

ITEM NO.48

COURT NO.11

SECTION X

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

WRIT PETITION (CRIMINAL) NO. 247/2025

WAZAHAT KHAN

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(IA No. 147634/2025 - EX-PARTE STAY, IA No. 147632/2025 - EXEMPTION FROM FILING O.T.)

Date : 23-06-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH
(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) :

Mr. Dama Seshadri Naidu, Sr. Adv.
Mr. Sankhajit Lal Mitra, Adv.
Mr. Avro Ghosh, Adv.
Ms. Ishita Shrivastava, Adv.
Mr. Vishal Arun Mishra, AOR

For Respondent(s) :

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

1. We have heard Mr. Dama Seshadri Naidu, learned senior counsel for the petitioner. Learned senior counsel draws attention to the prayer clause at page 64 of the Writ Petition and submits that he is pressing prayers b, c, d and e. He expressly gives up prayers a and f. Prayers b,

c, d and e read as follows:

“(b) Issue a writ of mandamus to the effect that no cognizance of any complaint would be taken by any court nor any FIR registered by the police on the cause of action in the present Writ Petition.

(c) Alternatively, consolidate all various complains/ FIRs arising out of the petitioner’s Tweets in social media registered/made at the behest of the State Administration, CM, Political parties, Hindu Sangathan/organization or activists and highly connected supporters of ruling political dispensations and other high profile political people, along with public and transfer to a neutral State for completion of investigation.

(d) Issue a writ of prohibition from taking any coercive steps in relation to FIRs (as mentioned in prayer a) registered on the tweets in question;

(e) Grant bail and interim protection to the petitioner in respect of the FIRs (as mentioned in prayer a) wherein the petitioner has been arrested.”

2. Learned senior counsel submits that the First Information reports filed are in retaliation to the complaint filed against a social media influencer, who was arrested and has since been released on bail. To

quote Mr. Naidu's own words "he was perhaps reaping what he has sown". Be that as it may. According to the learned senior counsel, at present following are the known First Information Reports/complaints registered against the petitioner for certain old tweets made by him:

"(i) Kolkata FIR: Golfgreen PS Case No. 76 dated 02.06.2025 u/s Section 196(1)(a)/ 299/ 352/ 352(1)(c) of the BNS.

(ii) Kolkata FIR: Complaint at Kolkata's Garden Reach Police Station by Sh. Ram Swabhimani Parishad u/s Section 196(1)(a), Section 299, Section 352, Section 353(1)(c) IPC r/w Sections 66A and 67 of the IT Act.

(iii) Assam FIR - Panbazar Cyber PS Case No. 08/25 u/s 196(2)/ 298/ 299/ 302/ 152/ 79/ 121(2) BNS r/w 67 IT Act, 2000.

(iv) Haryana FIR: PS Cyber West, Gurugram; FIR No. 202 dated 02.06.2025 under section 152/ 192/ 196(1)(b)/ 197(1)(c)/ 197(1)(d)/ 299/ 352/ 353(2) of BNS and 67 of IT Act.

(v) Delhi FIR: Two criminal complaints were lodged in New Delhi for communal provocation aimed at disturbing social harmony.

(vi) Delhi Complaint: Another complaint has been

filed in Delhi by Advocate Vineet Jindal with the Delhi Police.

(vii) Mumbai FIR: An FIR has been registered at the LT Marg Police Station, Mumbai against Wazahat Khan, based on a complaint filed by Ramesh Solanki, who is IT cell president for monitoring objectionable content on social media platforms like Twitter, Facebook, and WhatsApp. According to police, Solanki reported that on December 13, 2023, Wazahat Khan, using his Twitter handle @rashidiwazahat, posted objectionable and obscene content targeting the Hindu faith and gods."

3. The earliest FIRs, as per the knowledge of the petitioner, is at Golf Green PS Case No. 76, dated 02.06.2025 and Garden Reach PS FIR No. 170, dated 16.06.2025. Learned senior counsel also draws attention to page no. 164 of the paperbook, which, according to him, is the transcript of the apology video message given by the petitioner. In short, the learned senior counsel for the petitioner submits that his tweets were retaliatory tweets, at the relevant time.

4. Learned senior counsel also submits that the tweets have been deleted. He further submits that the FIRs span

over six States. He cites a number of previous judgments/orders of this Court, wherein orders to consolidate the FIR within one State or multiple FIRs of the State concerned in the said State have been made.

5. Issue notice, returnable on 14.07.2025.

6. Liberty is granted to the petitioner to serve the Standing Counsel for the States of Assam, West Bengal, Maharashtra, NCT of Delhi, Haryana and at the Central Agency, so far as the Union of India is concerned.

7. At this stage, learned senior counsel submits that the petitioner is in judicial custody in Golf Green PS Case No. 76/2025, dated 02.06.2025. He also submits that the petitioner is in police custody in Garden Reach PS Case no. 170/2025, dated 16.06.2025, wherein he was remanded to police custody for ten days till 01.07.2025. Learned senior counsel prays that till the next date of hearing no further coercive action be taken against the petitioner in connection with the other FIRs/complaints filed against the petitioner of similar nature.

8. Considering the prayer, we are inclined to grant the same. Till the next date of hearing, as an ad-interim measure, it is directed that no coercive action shall be taken against the petitioner pursuant to the FIRs/complaints referred to here-in-above, or the FIRs/complaints which may be registered against the

petitioner in connection with the allegations that are similar in nature to the FIRs/complaints referred to here-in-above.

(POOJA SHARMA)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)