

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 41264 of 2025

(COURT ON ITS OWN MOTION Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 15-10-2025

Shri Naman Nagrath - Sr. Advocate assisted by Shri Praneet Nagrath - Advocate for petitioner.

Smt. Janhavi Pandit - Addl. Advocate General for the respondents/State.

Shri Naman Nagrath, learned Senior Advocate assisted by Shri Praneet Nagrath submits that, yesterday i.e. on 14.10.2025 a co-ordinate Bench of this Court had taken Suo Motu cognizance in an incident which is said to have taken place at Gram Satariya somewhere around 10th or 11th October, 2025 on the basis of YouTube and other Social Media Channels.

2. It is submitted that, that cognizance was taken on half baked facts and therefore, that is not appropriate.

3. Shri Nagrath, learned Sr. Advocate places certain issues pertaining to propriety of the said order dated 14.10.2025 namely, whether the Co-ordinate Bench exercised its discretion in an appropriate manner to exercise its Suo Motu power in taking the cause. Second issue which is raised is that, whether the Co-ordinate Bench was justified in directing the Police Authorities to invoke provisions of National Security Act, 1980 despite recording a finding in para-7 of the said order dated

14.10.2025 that "*This Court would not usually have directed the police to proceed against these accused people under the National Security Act as that's a matter of executive discretion*". Thus, Shri Nagrath submits that once the Co-ordinate Bench opined that, invocation of the provisions of National Security Act is a matter of executive discretion, yet not allowing the executive to examine the matter in the complete perspective and directing them to invoke National Security Act will result in travesty of justice.

4. Shri Nagrath further submits that, yesterday i.e. on 14.10.2025 four of the group including the one who was initially a victim i.e. against whom a meme was posted by the person who was made to wash feet and drink liquor thereof alongwith three others have been rounded up. It is further submitted that, that has been done without any proper scrutiny.

5. It is pointed out that, in pursuance to the said order dated 14.10.2025, writ petition is registered today itself i.e. on 15.10.2025, i.e. the order dated 14.10.2025 was not put on the official web-site of this High Court untill the writ petition was registered today i.e. on 15.10.2025. Thus, it is alleged that, act of the State Authorities in invoking NSA on the basis of oral orders is an act of impropriety, because unless and until orders are uploaded on the official web-site of the High Court, they could not have been given any effect to.

6. Smt. Janhavi Pandit, learned Addl. Advocate General in her turn submits that, when order dated 14.10.2025 was dictated by the

Hon'ble Co-ordinate Bench, that time, Superintendent of Police, Damoh had joined through Video Conferencing and subsequently on telephone as his voice was not clear through Video Conferencing and therefore, since orders were passed in his presence, Superintendent of Police, Damoh has acted on those orders.

7. Smt. Janhavi Pandit also pointed out that Reader of the Court No.2 had called one of the Dy. Advocate Generals namely Shri Abhijeet Awasthy and had handed over a What's App Copy of the order dated 14.10.2025. Thereafter, Shri Awasthy, had communicated said order dated 14.10.2025 to the Superintendent of Police, Damoh. It is further submitted that, she too was given a copy of the order.

8. At this stage, Shri Naman Nagrath, learned Sr. Advocate submits that, he was given to understand by the Court that a decision is yet to be taken by the competent authority, as to whether register the case as a writ petition or not, as it is within the discretion of the Head of the Institution, to do so and today i.e. on 15.10.2025, during lunch hours, case has been registered because authority was of the opinion that unless and until case is registered, course of legal remedy may not be open to the aggrieved party.

9. Shri Nagrath further submits that he has filed two applications i.e. I.A. No. 20175 of 2025, which is an application for intervention and another I.A. No. 20174 of 2025 which is an application for seeking stay of the proceedings.

10. As far as I.A. No. 20175 of 2025, which is an application for intervention is concerned, the same is allowed, as not objected by Smt. Janhavi Pandit, learned Addl. Advocate General for the respondents/State.

11. As far as question of stay in I.A. No. 20174 of 2025 is concerned, Shri Naman Nagrath, himself admits that four of the intervenors have been rounded up by the Police. Now he has taken a U-turn saying that, NSA has yet not been invoked.

