HC-KAR

NC: 2026:KHC:58488
CRL.P No. 7136 of 2025

CNR: KAHC010329562025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 7136 OF 2025 (482(Cr.PC) / 528(BNSS)-)

BETWEEN:

1. SHUBHA
(SHUBA RAI AS PER FIR)
D/O M. SHRIDHAR RAL,
AGED ABOUT 35 YEARS,
R/AT C/O KAMALAKSHA,
2-46/5, SHIVAGIRI HOUSE,
SURYA ROAD,
BELTHANGADY TALUK,
UJIRE 574 240.

2. MOHAN,
(MOHAN BOLANGADI AS PER FIR)
S/O BABU NAYAK,
AGED ABOUT 58 YEARS,
R/AT 1-171/73,
SHREE SAI SADANA,
MUGRODI ROAD,
BHATRA KUMERU
MANAGLORE, D.K-575 008

...PETITIONERS

(BY SRI. KETHAN KUMAR.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY BELTHANGADY POLICE STATION
REPRESENT BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX,
BENGALURU-560 001.

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2. THANUSH M. SHETTY,
S/O MOHAN SHETTY,
AGED 24 YEARS
R/AT SHREE KRISHNA,
NEAR ANUGRAHA SCHOOL,
UJIRE, BELTHANGADY TALUK,
DAKSHUNA KANNADA 574 240.

…RESPONDENTS

(BY SRI. RANJITH KUMAR.N., HCGP FOR R1;
R2-SERVED)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING QUASH THE FIR REGISTERED AGAINST THE PETITIONERS (ACCUSED NO.1 AND), IN CRIME NO.FIR IN CRIME NO.26/2025 AGAINST PETITIONERS BY THE RESPONDENT POLICE (BELTHANGADI POLICE STATION) PENDING BEFORE PRINCIPAL CIVIL JUDGE AND JMFC COURT BELTHANGADI D.K DISTRICT, FOR THE O/P/U/S 353(2) OF BNS, 2023 VIDE ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioners are before this court seeking for the following reliefs:

a) Quash the FIR registered against the petitioners (Accused No.1 and), in Crime No. FIR in Crime No.26/2025 against petitioners by the respondent police (Belthangadi Police Station) pending before Principal Civil Judge and JMFC court Belthangadi D.K District, for the o/p/u/s 353(2) of BNS, 2023 vide Annexure-A.

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b) *Pass any other Order(s) or Direction(s) as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice*

2. Respondent No. 2 lodged a complaint on 24.04.2025, on the basis of which Crime No. 26/2025 was registered by Beltangadi Police Station for the offence punishable under Section 353(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'the BNS'). The petitioners have approached this Court seeking to quash the said FIR.

3. The allegations made in the complaint are as under:

ಗೆ
ಉಪ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು,
ಬೆಳ್ತಂಗಡಿ ಪೊಲೀಸ್ ಠಾಣೆ,
ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ,
ಕರ್ನಾಟಕ ರಾಜ್ಯ..
ದಿನಾಂಕ:: 24/04/2025

ಇಂದ:

ಶ್ರೀ ಕೃಷ್ಣ, ಅನುಗ್ರಹ ಶಾಲೆ ಬಳಿಗೆ,
ಉಜಿರೆ, ಬೆಳ್ತಂಗಡಿ ತಾ. ದ.ಕ.-574240

ಮಹೋದಯರೇ,

ವಿಷಯ: ಆನ್‌ಲೈನ್ ಮಾನಹಾನಿ, ಸಮುದಾಯದ ವಿರುದ್ಧದ ಪ್ರಚರಣೆ ಮತ್ತು ಸೈಬರ್ ಕಿರುಕುಳದ ವಿರುದ್ಧ ತಕ್ಷಣದ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ ವಿನಂತಿ

