

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 1196 of 2025

Petitioner :- Bhisham Pal Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Pankaj Kumar Ojha, Shiv Poojan Yadav

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-respondents.
2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 17.07.2024, registered as Case Crime No. 0408/2024 under Section 299 of the B.N.S., 2023 at Police Station Cantt., District Gorakhpur and with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.
3. As per the contents of the FIR, the informant came across a viral video on social media where a woman, Usha Sengar, who is employed as a teacher at Composite Vidyalaya, New Agra, allegedly made derogatory remarks against Hindu deities. The FIR further alleges that she incited individuals present in the video to disrespect Hindu religious symbols, such as sindoor and bichhiya, and that she encouraged others to desecrate temples by striking them with footwear. The FIR states that such remarks have hurt the religious sentiments of Hindus and could create communal disharmony.
4. Learned counsel for the petitioner submits that the petitioner, an assistant teacher and President of the S.C./S.T. Basic Shikshak Mahasabha, challenges the registration of the impugned FIR on the grounds that the allegations against him are baseless and politically motivated. He submits that the petitioner had no involvement in making any derogatory remarks or inciting communal disharmony, as alleged in the FIR. He contends that the petitioner was merely present at a meeting organized in District Gorakhpur and did not participate in any unlawful activities. It is further submitted that the petitioner is a respectable person with no criminal history and has been falsely implicated in the case due to personal and political vendetta. He highlights that the informant herself has multiple FIRs registered against her in the past for disturbing public peace, indicating a pattern of filing frivolous complaints. He submits that

the registration of the FIR is a violation of petitioner's fundamental rights and seeks the intervention of this Hon'ble Court to grant relief against arbitrary and malicious prosecution. In light of these circumstances, the he prays for the quashing of the impugned FIR and protection from any coercive action by the police.

5. Learned A.G.A. states on instructions that investigation is in progress.

6. Matter requires consideration.

7. Issue notice to the respondent No.4 returnable within six weeks. Steps be taken within a week.

8. All the respondents may file counter affidavit within six weeks. Petitioner shall have a week thereafter to file rejoinder affidavit. List immediately thereafter.

9. Considering the facts and circumstances of the case, as an interim measure, it is provided that till the next date of listing or till submission of police report u/s 173(2) Cr.P.C. (now Section 193(3) of Bhartiya Nagarik Suraksha Sanhita, 2023), whichever is earlier, respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation.

Order Date :- 7.2.2025

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