



NC: 2023:KHC-D:7644
CRL.P No. 100541 of 2020
C/W CRL.P No. 100540 of 2020, CRL.P No.
100542 of 2020, CRL.P No. 100543 of 2020

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 24TH DAY OF JULY, 2023

BEFORE

THE HON'BLE MR JUSTICE V.SRISHANANDA
CRIMINAL PETITION NO. 100541 OF 2020 (482-)



C/W

CRIMINAL PETITION NO. 100540 OF 2020

CRIMINAL PETITION NO. 100542 OF 2020

CRIMINAL PETITION NO. 100543 OF 2020

IN CRIMINAL PETITION NO.100541/2020

BETWEEN:

LOK SHIKSHAN TRUST
SAMYUKTA KARNATAKA PRESS
REP. BY SRI. A.C. GOPAL,
S/O. ARAGUDAGI CHIDAMBER BHAT,
AGE: 62 YEARS, OCC: RETD.,
SAMYUKTA KARNATAKA NEWS PAPER,
R/O: KOPPIKAR ROAD, HUBBALLI,
DIST: DHARWAD.

...PETITIONER

(BY SRI. K.L. PATIL, ADVOCATE)

AND:

DAVALSAB S/O. MALLIKSAB NADAF,
AGED ABOUT 37 YEARS, OCC: ADVOCATE,
RESIDING AT: HARTHI VILLAGE,
TQ AND DIST: GADAG -582101.

...RESPONDENT

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF
CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C.
NO.845/2012 ON THE FILE OF COURT OF THE I ADDL. CIVIL JUDGE
AND JMFC-I COURT, GADAG, REGISTERED FOR THE OFFENCES
PUNISHABLE UNDER SECTION 499, 109 AND 500 OF IPC, IN SO FAR
PETITIONER IS CONCERNED.





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IN CRIMINAL PETITION NO.100540/2020

BETWEEN:

D.G. LAXMAN S/O. DURGTOTA GUNDURAO,
AGE: 67 YEARS, OCC: EX.EDITOR,
R/O: JOSHI CHAMBER, 2ND FLOOR,
NEAR JOSHI PETROL PUMP,
LAMINGTON ROAD, HUBBALLI, DHARWAD.

...PETITIONER

(BY SRI. K.L. PATIL, ADVOCATE)

AND:

DAVALSAB S/O. MALLIKSAB NADAF,
AGED ABOUT 37 YEARS, OCC: ADVOCATE,
RESIDING AT: HARTHI VILLAGE,
TQ AND DIST: GADAG -582101.

...RESPONDENT

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

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IN CRIMINAL PETITION NO.100542/2020

BETWEEN:

RAJEEVLOCHAN H. KIDIYOOR S/O. HARISHRAO,
AGE: 65 YEARS, OCC: EDITOR,
R/O: OFFICE OF NAVODAYA NEWS PAPER,
HEALTH CAMP, GADAG-BETAGERI,
GADAG.

...PETITIONER

(BY SRI. K.L. PATIL, ADVOCATE)

AND:

DAVALSAB S/O. MALLIKSAB NADAF,
AGED ABOUT 37 YEARS, OCC: ADVOCATE,
RESIDING AT HARTHI VILLAGE,



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TALUK AND DIST: GADAG
582101.

...RESPONDENT

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN C.C. NO.845/2012 ON THE FILE OF COURT OF THE I ADDL. CIVIL JUDGE AND JMFC-I COURT, GADAG, REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTION 499 AND 500 & 109 OF IPC, IN SO FAR PETITIONER (A-3) IS CONCERNED.

IN CRIMINAL PETITION NO.100543/2020

BETWEEN:

1. MANJUNATH S/O. BASAPPA ABBIGERI,
AGE: 66 YEARS, OCC: EDITOR,
R/O: B.M.ALUR COMPOUND,
NEW BUS STAND ROAD, GADAG.
2. M.G. KULKARNI S/O. GUNDURAO,
AGE: 65 YEARS, OCC: REPORTER,
R/O: B.M.ALUR COMPOUND,
NEW BUS STAND ROAD, GADAG.