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ನಾನು, ತನುಷ್ ಎಂ ಶೆಟ್ಟಿ, ಉಜಿರೆ ನಿವಾಸಿ ಹಾಗೂ ದಕ್ಷಿಣ ಕನ್ನಡದ ವಿದ್ಯಾರ್ಥಿ ನಾಯಕರಾಗಿಯೂ ಸಾಮಾಜಿಕ ಹೋರಾಟಗಾರನಾಗಿಯೂ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ವ್ಯಕ್ತಿ, ದಿನಾಂಕ 5 ಏಪ್ರಿಲ್ 2025ರಿಂದ ನಮ್ಮೇಲೆ ನಡೆಯುತ್ತಿರುವ ಹೆಣಸುಪಾಟಿ, ಸಂಚುಕೊಂಡ ಮಾನಹಾನಿಕರ ಆನ್‌ಲೈನ್ ದಾಳಿಗಳ ಬಗ್ಗೆ ಈ ಮೂಲಕ ದೂರು ನೀಡುತ್ತೇನೆ. ಈ ದುಷ್ಕೃತ್ಯದಲ್ಲಿ ಪ್ರಮುಖವಾಗಿ ಶುಭಾ ರೈ, ಹಾಗೂ ಮೋಹನ್ ಬೋಳಂಗಾಡಿ ಎಂಬುವವರು ನಿರ್ದಿಷ್ಟವಾಗಿ ಸಂಚು ರೂಪಿಸಿ, ನನ್ನ ಮಾನಹಾನಿ ಮಾಡುವುದು, ನನ್ನ ಸ್ನೇಹಿತೆಯರ ವೈಯಕ್ತಿಕತೆ ಉಲ್ಲಂಘಿಸುವುದು, ಹಾಗೂ ನನ್ನ ಮೇಲೆ ಅಪಾಯ ಉಂಟುಮಾಡುವ ನಿಟ್ಟಿನಲ್ಲಿ ಸಾಮಾಜಿಕ ಜಾಲತಾಣಗಳನ್ನು ಬಳಸಿಕೊಂಡಿದ್ದಾರೆ.

ಮೇಲ್ಕಂಡ ಆರೋಪಗಳು ಹಾಗೂ ಅಪರಾಧಗಳು ಹೀಗಿವೆ:

1. ಬದಲಾಯಿಸಿದ ಸುದ್ದಿ ಲೇಖನಗಳ ಹಂಚಿಕೆ:

ನನ್ನ ಹಾಗೂ ನನ್ನ ಸ್ನೇಹಿತೆಯರ ಫೋಟೊಗಳನ್ನು ಜೋಡಿಸಿ "ಬಲಾರ ಗರ್ಭಬಲವಂತದ ಗರ್ಭಪಾತ" ಎಂಬ ಖೋಟು ಆರೋಪಗಳೊಂದಿಗೆ ನಕಲಿ ಸುದ್ದಿ ಪತ್ರಿಕೆ ದೃಶ್ಯಗಳನ್ನು ಹರಡಲಾಗಿದೆ. ಈ ಎಲ್ಲ ಆರೋಪಗಳು ಸಂಪೂರ್ಣ ಸುಳ್ಳು ಹಾಗೂ ನಿರಾಧಾರವಾಗಿದೆ.

2. ಉದ್ದೇಶಪೂರ್ವಕ ಸಮುದಾಯ ದ್ವೇಷ ಪ್ರಚರಣೆ:

ಈ ಆಕ್ರಮಣದಲ್ಲಿ ಸಣ್ಣ ಪ್ರಯತ್ನವಾಗಿ "ಕ್ರೈಸ್ತ ಹುಡುಗಿ" ಎಂಬಂತೆ ತಪ್ಪಾಗಿ ಚಿತ್ರಿಸಿ, ನನ್ನನ್ನು ದ್ವೇಷದ ಕೇಂದ್ರಬಿಂದುವಾಗಿಸುವ ಪ್ರಯತ್ನ ನಡೆದಿದೆ, ಹೀಗೆ ಸಮಾಜದ ಶಾಂತಿಗೆ ಧಕ್ಕೆಯಾಗುವ ಪ್ರಯತ್ನವನ್ನು ಮಾಡಲಾಗಿದೆ.

