

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18590-2010

Date of decision: April 23, 2019

Manjula Sahdev and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Abhishek Bajaj, Advocate
for the petitioners.

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

Ms. Amandeep Soni, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN, J.

Prayer made in the petition is for quashing of FIR No.59 dated 16.6.2009 under Section 295-A IPC got registered by respondent No.2-complainant at Police Station Division No.7, Jalandhar.

It is relevant to mention here that this petition is pending since 2010 and on 5.7.2010, while issuing notice of motion, presentation of challan was stayed. The interim stay continued till 26.2.2013 when the order was modified and State was directed to complete the investigation. Thereafter, the challan was prepared and presented on 5.7.2010 and on 28.10.2013, the framing of charges was stayed. Thereafter, again, it was noticed that the on 12.1.2013, challan was not presented and the same is pending for approval of the Home Department for granting sanction the prosecution under Section 295-A IPC. This position continued till date and,

thereafter, this case is finally argued.

Brief facts of the case, as alleged in the FIR, are that respondent No.2-complainant belongs to Balmiki caste (Scheduled Caste) and is a follower of Lord Balmiki. The petitioner No.1-Dr. Manjula Sahdev, Professor and Head of Department in the department of Religious Studies, Punjabi University, Patiala has published a book titled as “Maharishi Balmik – Ekk Samastik Adhyan”. In this publication at page Nos.69 and 75, the petitioner has referred Bhagwan Balmiki as a Dakoo and Lutera and by writing these words in her published book, the petitioner No.1 has hurt the religious sentiments of the whole Balmiki community and has shown utter disrespect to them. With these allegations, the FIR was registered.

It would be relevant to mention here that petitioner No.1 is the author of the book and at the time when she published the book, she was Professor and Head of Department of Maharishi Balmiki, Punjabi University, Patiala w.e.f. October, 1995 and held the post for about nine years.

The petitioner No.2 is also an employee of Punjabi University, Patiala, who has done some artistic work in the book and has prepared a lay out plan of the book. Petitioner No.3 was the Registrar of the University, who had published the book on behalf of petitioner No.1. Petitioner No.4 is the Head of Production and Publication Bureau of the Punjabi University and petitioner No.5 is the Proof Reader, who has done the reading of the publication for the purpose of correction.

Learned senior counsel for the petitioner has argued that petitioner No.1 has published a book “Maharishi Balmik – Ekk Samastik Adhyan” in the year 1980, which is based on her research work on Maharishi Balmiki. Learned senior counsel for petitioner No.1 submits that the petitioner joined the Punjabi University in the year 1974 and retired in 2004 after teaching and research experience of 31 years and she remained Professor and Head of Maharishi Balmiki Chair, Punjabi University, Patiala since October, 1995 till her retirement in 2004. Learned senior counsel further submits that the book, which was initially published in the year 1980 was republished in the year 2002 and the FIR was registered in the year 2009, after a long lapse of 29 years and, therefore, the prosecution of the petitioner is hopelessly time barred as per provisions of Section 468 Cr.P.C. Learned senior counsel has further argued that the research work and material collected by petitioner No.1 relates to 10th century and is an excerpt of Puranas, Vars of Bhai Gurdas and many other scriptures as well as Dashwan Granth. Learned senior counsel has further argued that on an earlier occasion, a dispute arose when a TV serial was telecasted on Lord Balmiki and M/s Star India Private Limited who was criminally prosecuted for wrongly showing the picture of Lord Balmiki as a “dacoit”, had filed CRM-M-30035-2009 praying for the quashing of FIR against M/s Star India Private Limited, who was telecasting the serial on Lord Balmiki.

Learned senior counsel has further submitted that during the course of the said proceedings, the petitioner was called as an expert and she assisted the Court and submitted a synopsis based on her research. This Court, on the basis of the appreciation of the research work of the petitioner,

made the following observations :-

“I have heard counsel for the parties, perused the FIR and carefully considered the arguments raised by counsel for the parties. Admittedly, investigation is in progress. But for the present petition, investigation may have concluded by now.

