

1. Certified copy of order dated on 28/06/2025

IN THE COURT OF SUB-JUDGE/SPECIAL MOBILE MAGISTRATE POONCH

File No. 63/Misc
Date of institution : 28.05.2025
Date of Order : 28.06.2025

In the case of: Sheikh Mohd Saleem S/O Mohd Ashraf R/O Ward No. 05, Mohalla
Kamrur, Tehsil Haveli District Poonch A/P Chamber No. 06 New
Chambers Building District & Sessions Court Complex Poonch.
.....Applicant

VERSUS

U.T. of J&K, through Station House Officer Poonch.
.....(Non-applicant)

In the matter of: Application under section 175 (3) of BNSS.

CORAM: Shafiq Ahmed
J.O. Code JK-00225

ORDER

1. By drawing this order, I shall dispose of the application filed by Sheikh Mohd Saleem, Advocate by profession, under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS'), seeking a direction upon the Station House Officer, Police Station Poonch, to register a First Information Report (FIR) against certain news anchors and editorial personnel of national television media houses—namely Zee News, News18 and others—for allegedly committing cognizable offences under the Bharatiya Nyaya Sanhita, 2023.
2. The applicant contends that on 07.05.2025, during intense cross-border shelling by Pakistan in the Poonch sector, one Qari Mohd Iqbal, a teacher at Jamia Zia-ul-Uloom and resident of Qazi Mohra, Poonch, was martyred along with other civilians. It is alleged that certain national media outlets, without factual verification, falsely branded the deceased as a "Pakistani terrorist" affiliated with Lashkar-e-Taiba, thereby defaming the deceased, causing distress to his family and damaging the reputation of the seminary and religious sentiments of the community.
3. On receipt of the application, this Court sought report from the SHO, Police Station Poonch. In response, the SHO confirmed that on 07.05.2025, due to shelling from across the border, there was considerable loss to property and lives, including the death of the deceased Qari Mohd Iqbal. It was acknowledged that news channel Zee News and News18 had initially aired information stating that the deceased was a Pakistani terrorist. However, the SHO noted that after receiving clarificatory inputs, the said channels withdrew their earlier assertions and issued an apology. The SHO further submitted that the said broadcast originated from media headquarters in Delhi and that no complaint was received from the family of the deceased; hence, no FIR was registered in that

Certified to be true copy
Verifying Officer
Sub Judge
Special Mobile Magistrate
Poonch
Issued Under Section 78 of
Bharatiya Sakshya Adhiniyam, 2023

sd
[Signature]

deceased resided, served and was martyred. The Calcutta High Court in *Sunilokhya Chowdhury v. H.M. Jadwet*, AIR 1968 Cal 266, rightly held that jurisdiction is attracted where the defamatory material is received and causes harm, regardless of the place of origin.

8. Given the digital reach of satellite media, it is the place where defamatory content is consumed and causes reputational damage that determines jurisdiction. Accordingly, the objection on territorial grounds is untenable.

9. 8. As regards the nature of the offences, the act of falsely portraying a deceased civilian as a terrorist, without verification, and airing it to the nation prima facie attracts Section 356 BNS (defamation), Section 353 BNS (public mischief), and Section 196(1) BNS (outraging religious sentiments). Additionally, Section 66 of the Information Technology Act, 2000, dealing with transmission of false digital information, is also attracted.

10. 9. It is important to underscore that while freedom of the press is a vital part of democracy protected under Article 19(1)(a) of the Constitution, it is subject to reasonable restrictions under Article 19(2) on grounds such as defamation, public order, decency, and morality. In the present case, the act of branding a deceased civilian teacher of a local religious seminary as a "Pakistani terrorist" without any verification, particularly during a period of Indo-Pak hostilities, cannot be dismissed as a mere journalistic lapse. Such conduct amounts to public mischief and defamation, capable of causing public outrage, disturbing social harmony, and tarnishing the reputation of the deceased and the institution he served.

11. Irresponsible reporting of this nature, whether arising from negligence or otherwise, becomes particularly dangerous when broadcast through national media channels. In today's digital era, misinformation can spread rapidly, creating confusion and unrest. The media, being the fourth pillar of democracy, has an ethical and constitutional obligation to ensure that the content it publishes is accurate, fair, and verified. Freedom of the press does not grant a license to publish defamatory or misleading material, and when such conduct results in serious harm to individuals or society at large, it must be addressed in accordance with law.

12. The subsequent apology by the news channels does not cure the mischief already caused. An apology may have mitigating value at the stage of sentencing but does not preclude the statutory duty of police to register an FIR once a cognizable offence is disclosed. The applicant has followed due procedure under Sections 175(1) and 175(2) BNSS before invoking Section 175(3).

13. In view of the above discussion and legal position, the application stands allowed. The Station House Officer, Police Station Poonch is hereby directed to register a formal FIR under Sections 353 (2), 356 and 196(1) of the Bharatiya

Certified to be true copy

Verifying Officer
Sub Judge
Special Mobile Magistrate
Poonch

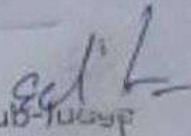
Authorized Under Section 70 of
Bharatiya Sakshya Adhiniyam, 2023

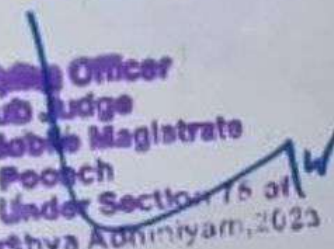
9/11
S.M.M.

Nyaya Sanhita, 2023, read with Section 66 of the Information Technology Act, 2000, and undertake a fair, impartial and time-bound investigation into the matter. The SHO shall file a compliance report within seven (07) days of receipt of this order.

14. Let a copy of this order be also sent to the Senior Superintendent of Police, Poonch for supervisory compliance.
15. Accordingly, the instant application stands disposed of and file be consigned to record after its due compilation.

Announced:
28.06.2025


Sub-Judge
Special Mobile Magistrate
Poonch (JK-00225)

Corrected to be true copy

Sub-Judge
Special Mobile Magistrate
Poonch
Authorized Under Section 16 of
Bharatiya Sakshya Adhiniyam, 2023