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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.ASDB-LD-VC-7/20

Imran Khan son of Moin Khan .. Petitioner.
v/s.
State of Maharashtra & Ors .. Respondents

Mr. Vivek Shukla I.b Mr,V.Shukla & Associates for Petitioner
None for State-Respondents

CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.
DATE : 22nd MAY, 2020.
(THROUGH VIDEO CONFERENCING)

P.C:

1. By this Petition, the Petitioner seeks an order and directions against Respondent to forthwith take preventive action under sections 149, 151,110 of the Code of Criminal Procedure, 1973 for deletion of incriminating hate speech video from the social media and for taking an action against “AIMIM Abu Faizal” in accordance with law and with a further direction to the respondent nos.4, 5 and 6 to permanently block the access of the said Mr.Abu Faizal to social media viz You-tube, Google and Face Book. None appeared for the State though served.

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2. It is the case of the Petitioner that the said AIMIM- Abu Faizal in the said video has alleged that the media has been directed to target Muslims and defame Islam under the garb of Corona virus pandemic. He has made serious allegations from paras 3.2 to 3.5 of the Petition and would submit that the said video was uploaded on social media and on Face Book of the said AIMIM Abu Faizal which would create hatred between Hindus and Muslims in the community. He submits that no action has been taken by the police though a complaint was made by the Petitioner in that regard.

3. It is the case of the petitioner that in the said video, it is alleged that a vicious campaign is led by RSS in the country that is supposedly under way to control the Muslim population. He has alleged that the said Mr.Abu Faizal is seen provoking and encouraging his muslim brethren to assault non-muslim doctors. He said in the said video that muslim patients must inject non-muslim doctors/nurses first before taking the prescribed medication.

4. Though the proceedings have been served upon the learned Additional Public Prosecutor for the State, none appears for

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the Respondents. Learned counsel states that all the allegations in the petition are made based on such video clip on social media. Statement is accepted.

5. A perusal of the Petition, *prima facie* indicates that there are serious allegations made by the Petitioner, against the said AIMIM Abu Faizal about inflammatory speech for creating hatred between Hindu and Muslim community and against the police for inaction.

6. The Respondents are accordingly directed to look into the allegations and also to view the said video clip on You-tube, Google, Face Book and to file an Affidavit in Reply before this Court. The respondents are also directed to undertake investigation against the said AIMIM Abu Faizal if the police finds any substance in the allegations made by the Petitioner. The said Affidavit-in-Reply shall be filed by the Respondents before this Court within one week from today and from the date of receipt of communication of this order by it.

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7. In the meanwhile, the Respondents are directed to block the said video clip uploaded on social media and more particularly, the video uploaded by AIMIM-Abu Faizal immediately on receipt of communication of this order. There shall be an ad-interim relief in terms of prayer clause (B). Learned counsel for the Petitioner is permitted to communicate this order to the Respondents by e-mail.

8. This order will be digitally signed by the Private Secretary of this Court. Sheristedar of this Court is permitted to forward the Petitioner copy of this order by e-mail.

All concerned to act on a digitally signed copy of this order.

Stand over to 2.6.2020.

(ABHAY AHUJA,J.)

(R.D.DHANUKA,J.)