Admittedly, a character in the tele-serial asks another character, whether Maharishi Valmiki was a dacoit before he became a saint. The other character, while not denying this fact makes laudatory references to Maharishi Valmiki. A debate rages on amongst scholars both religious and academic about the authenticity of the story, whether Maharshi Valmiki was a dacoit. The actual facts appear to be lost in the mists of antiquity. **“Dr. Manjula Sehdev”, one such scholar kindly consented to address this court. She has carried out a detailed research into the origin and authenticity of this story and if her work is to be accepted as correct, there may be force in the argument raised by counsel for the respondent that there is no historical or mythological basis for the story that Maharishi Valmiki was a dacoit before he became a sage. It would, therefore, be relevant to reproduce a few salient features of her research.”**

- “1. From Vedic literature upto 9th Century A.D. there is no reference as such that Maharishi Valmiki led a life of a dacoit or a Highwayman.
2. Even upto 9th Century A.D. the etymology of the word Valmiki (a person born from an Ant-hill) is not available.
3. In his own work `Ramayana', he is called Bhagwan, Muni, Rishi and Maharishi. No reference of his Highwaymanship is available there.

4. First reference regarding Rishi Valmiki as a Highwayman is mentioned in the Skand – Purana. The time of this Purana is considered 10th Century A.D.
5. The First reference of the mantra 'Mara-Mara' has been mentioned in the Adhyatma Ramayana (Ayodhya- Kanda, 6.80-81). The time of Adhyatma Ramayana has been considered 15th Century A.D. by the Scholars. In the same way we find Mantra 'Mara-Mara' in Ananda Ramayana (Rajya-Kanda, 14.141). This work has been considered of 16th Century A.D.
6. The Bhakti movement was started in the South part of India about 8th & 9th Century A.D. by Alwaras. When this movement came at its peak from 13th to 16th Centuries A.D. many stories were woven around the personality of Rishi Valmiki keeping in view the importance of Sri Rama as an incarnation of Vishnu.”

The salient features of this research appear to cast a doubt about the authenticity of the story that Maharishi Valmiki was a “dacoit”.

Learned senior counsel for the petitioner has further argued that from a bare perusal of the FIR the provisions of Section 295-A are not attracted as there is no deliberate or malicious act on the part of the petitioner No.1 to hurt the religious sentiments of respondent No.2-complainant or his community. The petitioner has not used any derogatory words against Bhagwan Balmiki. For a reference, Section 295-A is

reproduced as under :-

“**Section 295-A.** Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Learned senior counsel has argued that since the petitioner has submitted her research work to the University and under the University rules, the research papers are scrutinized by an expert body. The research of the petitioner is based on number of reference books and other materials and is, in fact, a narration of the history without distracting any historical event and therefore, the publication of the book does not promote any violence nor outrage the religious feeling of a particular class nor promote any hatred without there being any malicious or deliberate intention.

Learned senior counsel has further referred to the disputed book wherein at page 69 with reference to Bhai Gurdas from 1551 to 1627, it is stated that in the book of Vara Bhai Gurdas there is a reference of Lord Balmiki and in one incident, while writing the brief history of Lord Balmiki, it is stated that he was a Lutera (dacoit). The senior counsel has, thus, argued that at page 69, the reference is made about Bhagwan Balmiki based on the book of Vara Bhai Gurdas published in 1962 (as referred in this book itself)

and it is not the personal opinion of the petitioner and it is based on her own research work.

Learned senior counsel has further referred to page 75 of this book, where again, it is stated that Bhagwan Balmiki, who had his old name as Ratnakar was a dacoit and when one day went to meet Lord Shiva and Lord Narada, he wanted to commit dacoity but on their spiritual inspirations, he mend his ways. Learned senior counsel mentioned that this fact is based on a book on Rana Prasad Sharma titled as “Puranik Kosh”, published in 1971 as there is a reference of this book on page 75 itself. Learned senior counsel has, thus, argued that the book on the basis of which the impugned FIR is registered against the petitioner is only based on an analytical research made by the petitioner which is based on the earlier publications and those have been duly referred in the book.

