

**IN THE COURT OF SHRI NAVJEET BUDHIRAJA,
ADDITIONAL SESSIONS JUDGE-02, SOUTH DISTRICT,
SAKET COURTS, NEW DELHI**

**CRIMINAL REVISION PETITION No. 378/2025
CNR NO. DLST01-012051-2025**

IN THE MATTER OF:

Amita Sachdeva

W/o Sh. Nikhil Sachdeva

R/o N-26, Malviya Nagar

New Delhi-110017

.....Revisionist

Versus

(1) The State

Govt of NCT of Delhi

(2) Maulana Sajid Rashidi

Chairman of All India Imam Organization

Imam House, 1 Masjid Kasturba Gandhi Marg

New Delhi-110001

Mobile no.9540044493 & 9311479650

.....Respondents

DATE OF INSTITUTION	:	07.08.2025
DATE OF RESERVING JUDGMENT:		01.09.2025
DATE OF PRONOUNCEMENT	:	01.09.2025
DECISION	:	Dismissed

JUDGMENT

The present revision petition filed on behalf of the revisionist under Section 438 read with 440 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for setting aside the order

dated 14.07.2025 passed by Sh. Bhanu Pratap Singh, Ld. JMFC-02, South, Saket Courts, New Delhi (Ld. Trial Court) in complaint case no.2352/2024 titled as 'Amita Sachdeva Vs. State and Anr' dismissing the application under section 175(3) BNSS filed by complainant/revisionist.

2. The factual matrix of the case which is essential to be noted for disposal of the present revision petition is as under.

3. Revisionist is an Advocate on record in the Supreme Court of India who is aggrieved herein due to inaction on the inflammatory and derogatory remark made against Hindu Deity and Community by respondent no.2 Maulana Sajid Rashidi on 10.10.2024, during a panel discussion on Times New Navbharat wherein he made a derogatory statement, 'आप जिस औरत को देवी बताते हो, आप जिस औरत को देवी बताते हो, उसके साथ रेप करते हो' targeting Hindu Deities with intent to outrage religious feelings and promote communal enmity, prima facie attracting offences under section 196/299/353 of the Bhartiya Nyaya Sanhita, 2023 (BNS). The grievance is further to the effect that this statement which was aired publicly, was not only an affront to the religious sentiments of the Hindu community but also a deliberate attempt to incite communal hatred and disharmony. The complete transcript of the video debate broadcast on Times Now News Channel and a copy of the video recording are annexed.

4. The grounds on which the impugned order is challenged are that the impugned order is erroneous on the face of it and against all established principles of Criminal Law, complaint was filed with the Malviya Nagar Police Station on 14.10.2024 as the revisionist watched the video containing offensive statement by respondent no.2 at her residence at Malviya Nagar which falls under the jurisdiction of PS Malviya Nagar and its content prima facie indicated the commission of a cognizable offence, it is a well established principle of law that an offence may be tried either at the place where the act is committed or where its consequences ensue, Ld. Trial Court failed to consider Section 202 of BNSS, 2023 which provides that offences committed through electronic communication may be inquired into or tried by a court within whose local jurisdiction such communication was sent or received, the Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and Ors, (2014) 2 SCC 1** categorically held that the police is duty bound to investigate the commission of cognizable offence, in view of the non action by the police, Ld. Trial Court was duty bound to issue direction under section 175(3) BNSS, Ld. Trial Court's reliance on **Subh Karan Luharuka and Another Vs. State and Anr, 2010 (3) JCC 1972** to dismiss the revisionist application under section 175(3) BNSS is misplaced, dismissal of the complaint has led to miscarriage of justice, is improper and incorrect.

5. Ld. Counsel for the revisionist, apart from relying upon the afore-mentioned grounds, further argued that when Ms. Nupur

Sharma merely quoted one line from the Hadith, as many as 14 FIRs were promptly registered against her. When Prof. Ratan Lal made an offensive statement, an FIR was immediately registered, and even the Delhi High Court declined to quash the FIR. Similarly, when Ms. Sharmishtha made certain remarks about Prophet Mohammad, the police traveled over 1500kms to arrest her. In stark contrast, when Maulana Rashidi (respondent no.2 herein) makes derogatory remarks, no FIR is registered despite widespread public outrage. This clearly reflects a disturbing pattern: what seems to matter is who is making the remark. If the person belongs to the majority community, the police act swiftly, FIRs are registered and arrests follow. But if the person belongs to a minority community, even in the face of massive public protest, no FIR is registered.