3. ಖೋಟಾ ಸಾಮಾಜಿಕ ಜಾಲತಾಣ ಖಾತೆಗಳು ಮತ್ತು ಅಶ್ಲೀಲ ವಿಷಯ ಹಂಚಿಕೆ:

ನನ್ನ ಹೆಸರಿನ ತಪ್ಪು ರೂಪದೊಂದಿಗೆ ಫೇಸ್‌ಬುಕ್ ಹಾಗೂ ಇನ್‌ಸ್ಟ್ರಾಗ್ರಾಮ್ ಖಾತೆಗಳನ್ನು ತೆರೆಯಲಾಗಿದ್ದು, ಅಶ್ಲೀಲ ಚಾಟ್ ಗಳು, ಘೋರ ಅಪಮಾನಕಾರಿ ಚಿತ್ರಗಳು (ಪುರುಷರ ಅಂಗಾಂಗ ಚಿತ್ರಗಳು), ಹಾಗೂ ಅತ್ಯಾಚಾರ ಪೀಡಿತೆಯ ತಾಯಿಯ ರೂಪಾಂತರಿತ ಚಿತ್ರಗಳ ಹಂಚಿಕೆ ನಡೆದಿದೆ. ಇದು ಸೈಬರ್ ಕ್ರೈಂ ಮಾತ್ರವಲ್ಲದೆ ಮಾನವೀಯ ಮೌಲ್ಯಗಳ ಹೀನಾಯ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ.

4. 20ಕ್ಕೂ ಹೆಚ್ಚು ಖೋಟಾ ಖಾತೆಗಳ ಮೂಲಕ ಸಂಘಟಿತ ದಾಳಿ:

ಇನ್‌ಸ್ಟ್ರಾಗ್ರಾಮ್, ಫೇಸ್‌ಬುಕ್ ಮತ್ತು ಟ್ವಿಟ್ಟರ್‌ಲ್ಲಿ ಈ ಕಳ್ಳಚಿತ್ರಗಳು ಹಾಗೂ ಸುಳ್ಳು ಕಥಾನಕಗಳನ್ನು 20ಕ್ಕಿಂತ ಹೆಚ್ಚು ಖಾತೆಗಳು ಹರಡಿವೆ. ಇದರಿಂದ ನನ್ನ ಮೇಲೆ ಹಾಗೂ ನನ್ನ ಪರಿಚಯದ ಸ್ತ್ರೀಯರ ಜೀವನದ ಮೇಲೆ ಬಲವಾದ ನಷ್ಟ ಉಂಟಾಗಿದೆ.

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5. ಮೋಹನ್ ಬೋಳಂಗಾಡಿಯು ಯೂಟ್ಯೂಬ್‌ನಲ್ಲಿ ಹಾಕಿರುವ ಮಾನಹಾನಿಕರ ವಿಡಿಯೋಗಳು:

ಸ್ವತಹವನ್ನು "ಕ್ರಿಮಿನಲ್ ಪತ್ರಿಕೋದ್ಯಮಿ" ಎಂದು ಕರೆಯುತ್ತಾ ಈ ವ್ಯಕ್ತಿಯು ಕೆಳಕಂಡ ಸುಳ್ಳು ಆರೋಪಗಳನ್ನು ವಿಡಿಯೋಗಳಲ್ಲಿ ಹಂಚಿದ್ದಾರೆ:

