

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6390 OF 2024

Between:

Malgireddy Sridhar Reddy

... Petitioner/Accused

AND

The State of Telangana
Rep by its Public Prosecutor, High Court of Telangana,
Hyderabad and another.

... Respondents.

Date of Judgment pronounced on : 03-07-2026

HONOURABLE SRI JUSTICE N. TUKARAMJI

1. Whether Reporters of Local newspapers : Yes
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked : Yes
to Law Reporters/Journals:
3. Whether His Lordships wishes to see the fair copy : Yes
Of the Judgment?

N. TUKARAMJI, J

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6390 OF 2024

% 03-07-2026

Malgireddy Sridhar Reddy

..... Petitioner

Versus

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Rep by its Public Prosecutor, High Court of Telangana,
Hyderabad and another.

..... Respondents

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> HEAD NOTE:

! Counsel for the Petitioner : Mr, Mr. Konda Srinivas, learned
counsel appearing for the petitioner

^ Counsel for the respondents : Mr. Mr. Syed Yasar Mamoon, learned
Additional Public Prosecutor,
appearing for respondent No.1-State

? Cases referred

1. AIR 1957 SC 620
2. (2017) 7 SCC 760

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.6390 OF 2024

DATE: 03.07.2026

Between :

Malgireddy Sridhar Reddy

... Petitioner/Accused

AND

The State of Telangana
Rep by its Public Prosecutor, High Court of Telangana,
Hyderabad and another.

... Respondents.

ORDER:

This petition is filed under Section 482 of the *Code of Criminal Procedure, 1973* (for short, "the Cr.P.C."), seeking quashment of the proceedings in C.C. No.3441 of 2024 on the file of IV Additional Chief Metropolitan Magistrate, Hyderabad for the offence punishable under Section 295-A of the Indian Penal Code (for short 'the IPC'). Petitioner is arrayed as accused herein.

2. Heard Mr. Konda Srinivas, learned counsel for the petitioner, and Mr. Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor, appearing for respondent No.1-State.

3. The case of the prosecution, in brief, is that the de facto complainant lodged a report with the police stating that on 24.01.2024 at about 12:50 p.m., when he visited Sharada Printing & Binding Press, Amberpet, near D-Mart, he noticed bundles of the Holy Quran, which were entrusted for the purpose of binding, allegedly being kept on the floor without any proper covering or protection. It was further alleged that certain inappropriate material/dust was found on the papers containing the verses of the Holy Quran, thereby causing disrespect to the sacred religious text. Alleging that such acts amounted to insulting and hurting the religious sentiments of the followers of Islam, the de facto complainant lodged the present report, pursuant to which the crime came to be registered.

4.1. Learned counsel appearing for the petitioners would submit that the allegations levelled against the petitioners are wholly baseless and do not satisfy the essential ingredients required to constitute an offence under Section 295-A of the Indian Penal Code. It is contended that even according to the prosecution version, the religious books were placed at the printing and binding press only for the purpose of binding, and there is absolutely no material to show that the petitioners had intentionally or deliberately treated the Holy Quran with disrespect.

4.2. It is further submitted that Section 295-A IPC does not criminalise every act which may incidentally or unintentionally hurt

religious feelings, but only those acts which are committed with a deliberate and malicious intention of outraging the religious feelings of a class of citizens. In the present case, there is no material collected during investigation indicating any deliberate act, malicious intention or conscious attempt on the part of the petitioner to insult the religion or religious beliefs of any community.

4.3. Learned counsel further submits that the presence of the petitioner at the binding press at the relevant point of time itself has not been established. It is also contended that the petitioner had no knowledge about the alleged incident and were not conversant with Urdu or Arabic languages, and therefore, the allegation that they intentionally kept the religious books in such a manner so as to outrage religious feelings is based merely on assumption and does not satisfy the legal requirement of Section 295-A IPC.

4.4. Apart from the above, learned counsel submits that prosecution for an offence punishable under Section 295-A IPC is subject to the mandatory requirement prescribed under Section 196 of the Cr.P.C., which prohibits any Court from taking cognizance of such offence except with the previous sanction of the Central Government or the State Government. In the present case, the learned Magistrate has taken cognizance merely on the basis of the charge sheet filed by the Investigating Officer without obtaining the requisite sanction. Therefore,

the very cognizance taken by the learned Magistrate is contrary to the statutory mandate and the continuation of proceedings against the petitioners would amount to abuse of process of law. Accordingly, learned counsel prayed for quashing of the proceedings.