6. Pertinently, during arguments, it was noted from the action taken report filed before Ld. Trial Court by SI Saurav Parashar, PS Malviya Nagar that the complaint in regard to the alleged cause of action was transferred to Crime Branch. The trial court record does not reveal that any further report was called from the said branch. Therefore, for the sake of completeness, post filing of the present revision petition, action taken report was summoned from ACP, Crime Branch, South whereupon it was reported by Inspector Ram Partap, Crime Branch that no such complaint was found pending in their office, however, on verification, the same was found pending in Police Station Cyber District, South, Saket. Subsequently, action taken report was summoned from PS Cyber

District, South Saket which filed the report, inter alia, concluding that no cognizable offence is made out. The germane observations made in the said report, for reference, are produced herein under:

“During enquiry, the video link provided by the complainant was examined. The said video clip of 2:06 minutes duration shows participants engaged in a debate, wherein Maulana Sajid Rashidi made the above remark. Upon careful consideration, it is observed that the remark, though objectionable in tone, is not directed against any deity, goddess, or Hindu religion per se. Rather, it appears to be a critical comment highlighting the contradiction between worshiping women as Devi in cultural discourse and the unfortunate prevalence of crimes against women.

As laid down by the Hon'ble Supreme Court, Section 299 BNS (corresponding to Section 295A IPC) requires a deliberate and malicious intention to outrage religious feelings of a class of citizens. In the present case, no such intention can be attributed, and the statement cannot be construed as a direct insult to Hindu religious beliefs. Further, records of the police station were checked and no other complaint from any section of citizens regarding this content has been found, which indicates that the remark has not provoked public disorder or class enmity.

In view of the above facts and circumstances, no cognizable offence is made out. The complaint

has been being filed. Report is submitted for kind perusal.”

7. Further, for the sake of completeness, the germane observations of the impugned order are also reproduced as under:

“In the present case the identity of the alleged is known to the complainant and all the necessary facts are in the knowledge of the complainant. Therefore, the investigation by the police is not required in the present case.

In view of the aforesaid reasons, the application u/s 175(3) of BNSS stands dismissed.

Perusal of the complaint shows that no offence has been committed against the complainant. Further as per the action taken report filed by the police in the present case, no cognizable offence took place in the jurisdiction of PS Malviya Nagar. On perusal of the complaint, this court is of the view that no offence u/s 196/299/353 of BNS has been committed in the jurisdiction of this Court. Therefore, the present complaint case stands dismissed.....”

8. The short point involved herein is whether the remark made by respondent no.2 as noted in the preceding discussion would prima facie amount to an offence alleged. In my view, the word ‘Devi’ has to be seen in the context in which it was uttered. The transcript in question containing the panel discussion appears to be showing the discussion pertaining to women. The penultimate remark shown to be made by respondent no.2 was stressing upon a view that Islam taught the woman to live and thereafter he went on

to equate woman to Devi as per the belief of Studio anchor (perceived to be a Hindu) and then respondent no.2 went on to state that a woman who is stated to be Devi gets subjected to rape. This remark clearly does not make any reference to Hindu Deity or goddess. Respondent no.2 appears to have remarked about the immoral and illegal acts of rape happening to women who in the Hindu Society is akin to Devi. Unfortunately, such immoral and illegal acts of rape against women are being committed across India which certainly call for strictest punishment in law but for making the said remark, in my view, respondent no.2 cannot be subjected to any prosecution as the alleged offensive remark is nothing but mirrors the immoral and illegal acts of some offenders. Thus, prima facie, the alleged remark in question would not in any manner tantamount to outraging the religious feeling and promoting criminal enmity.

9. In so far as the reference made to the case of **Nupur Gupta** and another case of **Delhi High Court in Dr.Ratan Lal Vs. State Govt. of NCT of Delhi and Another, Crl MC no. 7336/2023**, decided on 17.12.2024 wherein the accused made a tweet via his Twitter handle on Twitter and made a post on his Facebook account regarding the presence of the 'Shiva Linga' like structure found in the Gyanvapi Mosque in Varanasi, Uttar pradesh, "Yadi yeh Shiv Ling hai to Lagta hai shayad Shiv ji ka bhi khatna kar diya gaya tha" those are on different footing and cannot be equated with the remark in question. The import and implication of every statement/remark

has to be considered in the context in which it is made irrespective of the public outrage that followed it. It is not the case herein that one objectionable statement made by any person cannot be prosecuted, but the said statement/remark has to fulfill the necessary criteria enshrined in section 196/299/353 BNS.

10. Since no cognizable offence is prima facie made out which warrants further inquiry and trial, the judgments relied upon by the revisionist of **Lalita Kumari Vs. Government of Uttar Pradesh and Ors, (2014) 2 SCC 1** and **Sindu Janak Nagargoje Vs. State of Maharashtra and Ors, 2023 SCC Online SC 1833** would have no application.

11. In the face of afore-noted discussion, the present revision petition does not have requisite merit to take it further and is, thus, **dismissed**. Revision file be consigned to record room.

PRONOUNCED IN OPEN COURT
ON 01.09.2025

(NAVJEET BUDHIRAJA)
ASJ-02/SOUTH/SAKET COURTS
NEW DELHI