Learned senior counsel has relied upon judgment in case **“Mahender Singh Dhoni Vs. Yerraguntla Shyamsundar 2017(2) RCR (Criminal) 746”**, wherein the Hon'ble Supreme Court has held as under:-

“6. Be it noted, the constitutional validity of Section 295-A was assailed before this Court in Ramji Lal Modi v. State of U.P. which was eventually decided by a Constitution Bench. The Constitution Bench, adverting to the multiple aspects and various facets of Section 295A IPC held as follows :-

“8. It is pointed out that s. 295A has been included in chapter XV of the Indian Penal Code which deals with offences against the public

tranquility and from this circumstance it is faintly sought to be urged, therefore, that offences relating to religion have no bearing on the maintenance of public order, or tranquillity and, consequently, a law creating an offence relating to religion and imposing restrictions on the right to freedom of speech and expression cannot claim the protection of Clause (2) of Art. 19. A reference to Arts. 25 and 26 of the Constitution, which guarantee the right to freedom of religion, will show that the argument is utterly untenable. The right to freedom of religion assured by those Articles is expressly made subject to public order, morality and health. Therefore, it cannot be predicated that freedom of religion can have no bearing whatever on the maintenance of public order or that a law creating an offence relating to religion cannot under any circumstances be said to have been enacted in the interests of public order. These two Articles in terms contemplate that restrictions may be imposed on the rights guaranteed by them in the interests of public order.

9. Learned counsel then shifted his ground and formulated his objection in a slightly different way. Insults to the religion or the religious beliefs of a class of citizens of India may, says learned counsel, lead to public disorders in some cases, but in many cases they may not do so and,, therefore, a law which imposes restrictions on the citizens' freedom of speech and expression by simply making insult to religion an offence will cover both varieties of insults, i.e., those which may lead to public

disorders as well as those which may not. The law in so far as it covers the first variety may be said to have been enacted in the interests of public order within the meaning of Clause (2) of Art. 19, but in so far as it covers the remaining variety will not fall within that clause. The argument then concludes that so long as the possibility of the law being applied for purposes not sanctioned by the Constitution cannot be ruled out, the entire law should be held to be unconstitutional and void. We are unable, in view of the language used in the impugned section, to accede to this argument. In the first place Clause (2) of Art. 19 protects a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression "in the interests of" public order, which is much wider than "for maintenance of" public order. If, therefore, certain activities have a tendency to cause public disorder, a law penalising such activities as an offence cannot but be held to be a law imposing reasonable restriction "in the interests of public order" although in some cases those activities may not actually lead to a breach of public order. In the next place S. 295A does not penalise any and every act of insult to or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises only those acts of insults to or those varieties of attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. Insults to religion offered unwittingly

or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only Punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. The calculated tendency of this aggravated form of insult is clearly to disrupt the public order and the section, which penalises such activities, is well within the protection of Clause (2) of Art. 19 as being a law imposing reasonable restrictions on the exercise of the right to freedom of speech and expression guaranteed by Art. 19(1)(a). Having regard to the ingredients of the offence created by the impugned section, there cannot, in our opinion, be any possibility of this law being applied for purposes not sanctioned by the Constitution. In other words, the language employed in the section is not wide enough to cover restrictions both within and without the limits of constitutionally permissible legislative action affecting the fundamental right guaranteed by Art. 19(1)(s) and consequently, the question of severability does not arise and the decisions relied upon by learned counsel for the petitioner have no application to this case.”

7. On a perusal of the aforesaid passages, it is clear as crystal that Section 295A does not stipulate everything to be penalised and any and every act would tantamount to insult or attempt to insult the religion or the religious beliefs of class of citizens. It penalise only those acts of insults to or

those varieties of attempts to insult the religion or religious belief of a class of citizens which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class of citizens. Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the Section. The Constitution Bench has further clarified that the said provision only punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. Emphasis has been laid on the calculated tendency of the said aggravated form of insult and also to disrupt the public order to invite the penalty.”

Learned senior counsel has further relied upon “**1998(3) RCR (Criminal) 295, Jai Ram Sharma Vs. State of Punjab**”, wherein with reference another book on Maharishi Balmiki ,where certain comments were made by one Jai Ram Sharma, it was held by this Court as under :-

“6. In order to attract the provisions of this Section, it is incumbent on the part of the prosecution that there was deliberate and malicious intention on the part of the offender and that such offender wanted to outrage the religious feelings of a particular community.