12. At this stage, Smt. Janhavi Pandit, submits that, Shrutkriti Somvanshi, Superintendent of Police, Damoh has made a communication addressed to the Government Advocate General, Jabalpur vide dispatch No. पुअ/दमोह /रीडर /367/2025 dated 14.10.2025 informing the learned Advocate General that in terms of the order dated 14.10.2025 provisions of Section 3(2) of the National Security Act, 1980 has been invoked against following five persons, namely:

01. Anuj @ Anju Pandey @ Amit S/o Hetram Pandey, aged 27 years, R/o Village Satariya, P.S. Patera.

02. Kamlesh Pandey S/o Balak Das Pandey, aged 28 years, R/o Village Datiya.

03. Brijesh Pandey S/o Kishorilal Pandey, aged 37 years, R/o Village Datiya.

04. Rahul Pandey, S/o Vipin Pandey, aged 22 years, R/o Village Datiya, P.S. Patera and

05. Deendayal S/o Kishorilal Pandey, aged 42 years, R/o Village Datiya, P.S. Patera.

13. It is mentioned in this report, which is taken on record that on taking cognizance of the act committed at Village Satariya under Police Station Patera against a member of OBC Community, Criminal Case has been registered under Section 3(2) of the National Security Act, 1980. It is also mentioned that besides this, offences have been added under Section 196(2), 352, 351(2) of the Bhartiya Nyay Sanhita, 2023.

14. Thus, it is evident that, the Superintendent of Police, Damoh without waiting for registration of the writ petition which was registered on 15.10.2025 at 11:39:26 hours, has taken cognizance on oral orders without being officially communicated to him in the form of a signed copy.

15. It is pointed out that copy of the order dated 14.10.2025 was received through Reader of that Court by Shri Abhijeet Awasthy at 01:51 p.m. on 14.10.2025 itself.

16. Without, going into the merits of the order, as pointed out by Shri Naman Nagrath, learned Sr. Advocate, in our opinion following issues emerge which needs to be answered by the State, namely:

(i) What action has been taken against the Sarpanch and Secretary of the Gram Panchayat who had allegedly convened a meeting to admonish the so called accused Mr. Kushwaha?

(ii) What material was produced before the Superintendent of Police, Damoh and what was his take on the said material so to invoke provisions of National Security Act, 1980?

(iii) Whether, without getting certified copy of the order dated 14.10.2025 and registration of the writ petition, Superintendent of Police was acting bonafidely and improprietely to pass order dated 14.10.2025 as has been placed before us by the learned Addl. Advocate General?

17. We have been commended through orders dated 14.10.2025 passed by the Collector & District Magistrate, Damoh, showing detention of aforesaid five persons under the National Security Act, 1980 on 14.10.2025 itself.

18. Let the District Magistrate Damoh and the concerned Superintendent of Police, Damoh file affidavits that what material was placed before them and what was the basis to appreciate it before passing orders of detention on 14.10.2025 itself.

19. As far as prayer of Shri Naman Nagrath, learned Sr. Advocate for keeping the orders of High Court dated 14.10.2025 in abeyance is concerned, since they have already been executed and we are not sitting in review of that order, we refuse to grant such prayer.

20. Accordingly, I.A. No. 20174 of 2025 is rejected.

21. Let the affidavit/response be filed on 16.10.2025 up to 05:30 p.m. List this case on 17.10.2025 at 02:30 p.m.

22. In the meantime, issue notice to the Social Media Platforms

which have been referred to in the order dated 14.10.2025 namely YouTube Channels Satya Hindi-MP, Punjab Kesari and Lallantop to seek their response as to the correctness of the material put on their social media platform, for which Shri Praneet Nagrath shall pay the process fee on or before 06:00 p.m. today i.e. on 15.10.2025. These copies be served to them on their official E-mail Address by the Registry of this Court after scanning them during the course of the day, so that they may also file their response by tomorrow i.e. on 16.10.2025 through Electronic Medium. If so desire, they may appear before the Court for appropriate audience at 02:30 p.m. on 17.10.2025.

23. List this case on 17.10.2025 at 02:30 p.m.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE

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