...PETITIONERS

(BY SRI. K.L. PATIL, ADVOCATE)

AND:

DAVALSAB S/O. MALLIKSAB NADAF,
AGED ABOUT 37 YEARS, OCC: ADVOCATE,
RESIDING AT HARTHI VILLAGE,
TALUK AND DIST: GADAG -582101.

...RESPONDENT

(BY SRI. SADIQ N. GOODWALA, ADVOCATE)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., SEEKING TO QUASH THE ENTIRE PROCEEDINGS INCC NO.845/2012 ON THE FILE OF COURT OF THE 1ST ADDL CIVIL JUDGE AND JMFC COURT, GADAG, REGISTERED FOR THE OFFENCES PUNISHABLE U/S 499 AND 500 AND 109 OF IPC, IN SO FAR THESE PETITIONERS/ACCUSED NO.2 AND 10 ARE CONCERNED.



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THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

These four petitions are filed under Section 482 of
Cr.P.C. with the following prayers:

"In Crl.P.No.100541/2020

"To quash the entire proceedings in C.C. No.845/2012 on the file of Court of the I Addl. Civil Judge and JMFC-I Court, Gadag, registered for the offences punishable under Sections 499, 109 and 500 of IPC, in so far petitioner is concerned.

In Crl.P.No.100540/2020

To quash the entire proceedings in C.C. No.845/2012 on the file of court of the I Addl. Civil Judge and JMFC-I Court, Gadag, registered for the offences punishable under Sections 499, 500 & 109 IPC, in so far petitioner is concerned.

In Crl.P.No.100542/2020

To quash the entire proceedings in C.C. No.845/2012 on the file of court of the I Addl. Civil Judge and JMFC-I Court, Gadag, registered for the offences punishable under Sections 499 and 500 & 109 of IPC, in so far petitioner (A-3) is concerned.

In Crl.P.No.100543/2020

To quash the entire proceedings in CC No.845/2012 on the file of court of the 1st Addl Civil Judge and JMFC Court, Gadag, registered for the offences punishable U/s 499 and 500 and 109 of IPC, insofar these petitioners/accused No.2 and 10 are concerned."



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2. In all these four petitions, affidavits are filed by the petitioners who represent Lok Shikshan Trust, 'Samyukta Karnataka', 'Hosadiganta', 'Navodaya' and 'Kittur Karnataka' daily newspapers.

3. Copies of the affidavits are furnished to the counsel for the respondent who is the complainant before the trial Court.

4. In respect of an unfortunate and ugly incident said to have taken place in the precincts of City Civil Court, Bengaluru in the year 2012, there were several people who were injured comprising of advocates, police personnel and members of print and electronic media and few general public.

5. In regard to the said incident, there was a resolution passed by the advocates' associations across the State whereby it was resolved that journalists who have been booked under different provisions of IPC in different police station limits across the State shall not be



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defended by any advocates. The issue became serious and it was also echoed in assembly. One of the Members of the legislative assembly termed the resolution passed by the advocates' association as 'Taliban Mentality'. In the guise of reporting the said discussion, the print media have used unparliamentarily words in their publications including terming the advocates' fraternity at large as 'Goonda Mentality'. Some papers termed the resolution following the statement made by one of the Members of the Legislative Assembly as 'Taliban Mentality' by repeating the words spoken by Member of Legislative Assembly.

6. Thereafter, one of the advocates practicing in Gadag District namely Davalsab Nadaf filed a private complaint against the persons who have published such news items, under Section 200 of Cr.P.C. seeking action against them. Cognizance of the offences was taken by jurisdictional Magistrate and matter is pending in C.C.No.845/2012. These four petitioners have sought for



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quashing of the pending criminal proceedings against them.

