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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1284/2016

RANJANA AGNIHOTRI AND ORS Petitioners

Through: Mr. Hari Shankar Jain, Advocate with
Mr. Vishnu Shankar Jain, Advocate.

versus

UOI AND ORS

..... Respondents

Through: Mr. Anil Soni, Advocate with
Ms. Suparna Srivastava and Ms. Shreya
Sinha, Advocates for respondents No.1
and 2.

Mr. Rahul Mehra, Advocate with
Mr. Sanjoy Ghose and Mr. Gautam
Narayan, Advocate for GNCT of Delhi.
Mr. Sanjeev Bhandari, Advocate Spl.
PP for CBI.

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Date of Decision: 16th February, 2016.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

CM Appl. 5648/2016 (for exemption) in W.P.(C) 1284/2016

Allowed, subject to just exceptions.

W.P.(C) 1284/2016 & CM Appl. 5647/2016

1. Present writ petition has been filed seeking a direction to the National Investigating Agency to investigate the incident that occurred in Jawaharlal

Nehru University on 09th February, 2016 and to find out the root cause and the elements responsible for such an incident.

2. Petitioner also seeks a direction to the Central Government to appoint a Judicial Commission and to take stern action against the teaching and non-teaching staff of the Jawaharlal Nehru University as well as the students.

3. Learned counsel for petitioner states that the present writ petition has been filed as the sovereignty and integrity of India is threatened by a few students and teachers associated with the University. He states that these elements appear adamant upon disintegration of the country and are apparently acting under the patronage of hostile foreign forces so as to destabilize the country and promote hatred.

4. Learned counsel for respondents, who appears on advance notice, point out that under Section 6 of the National Investigation Agency Act, 2008, the Central Government has the *suo motu* power to direct the said agency to investigate the schedule offence.

5. In the present case, the incident has taken place only on 09th February, 2016. Investigation is less than a week old. The police will have to determine whether the acts complained of amount to breach of law and order or public order or security of the State. In ***Dr. Ram Manohar Lohia Vs. State of Bihar and Others, (1996) 1 SCR 709*** it has been held as under:-

“.....One has to imagine three concentric circles, the largest representing "law and order", the next representing "public order" and the smallest representing "security of State". An act may affect "law and order" but not "public order," just as an act may affect "public order" but not "security of the State".....”

6. There is also no material on record to show that the Police is not investigating the matter properly. This Court is confident that the Delhi Police shall investigate all aspects of the matter.

7. Further, this Court finds that the petitioner has filed the present writ petition without making any representation to the Government of India. Consequently, the present writ petition and application are premature and they are, accordingly, dismissed.

MANMOHAN, J

FEBRUARY 16, 2016

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