

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF OCTOBER, 2021

PRESENT

THE HON'BLE MR.RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.7026 OF 2021(GM-RES-PIL)

BETWEEN:

H NAGABHUSHAN RAO
S/O KRISHNAMURTHY RAO
AGED ABOUT 63 YEARS
RA/T 33, 1ST FLOOR, 6TH MAIN
J P NAGAR, 1ST PHASE
BANGALORE 560 078

...PETITIONER

(BY SMT. DEEPASHREE, ADVOCATE FOR
SRI.NAGENDRA NAIK, ADVOCATE)

AND:

1. MINISTRY OF INFORMATION AND BROADCASTING
ROOM NO. 552, A WING
SHASTRI BHAWAN, NEW DELHI-110001
REPRESENTED BY ITS SECRETARY

2. COMMISIONER OF POLICE
BANGALORE CITY
NO.2, ALI ASKER ROAD,

VASANTH NAGAR, BENGALURU
KARNATAKA-560051

3. TV9 KARNATAKA PVT LTD
NO. 13/1, RHENIUS STREET
OPPOSITE TO HOCKEY STADIUM
RICHMOND TOWN, BANGALORE-560025
REPRESENTED BY ITS MANAGING DIRECTOR

4. SUVARNA
NO. 36, SHIVANANDA CIRCLE
OPPOSITE TO MALLIGE HOSPITAL
CRESCENT ROAD, BANGALORE-560001
REPRESENTED BY ITS MANAGING DIRECTOR

5. PUBLIC TV KANNADA
KANNADA NEWS, 4TH FLOOR
TTMC, BMTC BUILDING, YESHWANTHPUR CIRCLE
YESHWANTHPUR, BENGALURU 560022
REPRESENTED BY ITS MANAGING DIRECTOR

6. DIGVIJAY T V
3, LAL BAGH MAIN ROAD,
DODDAMAVALLI, HALASURU
BENGALURU, KARNATAKA-560027
REPRESENTED BY ITS MANAGING DIRECTOR

7. BTV NEWS CHANNEL
NO. 32/1/2, CRESCENT TOWER
NEXT TO GOLD FINCH HOTEL AND HIGH GROUND
CRESCENT ROAD, BANGALORE 560001
REPRESENTED BY ITS MANAGING DIRECTOR

8. NEWS 18 KANNADA
4TH FLOOR, SILVER JUBILEE BLOCK
CSI COMPOUND, UNITY BUILDING
3RD CROSS, MISSION ROAD,
BENGALURU, KARNATAKA 560027
REPRESENTED BY ITS MANAGING DIRECTOR

9. KASTURI NEWS CHANNEL
KASTURI MEDIAS PVT LTD
NO. 12 AND 12/1, KASTURBA ROAD
SHANTALANAGAR, BANGALORE-560001
REPRESENTED BY ITS MANAGING DIRECTOR

10. TV5 NEWS CHANNEL
130, LOOP ROAD, KUMARAPARK WEST
KUMARA PARK WEST, SESHADRI PURAM
BENGALURU, KARNATAKA-560020
REPRESENTED BY ITS MANAGING DIRECTOR

11. POWER TV NEWS
1ST PHASE, POWER TV NEWS
POWER SMART MEDIA, NO.7
11TH MAIN, MATHIKERE MAIN RD
1ST STAGE, GOKULA EXTENSION,
YESWANTHPUR, BENGALURU,
KARNATAKA 560 054
REPRESENTED BY ITS MANAGING DIRECTOR

12. THE STATE OF KARNATAKA,
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560001

...RESPONDENTS

(BY SRI. MAHIDUKAR DESHPANDE, CGSC FOR R1;
SRI. RAJASHEKAR.S, AGA FOR R2;
NOTICE TO R12 IS SERVED AND UNREPRESENTED)

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO a) ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENT NO.1 TO FRAME
STATUTORY RULES TO PREVENT PUBLISHING OF INDECENT,
OBSCENE, VIOLENT, SEXUAL VIDEO, AUDIO AND IMAGES AND ITS
GRAPHIC EFFECTS INCLUDING USE OF AUDIO CLIPS OF SUCH
SEXUAL CONTENT AS PART OF THE NEWS OR ANY OTHER

PROGRAMME IN THE ELECTRONIC AND PRINT MEDIA AND TO MAKE ANY SUCH PUBLICATION AS COGNIZABLE OFFENCE WHICH WILL HAVE A REASONABLE PUNISHMENT AND ETC.,

THIS PETITION COMING ON FOR ORDERS THIS DAY, **SACHIN SHANKAR MAGADUM J.**, MADE THE FOLLOWING:

ORDER

The captioned writ petition is filed to issue a mandamus to respondent No.1 to frame statutory rules to prevent publishing of indecent, obscene, violent, sexual video, audio and images. A mandamus is also sought to direct respondent No.1 to prevent electronic media from analysing the sub-judice matters and also a direction against respondent No.2 not to leak information collected during the course of investigation.

2. The respondent/State by memo dated 10.06.2021 placed on record circulars and instructions issued to the police force in the State regarding providing information of investigation to the press and media. This Court having taken judicial note of the circulars vide order dated 15.06.2021

however directed the respondent/State to initiate appropriate proceedings against the erring police officials and also issued appropriate directions to the police in terms of the circulars which are placed on record.

3. In compliance of the order dated 15.06.2021, the respondent/State has filed a memo on 12.08.2021 reporting compliance of order dated 15.06.2021.

4. We have given our anxious consideration to the directions issued by the respondent/State to the police officers not to disclose information regarding details of cases under investigation. The directions are detailed at clauses (a) to (f) of circular dated 11.08.2021.

5. Learned counsel for the petitioner fairly submits that the prayers made in the writ petition are duly complied by the respondent/State.

6. In view of compliance by the respondent/ State, we would find that there is substantial compliance. In terms of the circular issued by the respondent/State, the police officers who are in-charge of the investigation are hereby directed to strictly adhere to the instructions incorporated in the circular dated 11.08.2021.

7. In view of the circular dated 11.08.2021 issued by the Government of Karnataka, nothing survives for consideration in the present writ petition. Accordingly, the writ petition stands disposed of in terms of the aforesaid observations.

The pending interlocutory applications, if any, stand disposed of.

Sd/-
CHIEF JUSTICE

Sd/-
JUDGE

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