7. Need not to mention that in the present case the petitioner is only a writer of this book. He wrote a recording of the events of Maharishi Balmiki and for that era when Maharishi Balmiki was not adopting the

saintly life, and one incident shook the conscience of that great soul and the Lord Maharishi Balmiki thought proper to give up his previous habits and he started adopting a pious and religious feeling. It is said that it was Lord Balmiki who gave shelter to Mata Sita when she was in trouble and when she was carrying foetus in her womb so that she might be able to deliver two great sons of India who ultimately became popular under the name of Love and Kush.

8. I myself have the occasion to go through the article and I am unable to come to the conclusion that by introducing this story No.3 in the book, the petitioner ever made deliberate attempt with a malicious intention to outrage the religious feelings of any of the individuals who believe in the ideology of Maharishi Balmiki or in the great ideology of Hinduism. To incorporate a commentary aspect of one's life into a book cannot be termed as if one intended to outrage maliciously the religious feelings of a community.

9. In these circumstances, I allow this petition and quash the FIR No.35 dated 11.4.1996 registered under Section 295-A IPC at Police Station Division No.3, Jalandhar City. A copy of the order be sent to SSP, Jalandhar with the direction not to prosecute the petitioner.

Petition allowed.”

Learned senior counsel for the petitioner has relied upon **“2018(4) RCR (Criminal) 176 Priya Prakash Varrier and another Vs. State of Telangana and another”**, wherein the Hon'ble Supreme Court has held as under :-

“10. On a keen scrutiny of Section 295-A and the view

expressed by the Constitution Bench in *Ramji Lal Modi* (supra), we do not find that the said provision would be attracted in the present case. We are inclined to think so, for the picturization of the said song solely because of the ‘wink’ would not tantamount to an insult or attempt to insult the religion or the religious beliefs of a class of citizens. The said song has been on Youtube since February, 2018. We do not perceive that any calculated tendency is adopted by the petitioners to insult or to disturb public order to invite the wrath of Section 295A of the IPC. In this regard, we may refer to a three-Judge Bench decision in **Manohar Lal Sharma vs. Sanjay Leela Bhansali and Others (2018) 1 SCC 770**, wherein the Court observed thus:-

“A story told on celluloid or a play enacted on a stage or a novel articulated in a broad and large canvas or epic spoken with eloquence or a poem sung with passion or recited with rhythm has many a layer of freedom of expression of thought that requires innovation, skill, craftsmanship and, above all, individual originality founded on the gift of imagination or reality transformed into imagination or vice versa. The platform can be different and that is why, the creative instinct is respected and has the inherent protective right from within which is called artistic license.”

11. In **Mahendra Singh Dhoni vs. Yerraguntla Shyamsundar and Another (2017) 7 SCC 760**, the

justification for the registration of an F.I.R. under Section 295A had come up for consideration before this Court. Appreciating the act done by the petitioner therein, the Court quashed the F.I.R. for an offence under Section 295A I.P.C.

12. If the ratio of the Constitution Bench is appropriately appreciated, the said provision was saved with certain riders, inasmuch as the larger Bench had observed that the language employed in the section is not wide enough to cover restrictions, both within and without the limits of constitutionally permissible legislative action affecting the fundamental right guaranteed by Article 19(1)(a) of the Constitution. The emphasis was laid on the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class.

13. As we perceive, the intervenor, who was an informant in F.I.R. No.34 of 2018, in all possibility has been an enthusiast to gain a mileage from the F.I.R., though the same was really not warranted. What is urged before us is that picturization which involves the actress with a wink is blasphemous. Barring that there is no other allegation. Such an allegation, even if it is true, would not come within the ambit and sweep of Section 295A I.P.C., as has been explained in Ramji Lal Modi (supra).

14. In view of the aforesaid, we allow the writ petition and quash the F.I.R. No.34 of 2018. We also direct that no F.I.R.

under Section 154 or any complaint under Section 200 of the Code of Criminal Procedure should be entertained against the petitioners because of the picturization of the song. However, there shall be no order as to costs.”

