamanth lodged the first information against the petitioner alleging that, the



petitioner had uploaded a speech in his Facebook account referring to the Cabinet Minister of Karnataka Government as 'Akki Kalla' and thereby insulted him. Hence, he requested the police to register the case and to initiate legal action. Accordingly, FIR came to be registered.

5. It is stated that, the petitioner and Minister referred to in the first information are political rivals. Admittedly, the Minister who is said to have been insulted, has not filed any first information. Simply because the political rivals refer one another as thief, cannot be a ground for instituting criminal case, which *prima facie* violates the fundamental right under Section 19(1) of the Constitution of India. *Prima facie*, it appears that, the registration of FIR is politically motivated. Judicial proceeding is used as a tool to gain advantage. Hence, I am of the opinion that initiation of criminal proceedings is nothing but abuse of process of law, and the same is liable to be quashed. In view of the above, I answer the above point in the 'affirmative' and proceed to pass the following:



ORDER

- (i) The Criminal Petition is ***allowed***.
- (ii) Criminal proceedings initiated against the petitioner in Crime No.59/2025 of Chittapur Police Station, pending on the file of learned Civil Judge (J.D.) & JMFC, Chittapur, for the offences punishable under Sections 352 and 353(2) of the BNS, 2023 is hereby ***quashed***.

**Sd/-
(M G UMA)
JUDGE**

SWK
List No.: 1 Sl No.: 44
CT-PK