



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO. 7272 OF 2025

BETWEEN:

ALTHAF HUSSAIN YANE ALTHAF MOOSA,
S/O LATE MOOSA,
AGED ABOUT 39 YEARS,
D.NO.8-3/3, AMNNA VILLA (A),
BANDYKOTYA ROAD, BASTIPADU,
ULLAL VILLAGE, MANGALORE CITY,
KARNATAKA - 575 020.

...PETITIONER

(BY SRI. TALHA ISMAIL BENGRE.,ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH, ULLAL P.S,
REPRESENTED BY SPP(STATE PUBLIC PROSECUTOR),
HIGH COURT BUILDING,
BANGALORE - 560 001.

2. ABDUL RAUOF C M,
S/O B. MOHAMMED,
AGED ABOUT 33 YEARS,
C M COTTAGE BELMADOTA,
DERLAKATTE, MANGALURU CITY,
KARNATAKA - 575 018.

...RESPONDENTS

(BY SMT. RASHMI JADHAV., ADDITIONAL SPP FOR R1;
V/O DATED 21.08.2025 NOTICE TO R2 IS DEFERRED
FOR TIME BEING)





THIS CRL.P IS FILED U/S 482 OF CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE FIR BEARING CR.NO.92/2020, 153(A) AND 505(2) OF IPC, WHICH IS GOT CHANGED AND ALTERED IN THE CHARGE SHEET FOR THE OFFENCES P/U/S 153 OF IPC, IN C.C.NO.1789/2020 WHICH IS PENDING IN THE 7TH JMFC AT MANGALORE, D.K.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed by accused No.1/petitioner No.1 seeking quashing of the proceedings in C.C.No.1789/2020 for the offence punishable under Section 153 of the Indian Penal Code, 1860. The proceedings arose pursuant to a complaint lodged by respondent No.2, on the basis of which Crime No.92/2020 was registered against the petitioner for the offences punishable under Sections 153A and 505(2) of the IPC.

2. The case of the prosecution is that the petitioner allegedly circulated an audio clip in a WhatsApp group wherein he criticized the Government, the local MLA, and the manner in which the State Authorities were handling the COVID-19 pandemic. It is further alleged that the petitioner spread false



information thereby creating confusion among the public. Upon investigation, the Investigating Officer filed a charge sheet restricting the accusation to an offence punishable under Section 153 IPC.

3. The petitioner has sought quashing of the proceedings on the ground that, even if the entire charge sheet material is accepted as true, the ingredients of the offence under Section 153 IPC are not made out. Learned counsel for the petitioner has drawn attention to the translated audio clip, which forms part of the charge sheet, and has read out its contents to demonstrate that the allegations, even if taken at their face value, do not constitute any offence. It is therefore contended that allowing the prosecution to continue would amount to an abuse of process of law.

4. In support of his submissions, learned counsel for the petitioner has relied upon the following judgments:

- i. The judgment dated 30.09.1998 in the case of Aroon Purie Vs. H.L. Varma and Another;
- ii. Dr. Anbumani Ramadoss Vs. State of Tamil Nadu dated 08.03.2021;



iii. The judgment dated 22.01.2025 was passed in Crl.P.No.2502/2024 in the case of Anantkumar dattatreya hedge Vs. State of Karnataka and Another;

iv. Javed Ahmad Hajam Vs. State of Maharashtra and Another dated 07.03.2024 passed in Crl.A.No.886/2024.

5. *Per contra*, learned Additional SPP, placing reliance on the very same translated audio version, contends that during the initial phase of the COVID-19 pandemic, the petitioner deliberately misled the public and attempted to give a communal colour to the issue by making provocative statements in the said audio recording. She submits that such statements had the effect of disturbing public order and harmony at a time when the entire State was grappling with a grave health crisis.

6. Learned Additional SPP further points out that despite service of summons in August 2024, the petitioner has failed to appear before the trial Court. Owing to his non-appearance, a Non-Bailable Warrant has been issued, which the petitioner continues to evade. Attention of this Court is also invited to the antecedents of the petitioner, it being contended



that he is involved in several other criminal proceedings. It is her submission that the audio clipping in question contains direct and scathing remarks against the then Minister and the concerned Government authorities and, therefore, cannot be treated as mere criticism of governance. On these grounds, she urges that the petitioner is bound to face trial and that this is not a fit case for exercise of inherent jurisdiction under Section 482 of Cr.P.C. to quash the proceedings at the threshold.

7. Having heard the learned counsel for both sides, this Court has carefully considered the rival submissions and examined the judgments relied upon by the learned counsel for the petitioner. On a close scrutiny, this Court is of the opinion that none of the authorities cited by the petitioner are applicable to the factual matrix of the present case. The judgments relied upon pertain to circumstances where the alleged statements did not prima facie disclose the ingredients of the offence or where continuation of the prosecution was held to be an abuse of process of law. However, in the present case, the allegations made, coupled with the translated audio clipping forming part of the charge sheet, prima facie disclose material warranting a full-fledged trial. Therefore, this Court is



of the considered view that the petitioner cannot derive any benefit from the judgments pressed into service.

8. The gist of the prosecution case, as borne out from the charge sheet material, is that the petitioner, through audio messages circulated on WhatsApp, not only made scathing allegations against the State Authorities but also directly attacked the then MLA of the local constituency. The prosecution contends that the petitioner created panic among the public by alleging, in the audio clipping, that the MLA was misusing the COVID-19 situation to make unlawful financial gains. It is alleged that the petitioner stated that, without conducting proper inspections, patients were being forcibly subjected to treatment and that a sum of Rs.40,000/- was being collected for each such treatment. The translated audio recording, which forms part of the charge sheet material, also discloses the use of derogatory remarks against members of other communities. According to the prosecution, these statements were deliberately made to arouse disaffection against the authorities and to disturb public peace during an already volatile period.



9. On consideration of the material placed on record, this Court is of the prima facie view that there is sufficient ground to proceed against the petitioner at this stage. Section 153A IPC is attracted where any person, by words spoken or written, or by signs or otherwise, makes an attempt with the intention of promoting enmity or provoking disharmony, which is likely to result in disturbance of public tranquillity. This Court cannot lose sight of the magnitude of panic that prevailed during the first phase of the COVID-19 pandemic. Whether the audio recording released by the petitioner was made recklessly, maliciously, or with total disregard for the prevailing crisis, is a matter that necessarily requires determination in a full-fledged trial.

10. Upon a holistic reading of the translated audio clip, this Court finds that there is material to support the prosecution's contention that the petitioner's statements were capable of creating panic and disturbing communal harmony. The contention of the petitioner that the charge sheet materials do not disclose the commission of any offence cannot be accepted at this juncture. The Investigating Officer, after due investigation, has laid the charge sheet, and the prosecution



has demonstrated that the material collected is sufficient to require the petitioner to face trial.

11. In light of the above discussion, this Court is not persuaded to exercise its inherent jurisdiction under Section 482 of Cr.P.C. to interfere with the proceedings. The translated audio clipping, forming part of the charge sheet, along with the FSL report obtained by the Investigating Officer confirming the voice of the petitioner, constitute prima facie material warranting trial. Therefore, this Court is of the considered view that no indulgence can be granted at this stage.

12. Accordingly, the Criminal Petition stands dismissed as being devoid of merits. All pending applications, if any, also stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 SI No.: 4