Learned senior counsel has further relied upon “**2010(2) RCR (Criminal) 793, S. Khushboo Vs. Kanniammal and another**”, wherein the Hon'ble Supreme Court has held that it is not the task of the criminal law to punish individuals merely for expressing unpopular views. The Hon'ble Supreme Court, while quashing the criminal prosecution of a lady, who had made a statement in “India Today” regarding pre-marital sex has held that the FIR can be quashed in view of the judgment passed in **State of Haryana and others Vs. Bhajan Lal and others, 1991(1) RCR (Criminal) 383**, if the allegations made in the FIR or the complaint even if taken on the face value and accepted in its entirety do not *prima facie* constitute an offence or make out a case against the accused. Relevant para of the judgment is reproduced here-in-below:-

“28. We are of the view that the institution of the numerous criminal complaints against the appellant was done in a mala fide manner. In order to prevent the abuse of the criminal law machinery, we are therefore inclined to grant the relief sought by the appellant. In such cases, the proper course for Magistrates is to use their statutory powers to direct an investigation into the allegations before taking cognizance of the offences alleged. It is not the task of the criminal law to punish individuals merely for expressing unpopular views. The threshold for placing reasonable restrictions on the 'freedom of speech and expression' is indeed a very high one and there should be a presumption in favour of the accused

in such cases. It is only when the complainants produce materials that support a *prima facie* case for a statutory offence that Magistrates can proceed to take cognizance of the same. We must be mindful that the initiation of a criminal trial is a process which carries an implicit degree of coercion and it should not be triggered by false and frivolous complaints, amounting to harassment and humiliation to the accused.”

Learned senior counsel for the petitioner has lastly argued that the prosecution of the petitioner, in the absence of sanction under Section 196 Cr.P.C. by the competent government is nothing but misuse of process of law.

Learned senior counsel has also argued that the book was published in the year 1980 and the FIR was registered in the year 2009, i.e. after a long lapse of 29 years and, therefore, it is hopelessly time bared as per provision of Section 468 Cr.P.C. as the maximum punishment provided under Section 295-A IPC is three years and there is no application on behalf of the complainant for condoning the delay under Section 473 of Cr.P.C.

A separate reply by way of affidavit of Commissioner of Police, Model Town Jalandhar dated 29.12.2014 is on record in which it is stated that after obtaining the sanction under Section 196(1)(a) Cr.P.C. from the Home Department, Punjab the report under Section 173 Cr.P.C. has been presented before the Illaqua Magistrate on 18.12.2014.

Learned State counsel has argued that since publication made by the petitioner has hurt the religious feelings of Balmiki community, therefore, *prima facie* offence under Section 295-A IPC is made out and the police has completed the investigation and submitted the challan.

Separate reply by way of affidavit of respondent No.2 Mohan Lal Jakhmi is also on record.

Counsel appearing for respondent No.2 has argued that the petitioner intentionally, deliberately and with mala fide and ulterior motive has tried to defame the followers of Balmiki community. The petitioner has hurled derogatory and defamatory words towards holy religion of Balmiki community, especially against Maharishi Balmiki and by publishing the same, it has hurt their feelings, emotions and has outraged the religious sentiments of many people. It is further argued by the counsel that Maharishi Balmiki has written the religious book of Hindus "Ramayana" thousands years ago, which itself is an example of the character of Maharishi Balmiki and the petitioner by way of publication of the book in which the derogatory words are written by the different authors referred to in the book has lowered the dignity of Maharishi Balmiki. Counsel has further argued that a bare perusal of the FIR, the offence under Section 295-A is made out. It is further argued that the petitioner has *prima facie* failed to show that the research work of the petitioner was approved by the University as per the rules and regulations and, therefore, it is her own handy work and has got no approval from the Panjabi University. It is further stated that the petitioner has published a controversial book in order to gain cheap publicity by crossing all the limits and ethics of being a good citizen and without realising the consequences of the publication which has hurt the religious sentiments of the people.

