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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 13.03.2023

+ **W.P.(CRL) 159/2013, CRL.M.A. 1127/2013, CRL.M.A. 17468/2013, CRL.M.A. 33751/2018**

SWARARAJ @ RAJ SHRIKANT THACKERAY Petitioner

Through: Mr Anupam Lal Das, Sr. Adv. with
Mr Sayaji Nangre, Mr Ashutosh
Dubey, Mr Vaibhav Tomar, Mr
Abhishek Chauhan, Mr Amit P Shahi
and Mr Karma Dorjee, Advs.

versus

STATE & ANR. Respondents

Through: Ms Rupali Bandhopadhyaya, ASC for State
with Mr Akshay Kumar and Mr Abhijeet
Kumar, Advs.
Mr Anup Kumar Sinha, Adv. for R-2.

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

: JASMEET SINGH, J (ORAL)

1. This is a petition seeking quashing of the Complaint Case No. 94/1 (C.C. No. 382 of 2007) pending before ACMM-1 Tis Hazari Courts, Delhi titled Sudhir Kumar Vs. Raj Thakre and all consequent proceedings arising therefrom.

2. The petition also seeks quashing/setting aside the Order dated

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11.04.2007 passed by the Ld. Judicial Magistrate-1st Class, Jamshedpur. In CC No.382 of 2007 and Orders dated 28.9.2012 and 22.12.2012 passed by the Court ACMM-1 Tis Hazari Courts, Delhi.

3. Though the complaint was filed in Jamshedpur, the Hon'ble Supreme Court vide order dated 30.09.2011 transferred the proceedings to the competent criminal court, Tis Hazari Courts, Delhi.

4. Since the complainant/respondent No.2 neither appeared before the trial Court nor has he appeared in the present proceedings, vide order dated 22.09.2022 the complainant/respondent No.2 was proceeded ex parte by this court.

5. Vide 28.09.2012 and 22.12.2012, the Ld. Trial Court at Delhi issued non-bailable warrants against the Petitioner.

6. As per the complaint it is stated that the petitioner had made some comments with regard to a particular festival. (I have intentionally refrained from naming the festival and the State). It is stated in the complaint that because of the comments made by the petitioner the religious sentiments of the complainant and the people of the respective state have been hurt. It is further stated that the alleged speech was broadcasted on TV channels and published in newspapers. It is stated that the speech was provocative in nature and caused hurt to religious feelings. It is also stated in the complaint that the speech of the petitioner was against the basic structure of the constitution and has affected the unity and integrity of India.

7. At the outset, learned senior counsel for the petitioner on instructions and for and on behalf of the petitioner has stated that the petitioner has not

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made any inflammatory provocative speech as alleged in the complaint. It is further stated that the alleged speech seems to have been distorted. Assuming without admitting that the speech was made and if the speech has caused any inadvertent and unintentional hurt to any religious sentiments of any person or community, the petitioner tenders his unconditional apology and expresses regret and sadness for the same. The statement of the counsel for the petitioner made for and on behalf of the petitioner is taken on record.

8. Mr Sinha, learned counsel for respondent No.2 very fairly states that since the petitioner expresses regret, he will not press his complaint. The petitioner through his counsel has tendered an apology and since the same is acceptable to respondent No.2, respondent No.2 does not press his complaint.

9. In this view of the matter criminal complaint No. 94/1 (C.C.No. 382 of 2007) is dismissed as withdrawn and summoning Order dated 11.04.2007 passed by the Ld. Judicial Magistrate- 1st Class, Jamshedpur is hereby quashed.

10. Since the complaint dismissed as withdrawn and the summoning order dated 11.04.2007 is quashed and orders dated 28.09.2012 and 22.12.2022 issuing Non-Bailable Warrants passed by learned ACMM-1, Tis Hazari Courts, Delhi are also quashed.

11. The petition, along with applications, if any, is disposed of.

JASMEET SINGH, J

MARCH 13, 2023/sr

[Click here to check corrigendum, if any](#)

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