

ITEM NO.301

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 1238/2022 in W.P.(Crl.) No. 239/2022

N.V. SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(IA No. 92201/2022 & IA No.98187/2022- FOR CLARIFICATION OF THE ORDER DATED 01.07.2022 AND FOR ISSUANCE OF APPROPRIATE DIRECTIONS, IA No.97881/2022 AND IA No.98192/2022-FOR EXEMPTION FROM FILING NOTARIZED AFFIDAVIT(S) )

Date : 19-07-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Maninder Singh, Sr.Adv.  
Mr. ANS Nadkarni, Sr. Adv.  
Ms. Rachitta Rai, AOR  
Pandey Sangeet Rai, Adv.  
Mr. Manan Popli, Adv.  
Mr. Shaunak Kashyap, Adv.  
Mr. Vivek Kadyan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The original writ petition was filed by the petitioner invoking writ jurisdiction of this Court under Article 32 of the Constitution in which the first and foremost prayer reads as follows:

“(i) Issue an appropriate writ quashing the following Complaints/FIRs filed against the Petitioner:

- a. FIR at the Pydhonie Police Station, District Thane City area in Mumbai, Maharashtra - FIR No.683/2022, dated 28.05.2022 under Sections 295A, 153A and 505(1)(B) of the Indian Penal Code (IPC);
- b. FIR at Cyber Cell Police Station Hyderabad, Telangana - FIR No.959/2022 dated 30.05.2022 under Sections 153A, 504, 505(2) and 506 of the Indian Penal Code;
- c. FIR at Mumbra Police Station, Thane City, Maharashtra - FIR No.528/2022 dated 30.05.2022 under Sections 153A, 153B, 295A, 298 and 505 of the Indian Penal Code;
- d. FIR at Bhiwandi Police Station, Thane City, Maharashtra - FIR No.0199/2022 dated 30.05.2022 under Sections 153A, 153B, 295A and 505 of the Indian Penal Code;
- e. FIR at Kondhwa Police Station, Pune City, Maharashtra under Sections 153A, 153B, 295A as FIR No.540/2022 dated 31.05.2022.
- f. FIR in West Bengal Narkeldanga PS Case No.220 dated 13.06.2022 under Sections 153A, 295A, 298 and 34 of the Indian Penal Code;
- g. FIR in New Delhi by Delhi Police(2/2) IFS0 unit dated 08.06.2022 to the extent it relates to the present petitioner only;
- h. FIR at PS Nanalpeth, District Parbhani, Maharashtra, FIR No.0221/2022, dated 13.06.2022 under Section 295A of the Indian Penal Code;

i. FIR at Amherst PS, Kolkata, West Bengal, PS Case No.125 dated 07.06.2022 under Sections 153A, 295A, 298 and 34 of the Indian Penal Code; and

j. Any other FIR that may have been registered with regard to the telecast on 26.05.2022 on Times Now;  
.....”

Since the above reproduced prayers for quashing of the FIRs can be effectively granted by a High Court in exercise of its powers under Articles 226/227 of the Constitution read with Section 482 of the Code of Criminal Procedure, this Court on 01.07.2022 relegated the petitioner to avail such alternative remedy.

The petitioner has now filed miscellaneous application no.1238/2022 pointing out, inter alia, that it has become nearly impossible for her to avail the alternative remedy granted by this Court and that there is an imminent necessity for this Court to intervene and protect her life and liberty as guaranteed under Article 21 of the Constitution.

In support of her plea, the petitioner has averred in the miscellaneous application that after the order dated 01.07.2022 passed by this Court, various subsequent events have occurred, including -

(i) One Salman Chisti claiming to be a Khadim of Ajmer Dargah has circulated a video whereby in a very disturbing manner he has called upon for cutting the throat of the applicant/petitioner;

(ii) One more person, Nasir, resident of Uttar Pradesh, has made a viral video using abusive language against the petitioner

and threatened to behead her;

(iii) Some more FIRs have been registered in the State of West Bengal which were earlier not in the knowledge of the petitioner; and

(iv) The Kolkata Police has issued a 'lookout circular' dated 02.07.2022 due to which she apprehends her immediate arrest and consequential denial of fair opportunity to approach different High Courts for seeking quashing of the FIRs.

During the course of hearing, Shri Maninder Singh, learned senior counsel for the petitioner has referred to two more instances where there is a serious threat to the life of the petitioner and these instances are reported to have taken place after filing of this miscellaneous application. He seeks and is permitted to file an additional affidavit giving specific details of these instances.

In the light of these subsequent events, some of which have been noticed above, the concern of this Court is to ensure that the petitioner is able to avail the appropriate remedy as permitted by this Court vide order dated 01.07.2022.

In order to explore such modalities, let notice be issued to the respondents in miscellaneous application no.1238/2022, returnable on 10.08.2022.

Copies of the main writ petition be also forwarded along with the notice for ready reference of the respondents.

Liberty is granted, in addition, to serve the respondents through dasti notice as well as through their respective Standing Counsels.

Meanwhile, as an interim measure, it is directed that no coercive action shall be taken against the petitioner pursuant to the impugned FIR(s)/complaint(s) or the FIR(s)/complaint(s) which may be registered/entertained in the future pertaining to the telecast dated 26.05.2022 on Times Now.

(NIRMALA NEGI)  
COURT MASTER (SH)

(PREETHI T.C.)  
COURT MASTER (NSH)