

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**1. CWP-1339-2016(O&M)
Date of decision-07.03.2019**

Raghvendra Amarnath Sharda (alias Kiku Sharda)

...Petitioner

Vs.

State of Haryana and others

...Respondents

**2. CWP-2108-2016(O&M)
Date of decision-07.03.2019**

Gaurav Gera and others

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

**Present: Mr. R.S. Cheema, Sr. Advocate with
Mr. A.S. Cheema, Advocate
for the petitioner(s).**

**Mr. Vikrant Pamboo, D.A.G., Haryana assisted by
SI Lajwant Singh and ASI Gurmej Singh
for respondent Nos.1 to 3.**

**Mr. Ashutosh Kaushik, Advocate
for respondent Nos.4 to 6.**

JITENDRA CHAUHAN, J.

**This judgment shall dispose of the aforementioned two
petitions as common question of law and fact are involved therein.**

These writ petitions under Articles 226/227 of the Constitution of India have been filed for the issuance of a writ for quashing two FIRs i.e. FIR No.1 dated 01.01.2016 (Annexure P-1), registered under Section 295 A IPC at Police Station Civil Lines, District Kaithal and FIR No.822 dated 31.12.2015 (Annexure P-2), registered under Section 295 A IPC at Police Station City Fatehabad, District Fatehabad and all consequential proceedings emanating therefrom.

Learned counsel for the petitioners states that the FIRs (Annexures P-1 & P-2) are based on the alleged negative portrayal of Gurmeet Ram Raheem, Head of Dera Sacha Sauda, Sirsa in a programme 'Jashne-e-Umeed' aired on 27.12.2015 on Zee TV and immediately, thereafter, two complaints were made to the police at Fatehabad and Kaithal by the followers of Dera Sacha Sauda, Sirsa claiming that their religious feelings were hurt seeing the contents of the programme. The officers concerned without forming any opinion on the facts stated in the complaint and verifying whether case was made out for deliberate and malicious intention of outraging the religious feelings of any class, registered the said FIRs. Thereafter, police took action and the petitioner in CWP-1339-2016 was arrested from Mumbai on 12.1.2016 in FIR No.1 of 2016. He was brought by air to Kaithal and produced in Court on 13.1.2016. On the same day, the prosecution filed application seeking release of the accused mentioning that DSP, Kaithal carried out investigation and found the petitioner to be innocent. The petitioner was released from custody on 13.1.2016 by the Chief Judicial Magistrate, Kaithal. He further submitted that immediately after the release of the petitioner in FIR No.1 of 2016, the

petitioner was arrested in FIR No.822 of 31.12.2015 and was released on the same day. The petitioners in CWP-2108-2016 are other artists, members of production team and members of audience of the same TV programme and CWP-2108-2016 pertains to the same FIRs.

Learned Senior counsel further refers to the information available on the website of the Dera Sacha Sauda, which describes it as a 'socio spiritual organization' not pertaining to any particular religion. To be a member of Dera Sacha Sauda a person need not be of any particular religion or caste. Learned Senior counsel further submits that the petitioners are apprehending registration of further FIRs just with a view to harass them. The alleged suggested resemblance is entirely subjective in nature and the lodging of the FIRs is a gross overreaction.

Learned State counsel submits that he does not wish to contest the FIRs registered against the petitioner, wherein, the cancellation reports have already been filed. He further states that on the similar allegations certain FIRs were registered against the petitioner(s) in the State of Punjab wherein cancellation reports have been filed as well.

Learned counsel for respondent Nos.4 to 6-the complainants, contends that since cancellation reports have been filed by the police in FIRs in question, the present petitions have been rendered infructuous.

Heard.

In view of the fact that cancellation reports have been filed in the FIRs in question and the stand taken by the complainant, this Court feels that the complaints do not survive at this stage, therefore, both the FIRs i.e. FIR No.1 dated 01.01.2016, registered under Section 295 A IPC at Police

Station Civil Lines, District Kaithal and FIR No.822 dated 31.12.2015, registered under Section 295 A IPC at Police Station City Fatehabad, District Fatehabad and all consequential proceedings emanating therefrom, are hereby quashed.

(JITENDRA CHAUHAN)
JUDGE

07.03.2019
ps-I

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No