After hearing counsel for the parties, I find merit in the present

petition for the following reasons :-

- (i) There is no denial by the respondent that the book was published by the petitioner in the year 1980 and whereas the FIR was registered after a gap of 29 years of the publication. A bare perusal of the FIR show that there is no explanation of delay in registration of the FIR and, therefore, the prosecution of the petitioner is barred as per Section 468 Cr.P.C;
- (ii) A perusal of FIR show that it has referred to only two pages, i.e. pages 69 and 75 of the book “Maharishi Balmiki – Ekk Samastik Adhyan”. The petitioner, while writing her thesis, on both pages has relied upon two earlier books, i.e. Vars Gurdas published in the year 1962 and Purana Kosh, published by Rana Prashad Sharma in the year 1971 and, therefore, the book of the petitioner is a compilation based on the earlier publications made by different authors;
- (iii) A bare perusal of the publication at pages 69 and 75 also do not attract that the petitioner has tried to outrage the religious feelings of the complainant or his community as the petitioner has relied upon earlier publication in this regard and the complainant has not taken any action against those publishers who have made such publications, which were relied upon by the petitioner;
- (iv) It is also worth noticing here that even an earlier occasion when the petitioner was summoned as an expert during the pendency of the

CRM-M-30035-2009, she has submitted a similar research and it was held by the Hon'ble Bench that the salient feature of the research of the petitioner has cast a doubt about the authenticity of the story that Maharish Balmiki was a dacoit. This observation of this Court is based on the concluding part of the research made by the petitioner whereas the FIR has been registered by taking two pages of the research without referring to the conclusion of the same, which is duly appreciated by this Court in its judgment dated 29.4.2010;

- (v) In view of the judgment of the Hon'ble Supreme Court in “**S. Khushboo's case (supra)**”, it is held that it is not the task of the criminal law to punish the individuals merely for expressing unpopular views, unless it is proved that the accused has done it in a *mala fide* manner;
- (vi) It is held by Hon'ble the Supreme Court in “**Priya Parkash Varrier's case (supra)**”, that when no calculated tendency is adopted by the accused to insult or disturb the public order to invite the wrath of Section 295-A, it does not tantamount to insult or attempt to insult the religion or religious belief of a class of citizens. It was held that a song picturized on Priya Prakash Varrier with a wink was in circulation on You Tube since February, 2018 and there was nothing to perceive that it was intended to hurt the religious sentiments, the FIR was quashed. In the present case, the book was published in the year 1980 and the FIR was registered after a gap of 29 years, i.e. in the year 2009 and there is no allegation in the

FIR that because of the publication any insult or attempt to insult the religions beliefs of the complainant or the people of his community was made or there was intention on the part of the petitioners to do so. Hon'ble the Supreme Court relied upon two earlier decisions in "**Mahender Singh Dhoni's case** and **Ramji Lal Modi's case** (*supra*)", wherein similar view is taken;

- (vii) It is held by this Court in "**Jai Ram Sharma's case** (*supra*)" that in a book written on Maharishi Balmiki stating that he had not adopted the saintly life, do not attract the provisions of Section 295-A IPC. In the instant case also, the publication of the petitioner is based on two earlier publications of two different authors and, rather in the concluding part of this book, she has concluded that it is difficult to hold that Maharishi Balmiki was a dacoit. This part of the publication has neither been recorded in the FIR nor was considered by the police during investigation. Rather, this fact was appreciated by a co-ordinate Bench of this Court in another proceedings relating to a dispute of a TV serial on Maharishi Balmiki when petitioner No.1 was called as an expert on this subject;
- (viii) Even otherwise, the FIR was registered without seeking permission under Section 196 Cr.P.C. and as per the affidavit of the State, the sanction was granted after five years, that too, only when this Court asked about the status of the investigation. There is no explanation in this affidavit about the delay in granting the sanction by the Government; and

(ix) There are no direct allegations against the petitioners No.2 to 5 who are the Artist, having designed the lay out plan, the Proof Reader, the Registrar of the University and Head of the Department of Production and Publication Bureau, therefore, they cannot be held guilty of the commission of offence under Section 295-A IPC.

In view of the above, this petition is allowed and FIR No.59 dated 16.6.2009 under Section 295-A IPC got registered at Police Station Division No.7, Jalandhar and subsequent proceedings are quashed.

The petition stands disposed of, accordingly.

April 23, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No