7. Sri.K.L.Patil, learned counsel representing the petitioners herein contended that there was no intention to malign the advocate community at large and while reporting what transpired in the legislative assembly, some of the reporters might have reported in excess beyond their guidelines of reporting and in anxiety some unparliamentarily words have been used in their reports unintentionally and therefore they have expressed remorse and tendered unconditional apology in the form of affidavits that of the petitioners which can be accepted and the matter be brought to logical end insofar as petitioners are concerned.

8. Further, the petitioners who are present before the Court assure that they would be careful in not repeating such offences in future.



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9. Sri.Sadiq N. Goodwala learned counsel representing the respondent contended that the affidavits no doubt tender unconditional apology, but mere quashing of pending proceedings should not encourage the petitioners and similarly placed journalists not to attack the advocates' committee at large in general, in future and suitable directions be issued in this regard.

10. In view of the above factual aspects, this Court perused the affidavits filed by the petitioners meticulously and also considered the submissions made by four of the petitioners who are present in the Court physically and one of the petitioners namely Sri.Rajeevlochan H Kidiyoor of Navodaya newspaper through video conference. They assure the Court in unequivocal terms that they would be careful in future in publishing such news item/s and they would not repeat such things in future.

11. It is often said that true remorse and subsequent conduct of a person is the best solution for a sin/misdeed.



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12. Taking note of the fact that the incident is of the year 2012 and the matter is now pending before the JMFC, Gadag, placing the unconditional apology in the form of affidavits placed by the petitioners, this Court is of the considered opinion that pending criminal proceedings as against the petitioners can be brought to logical end.

13. It is also to be noted that the journalists and print and electronic media cater to the needs of the general public by publishing the important news items and they owe a social responsibility to maintain peace and tranquility. The reports carried out in the print and electronic media as a news item is required to be strictly in accordance with the guidelines issued by the Press Council of India.

14. Using the words 'Taliban', 'Goonda', 'Pundatike' are *per se* intolerable and beyond the scope of the guidelines issued by the Press Council of India. Each of these publications are having the post of Chief Editor. It is surprising that the without the supervision of the Chief



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Editor, no news item could be published in their respective publications and news having been published presupposes that Chief Editor has endorsed such news item.

15. It is often said that the print and electronic media/journalists form 4th pillar of democracy. If they claim so, they should work and act in that regard with utmost care and caution. Publication of news item has got wide implication on the society at large.

16. Even today, major section of the society believe that the news item published in the newspaper as gospel truth without even looking for corroboration or verification. When such is the confidence that has been reposed by the general public of the country in media, the role of the persons who handle print and electronic media are required to show utmost restraint in using unparliamentarily or defamatory words while reporting the news item.



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17. It is expected that people who are managing the print and electronic media, Editors/Chief Editors bestow their best attention in achieving the said object.

18. Members of the print and electronic media are expected to carry news item in a most decent manner. Publication of news items which are referred to in *extenso* in the complaint by the respondent *prima facie* do not fulfill such requirements. It is high time that the Courts are required to bestow its supervisory jurisdiction on the print and electronic media as well, when such occasions demand for it.

19. Taking note of the contents of the affidavit and the assurance given by the petitioners before the Court, this Court would hope and trust that the petitioners in particular and print and electronic media in general would be careful in publishing news item/s in future and they would exercise necessary restraint while preparing news item/s so as to not to harm the dignity of all concerned



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and would maintain prudent attitude while reporting the news item/s.

20. Taking note of the fact that the matter is pending for more than ten years before the trial Magistrate not progressed for one reason or the other, in view of the remorse being expressed by the petitioners in the form of affidavits, this Court deem it fit to accept the affidavits and quash the pending proceedings insofar as petitioners are concerned. Accordingly, following order is passed:

ORDER

Placing the affidavits on record, criminal petitions are allowed.

The pending proceedings in C.C.No.845/2012 on the file of the JMFC, Gadag insofar as petitioners are concerned, are hereby quashed.

Sd/-
JUDGE