5. Per contra, learned Additional Public Prosecutor opposed the Criminal Petition and submitted that pursuant to the complaint lodged by the de facto complainant, investigation was conducted and as the material collected during investigation disclosed the alleged acts, the Investigating Officer filed the final report/charge sheet and the learned Magistrate has taken cognizance of the offence. However, learned Additional Public Prosecutor fairly conceded that the procedure contemplated under Section 196 Cr.P.C., namely obtaining previous sanction before taking cognizance for the offence punishable under Section 295-A IPC, has not been complied with. Hence, he prayed for passing appropriate orders in accordance with law.

6. I have considered the submissions of the learned counsel appearing for the petitioners and perused the material available on record.

7. The challenge of the petitioners to the continuation of criminal proceedings is twofold. Firstly, it is contended that the cognizance taken by the learned Magistrate is legally unsustainable for want of previous sanction as mandated under Section 196 Cr.P.C. Secondly, it

is contended that even if the entire allegations in the charge sheet are accepted at their face value, they do not disclose the essential ingredient of deliberate and malicious intention required to attract Section 295-A IPC.

8. Before considering the rival contentions, it is necessary to refer to Section 196 Cr.P.C., which reads as follows:

“196. Prosecution for offences against the State and for criminal conspiracy to commit such offence.-

(1) No Court shall take cognizance of-

(a) any offence punishable under Chapter VI or under Section 153-A, Section 295-A or sub-section (1) of Section 505 of the Indian Penal Code (45 of 1860), or

(b) a criminal conspiracy to commit such offence, or

(c) any such abetment, as is described in Section 108-A of the Indian Penal Code (45 of 1860),

except with the previous sanction of the Central Government or of the State Government.”

9. A plain reading of the above provision makes it clear that the bar created under Section 196 Cr.P.C. is mandatory in nature, and the Court is prohibited from taking cognizance of an offence under Section 295-A IPC unless previous sanction from the competent Government is

obtained. The object behind requiring sanction is to ensure that prosecution involving sensitive issues relating to religion and public order are initiated only after due consideration by the competent authority.

10. In the present case, admittedly, no sanction as contemplated under Section 196 Cr.P.C. was obtained before the learned Magistrate took cognizance of the offence under Section 295-A IPC. Therefore, the cognizance taken without complying with the statutory requirement suffers from a fundamental procedural defect. Apart from the procedural infirmity, it is also necessary to examine whether the allegations prima facie satisfy the ingredients of Section 295-A IPC. The said provision is attracted only when there is a deliberate and malicious act intended to outrage the religious feelings of any class of citizens. Mere negligence, carelessness, inadvertent conduct or an act without the necessary mens rea would not constitute an offence under Section 295-A IPC.

11. The Hon'ble Supreme Court in *Ramji Lal Modi v. State of U.P.*, AIR 1957 SC 620, while upholding the constitutional validity of Section 295-A IPC, clarified that the provision applies only to aggravated forms of insult to religion committed with deliberate and malicious intention and not to every act which may incidentally offend religious feelings. Further, in *Mahendra Singh Dhoni v. Yerraguntla Shyamsundar*, (2017)

7 SCC 760, the Hon'ble Supreme Court observed that, Section 295-A does not stipulate that everything which may amount to insult or attempt to insult religion or religious beliefs would be penalised. It penalises only those acts which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of a class of citizens. Insults offered unwittingly, carelessly or without deliberate or malicious intention do not fall within the ambit of the Section. The Hon'ble Supreme Court further emphasised that the existence of a calculated and intentional attempt to insult religious beliefs is the foundation for attracting criminal liability under Section 295-A IPC.

12. Applying the above principles to the facts of the present case, the material collected during investigation and the contents of the charge sheet do not indicate any specific act or circumstance demonstrating that the petitioners acted with a deliberate and malicious intention to outrage the religious feelings of any class of citizens. The admitted factual position indicates that the books were placed in the printing and binding press for the purpose of binding. In the absence of any material showing intentional insult, the essential ingredient of *mens rea* required under Section 295-A IPC remains absent. Therefore, continuation of criminal proceedings against the petitioners, when the foundational ingredients of the alleged offence are lacking and when cognizance itself has been taken without compliance with the

mandatory requirement under Section 196 Cr.P.C., would amount to permitting an abuse of the process of Court.

13. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioners in C.C.No.3441 of 2024 on the file of the learned IV Additional Chief Metropolitan Magistrate, Hyderabad, for the offence punishable under Section 295-A IPC, are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed.

Date: 03.07.2026

N.TUKARAMJI, J

MRKR

THE HON'BLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6390 OF 2024

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