

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

MISC. APPLICATION NO. 1238 OF 2022
IN
WRIT PETITION (CRL.) NO. 239 OF 2022

N.V. SHARMA

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

The Telecast dated 26.05.2022 on the T.V. Channel 'Times Now', has led to registration of various FIRs/complaints against the petitioner in different parts of the country. The details of such FIRs/complaints, which the petitioner has so far been able to identify, are as follows:

- 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) IFSO 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. PS Case No. 165 dated 12.06.2022 PS Jorasanko Police Station, Bal Mukund Makkar Road, Kolkata;

k. FIR No. 149 of 2022 dated 17.06.2022 PS Karaya, Alipore, Kolkata;

l. FIR No. 197/2022 dated 14.06.2022 PS Entally, Kolkata.

m. FIR No. 96 at Watgunge, Police Station dated 23.06.2022, State of West Bengal.

n. PS Case No. 244 at Ekbalpore Police Station dated 13.06.2022, State of West Bengal.

2. While seeking quashing of these FIRs as the primary relief in her writ petition under Article 32 of the Constitution of India, the petitioner also made an alternative prayer for transfer, consolidation and entrustment of the FIRs listed from "a to i" to a single Investigating Agency so that there are no inconsistent or conflicting findings.

3. The petitioner was initially directed by this Court on 01.07.2022 to avail the alternate remedies for quashing of the FIRs/complaints, as such a relief can be effectively granted by a High Court both in exercise of its powers under Article 226 of the Constitution of India as well as under Section 482 of the Code of Criminal

Procedure (CrPC).

4. However, in light of the subsequent events highlighted by her in M.A. No. 1238 of 2022 with respect to the registration of additional FIRs listed from "j to l" coupled with the grave and imminent threat to her life and liberty which has been further supported with an additional affidavit based upon the information available in the public domain, notice was issued to respondents to explore modalities by which the petitioner could seek quashing of the FIRs before a single High Court vested with jurisdiction in the matter.

5. We have heard Mr. Maninder Singh, learned senior counsel for the petitioner, Mr. Tushar Mehta, learned Solicitor General of India appearing for the Union of India and some of the States, and also Dr. Menaka Guruswamy, learned senior counsel appearing for the State of West Bengal, besides other learned counsels appearing for the remaining States.

6. We have also gone through the contents of the application, additional affidavit and other material on record with their able assistance. It has been brought to our attention that since the previous date of hearing on 19.07.2022, the petitioner has discovered that two more FIRs had also been registered against her, as listed at

"m-n" in the list above.

7. In regard to the petitioner's alternative prayer, it appears that the first FIR bearing No. 683 dated 28.05.2022 was registered against the petitioner at Police Station Pydhonie, District Thane City, Mumbai, Maharashtra under Sections 295-A, 153-A and 505(1)-B of Indian Penal Code. Another FIR bearing No. 140/2022 was registered on the same set of allegations against the petitioner and others by Delhi Police, IFSO Unit on 08.06.2022.

8. Since this Court has taken cognizance of the serious threat to the life and liberty of the petitioner and specific instances in relation thereto have been cited in our previous order dated 19.07.2022, besides those contained in the additional affidavit filed by the petitioner today, we direct that all the FIRs, referred to above in para 1, shall be transferred to the Delhi Police and clubbed for the purpose of investigation. The Delhi Police shall ensure that the first FIR No. 683 dated 28.05.2022 along with FIR No. 140 of 2022 dated 08.06.2022 registered by Delhi Police, IFSO Unit are treated as the lead cases and investigated together along with the other FIRs/complaints registered in different parts of the country. It is made clear that in the

peculiar facts and circumstances of the case, these FIRs/complaints i.e. FIR No. 683 dated 28.05.2022 and FIR No. 140/2022 dated 08.06.2022, be collectively treated as the first FIR in this sequence. Both these FIRs shall be investigated together by the IFSO Unit of the Delhi Police.

9. Learned senior counsel for the State of West Bengal, Dr. Menaka Guruswamy, urges that the nature of the case is such that a specialized and specific approach is necessary and it would be appropriate to form an SIT to collectively investigate the various FIRs. Since the IFSO Unit of Delhi Police is itself a specialized agency, the concerns of the learned senior counsel would be suitably assuaged by directing that the IFSO Unit shall investigate all the FIRs/complaints. Given this, we do not consider it necessary, at this stage, to contemplate whether an SIT is required for the purpose of investigation of the allegations contained in the FIRs.