- *ಬಲಾತ್ಕಾರ, ಗರ್ಭಪಾತಕ್ಕೆ ಬಲವಂತಗೊಳಿಸಿದ ಆರೋಪ*
- *Sowjanya ಪ್ರಕರಣಕ್ಕೆ ನನ್ನ ಸಂಬಂಧವನ್ನು ಕೃತಕವಾಗಿ ಜೋಡಿಸಿ ನನ್ನ ಚಿಕ್ಕಪ್ಪ ಮಹೇಶ್ ಶೆಟ್ಟಿ ತಿಮ್ಮರೋಡಿ ಹೆಸರನ್ನು ಬಳಸಿ ಮಾನಹಾನಿ*
- *ಕ್ರೈಸ್ತ ವಿವಾಹ ಕಾಯ್ದೆಯಿಂದ ಪಾರಾಗುತ್ತಿರುವಂತೆ ತೋರಿಸುವ ಸುಳ್ಳು*
- *ನಾನು ಹಿಂದು ದೇವಾಲಯಗಳನ್ನು ನಿಂದಿಸುತ್ತೇನೆ ಎಂದು*
- *POCSO ಕಾಯ್ದೆ ಅನ್ವಯ ನನ್ನ ಮೇಲೆ ಬಾಲಕಿ ಮೇಲೆ ಅತ್ಯಾಚಾರ ಆರೋಪ*

6. ತಪ್ಪು ರಾಜಕೀಯ ಸಂಬಂಧದ ಆರೋಪ:

ನಾನು INTUC ಸದಸ್ಯನಾಗಿದ್ದು ಅನಿಯಮಿತ ಚಟುವಟಿಕೆಗಳಲ್ಲಿ ತೊಡಗಿರುವೆನೆಂದು ಸುಳ್ಳು, ಆರೋಪ ಹಾಕಲಾಗಿದೆ.

7. "ಪ್ರೊಫೆಸರ್ ಪ್ರವೀಣ್ ಲೋಬೋ" ಖಾತೆಯ ಹಿಂದಿರುವ ಶಂಕಿತ ವ್ಯಕ್ತಿ ಶುಭಾ ರೈ:

ಈ ಪ್ರಚರಣೆಯಲ್ಲಿ ಅತ್ಯಂತ ಸಕ್ರಿಯ ಖಾತೆಯೊಂದರ ಹಿಂದೆ ಶುಭಾ ರೈ ಇದ್ದಾರೆ ಎಂಬ ಶಕ್ತಿಶಾಲಿ ಅನುಮಾನವಿದೆ. ಇದನ್ನು ಕೂಡ ತನಿಖೆಗೆ ಒಳಪಡಿಸಲು ವಿನಂತಿ.

4. The allegations made in the complaint are that respondent No. 2, Tanish M. Shetty, a resident of Ujire, has been subjected to online harassment and a campaign of defamation through various social media platforms. The complaint alleges that, from

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05.04.2025 onwards, certain persons, including the petitioners, have been circulating false and defamatory material against respondent No. 2 and his friends.

5. The complaint further alleges that photographs of respondent No. 2 and his friends were combined with fabricated news reports containing false allegations of forced abortion. It is also alleged that respondent No. 2 was falsely portrayed as a Christian and that such portrayal was intended to make him the target of hostility.

6. The complaint alleges that fake Facebook and Instagram accounts were created using a name similar to that of respondent No. 2. Through such accounts, obscene chats, insulting images and morphed photographs were allegedly circulated. The complaint also refers to the circulation of such material through more than twenty social media accounts, including Instagram, Facebook and Twitter.

7. The complaint further alleges that videos uploaded on YouTube by one of the persons named therein contained false allegations against respondent No. 2, including allegations of rape, forced abortion, involvement in the Soujanya case, insulting Hindu

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temples and offences under the POCSO Act. It is also alleged that false claims were made regarding respondent No. 2's political associations and activities.

8. The complaint refers to a social media account operating under the name 'Professor Praveen Lobo' and expresses suspicion that one of the persons named in the complaint was behind the said account. Respondent No. 2 sought investigation into the alleged online campaign and the persons responsible for it.

