

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 1 OF 2025

Harshvardhan Navnath Khandekar	}	Petitioner
versus		
State of Maharashtra & Ors.	}	Respondents

Mr. Amit Katarnaware with Ms. Pooja Dongre and Mr. Aditya Katarnaware for petitioner.

Mr. H. S. Venegavkar, Public Prosecutor with Ms. P. P. Shinde, APP for State.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: APRIL 9, 2025

P.C.:

1. This Public Interest Litigation (PIL) has been filed by the petitioner claiming the following reliefs: -

- "a. This Hon'ble Court may kindly allowed this Public Interest litigation.
- b. This Hon'ble Court is pleased to issue appropriate directions and orders for not registering any FIR or institute any criminal proceeding against any citizen/person who shared, re-tweet, re-sung, or any other act done in connection with the alleged video mde by Mr. Kunal Kamra as mentioned in the FIR without permission of the Judicial Magistrate First Class u/s 222 of BNSS as the alleged video is alleged to be only defamatory as alleged by the Chief Minister and Home Minister in Vidhan Sabha which may amount to only non-cognizable offence u/s 356(2) of BNS.

- c. This Hon'ble Court is pleased to pass an appropriate order declaring that the alleged speech delivered by Kunal Kamra is protected under Article 19 of the Constitution of India.
- d. This Hon'ble Court is pleased to direct the respective authorities to take action against the concerned BMC officials for demolishing only the studio in a biased manner while not taking any action against other illegal structures erected within their jurisdiction for committing fraud on power.
- e. This Hon'ble Court is pleased to issue orders and directions to the respective authorities for not taking any coercive action against Mr. Kunal Kamra in the concerned case till pendency of the present Petition.
- f. This Hon'ble Court is pleased to direct the authorities to not to act in a biased and partial manner while enforcing law for the offences of Hate Speech and the monitoring of the time bound investigation of the said offence is to be done by the Judicial Officers in order to execute the ruling of the Hon'ble Apex Court with respect to curbing of the Hate Speech.
- g. This Hon'ble Court is pleased to pass appropriate orders and directions to the Respondents preventing them from taking selective actions against the citizens which is fraud upon the power of the executives.
- h. This Hon'ble court may please to form Guidelines issued for protecting the right to freedom of speech from unnecessary misuse of executive/power of police.
- i. This Hon'ble Court is pleased to pass appropriate orders and directions which it deem fit and proper in the interest of Justice Please."

2. Mr. Venegaonkar, learned Public Prosecutor, on instructions, submits that the State has taken no action so far against the citizens and persons who have shared or have done

any other act in connection with the alleged video made by one Mr. Kunal Kamra. It is also pertinent to note that Mr. Kunal Kamra who is the person aggrieved has also approached a District Court in Chennai and has been granted anticipatory bail. Mr. Kunal Kamra, who is the person aggrieved has already filed a petition seeking quashing of the FIR registered against him. A Division Bench of this Court has entertained the said petition and has issued notices. It is further submitted that in respect of the incident of vandalization of studio also an FIR has been registered.

3. In view of the aforesaid submissions made, we are not inclined to entertain the PIL at this stage. The same is disposed of with liberty to the petitioner to take recourse to such remedy as may be available in law, if occasion, in future, so arises.

JAYANT
VISHWANATH
SALUNKE

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(M. S. KARNIK, J.)

(CHIEF JUSTICE)