10. The IFSO Unit of the Delhi Police shall be at liberty to collect and gather any information from the State Agencies if so required, for the purpose of conducting a thorough investigation and taking it to its logical conclusion.

11. The interim directions issued by this Court on

19.07.2022 shall continue to operate till further orders.

12. MA No. 1238 of 2022 is allowed and the order dated 01.07.2022 stands modified to the limited extent enumerated above.

13. The investigation of any subsequent FIRs/complaints which are registered in the future in respect of the same 'Times Now' broadcast of 26.05.2022, shall also stand transferred to the IFSO Unit of the Delhi Police.

14. As far as the primary prayer of the petitioner is concerned, we reiterate our earlier view that she has got an equally effective alternative remedies under the law. The petitioner shall, thus, be at liberty to pursue such prayers by approaching the High Court of Delhi under Article 226 of the Constitution of India or Section 482 of CrPC, as the case may be, in respect of the FIRs/complaints which have already been registered or which may be registered in the future. We say so also for the reason that a part of the cause of action has arisen in favour of the petitioner within the territorial jurisdiction of High Court of Delhi.

15. We clarify and make clear that we have not expressed any opinion on the merits of the allegations contained in the various FIRs.

16. For the removal of any doubt, we emphasize that the

directions issued hereinabove, shall also extend to any other FIRs/complaints which may be registered/entertained against the petitioner hereinafter in respect of the same subject matter. Should such an eventuality arise, the investigation of those FIRs/complaints shall also stand transferred to the IFSO Unit of the Delhi Police for the purpose of investigation.

17. The miscellaneous application is disposed of in the above terms.

.....,J.
(SURYA KANT)

.....,J.
(J.B. PARDIWALA)

NEW DELHI
AUGUST 10, 2022.

ITEM NO.301

COURT NO.15

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

(Arising out of impugned final judgment and order dated 01-07-2022 in W.P.(Crl.) No. No. 239/2022 passed by the Supreme Court Of India)

N.V. SHARMA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 98187/2022 - CLARIFICATION/DIRECTION
IA No. 110572/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 98192/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 97881/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 92201/2022 - RECALLING THE COURTS ORDER)

Date : 10-08-2022 These matters were 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 Nandkarni, Sr. Adv.
Ms. Rachitta Rai, AOR
Mr. Pandey Sangeet Rai, Adv.
Mr. Manan Popli, Adv.
Mr. Shaunak Kashyap, Adv.
Mr. Vivek Kadyan, Adv.
Ms. Deepti Arya, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Santosh Salvador, Adv.

For Respondent(s)

Mr. Tushar Mehta, S.G.
Ms. Garima Prasad, AAG
Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Chirag Shah, Adv.
Mr. Utsav Trivedi, Adv.
Mr. Abhikalp Pratap Singh, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Ms. Shwetal Shepal, Adv.
 Mr. Arvind Kumar Sharma, AOR
 Mr. Sachin Patil, AOR
 Ms. Taruna Ardhendumauli Prasad, AOR
 Mr. Amritesh Raj, Adv.
 Ms. Shreya Srivastava, Adv.
 Mr. Ashish Madaan, Adv.
 Ms. Ananya Sahu, Adv.
 Ms. Ruchira Goel, AOR
 Mr. Shantanu Singh, Adv.
 Mr. Ravi Sehgal, Adv.

Dr. Menaka Guruswamy, Sr. Adv.
 Mr. Suhaan Mukerji, Adv.
 Mr. Abhishek Manchanda, Adv.
 Mr. Sayandeep Pahari, Adv.
 Mr. Vishal Prasad, Adv.
 Mr. Yash S. Vijay, Adv.
 Mr. Utkarsh Pratap, Adv.
 Mr. Tanmay Sinha, Adv.
 M/S. PLR Chambers and Co., AOR

Mr. Shubanshu Padhi, Adv.
 Mr. Ashish Yadav, Adv.
 Mr. Vishal Bansal, Adv.
 Ms. Rajeshwari Shanker, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
 Ms. Bina Madhavan, Adv.
 Mr. Sweena Nair, Adv.

Mr. Shuvodeep Roy, AOR
 Mr. Arnab Singh Dev, Adv.

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

The misc. application is disposed of in terms of the signed
 order.

(DEEPAK SINGH)
 COURT MASTER (SH)

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

[Signed order is placed on the file]