9. The petitioners seek quashing of the FIR on the ground that the allegations arise out of the dispute surrounding the Soujanya murder case. Learned counsel for the petitioners submits that two groups have emerged in connection with the said case and that both groups have been posting messages against each other on social media. It is contended that the complaint has been lodged out of vengeance, as the petitioners support the Dharmasthala temple.

10. The submission of learned counsel for the petitioners is that the allegations must be viewed in the context of the ongoing dispute between the two groups and

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that the petitioners cannot be prosecuted merely for expressing their views or participating in the exchange of messages on social media.

11. Heard learned counsel for the petitioners and perused the papers.

12. The principal question for consideration is whether the allegations made in the complaint, when taken at face value, disclose the ingredients of an offence under Section 353(2) of the BNS and whether the FIR warrants interference at this stage.

13. Section 353(2) of the BNS deals with the making, publishing or circulating of statements, false information, rumours or reports, including through electronic means, where such conduct is intended to promote or is likely to promote enmity, hatred or ill-will between different groups on grounds such as religion, race, language or community, or is likely to disturb public tranquillity.

14. The allegations in the complaint are not confined to an exchange of opinions or criticism between two groups. The complaint specifically alleges the circulation of fabricated news reports, false allegations, morphed photographs and other material

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through multiple social media accounts. It further alleges that respondent No. 2 was falsely portrayed as belonging to a particular religious community and that the material was circulated in a manner intended to provoke hostility against him.

15. The complaint also refers to the circulation of allegations connecting respondent No. 2 with serious criminal acts and to the use of social media accounts to disseminate such allegations. These allegations, when considered together, raise a question as to whether the material was circulated merely as part of a debate between two groups or whether it was circulated with the intention of promoting enmity, hatred or ill-will between groups on grounds covered by Section 353(2) of the BNS.

16. The contention that two groups have been posting messages against each other does not, by itself, render the alleged conduct lawful or take it outside the scope of the penal provision. The existence of a dispute between groups does not confer immunity from criminal liability where the statements or material circulated are alleged to satisfy the ingredients of an offence. Each act of publication or

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circulation must be examined on its own facts and in the light of the applicable statutory requirements.

17. Similarly, the contention that the petitioners support the Dharmasthala temple and that the complaint has been lodged out of vengeance is a matter of defence. Such a contention cannot, by itself, justify quashing the FIR when the complaint contains specific allegations which, if established, may attract the offence alleged.

18. At this stage, the Court is not required to determine whether the allegations made in the complaint are true or whether the petitioners are responsible for the alleged publications. The issue is whether the allegations disclose a prima facie case requiring investigation. The complaint refers to the nature of the material allegedly circulated, the social media platforms and accounts through which it was disseminated, and the alleged attempt to portray respondent No. 2 in a manner that could provoke hostility on grounds of religion or community. These allegations require investigation.

19. Whether the petitioners were in fact responsible for creating or operating the social media accounts, whether the alleged posts were published or

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circulated by them, whether the material was false, and whether the requisite intention or likelihood contemplated under Section 353(2) of the BNS is established are matters to be determined on the basis of the material collected during investigation.

20. The identity of the persons operating the alleged accounts and the source of the publications cannot be conclusively determined in proceedings seeking quashing of the FIR. These are factual matters which require investigation, including examination of the relevant social media accounts, digital records and other material.

21. The allegations in the complaint, taken at face value, disclose a case requiring investigation into the alleged circulation of false and inflammatory material through social media. The petitioners have not established that the FIR is liable to be quashed at this stage.

22. Accordingly, this Court finds no ground to interfere with the registration of Crime No. 26/2025 by exercising its jurisdiction under Section 482 of the Code of Criminal Procedure.

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23. In that view of the matter, this Court passes the following:

ORDER

i. Criminal petition is dismissed.

ii. Respondent No.1 is directed to carry out necessary investigation as regards the allegations and counter allegations made by the petitioner and submit a final inquiry report at the earliest.

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JUDGE

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