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

+ **W.P.(CRL) 3704/2025**

SHUJAAT ALI

.....Petitioner

Through: Mr. Lakshay Sharma and Mr. Bhuvnesh
Vyas, Ms. Princess Singh, Mr. Rahul
Kanoj, Advs.

versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr. Syed Abdul Haseeb, CGSC for UOI
Mr. Amit Tiwari, CGSC for UOI

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

12.11.2025

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1. This petition purportedly filed in public interest seeks a direction to the authorities concerned to ensure fair, impartial and expeditious investigation into the allegations in three different FIRs being (i) FIR no.0374/2025 lodged at Police Station Rawatpur, District Kanpur Nagar, Uttar Pradesh, (ii) FIR no.0296/2025 lodged at Police Station Kaiserganj, District Bahraich, Uttar Pradesh and (iii) FIR no.0417/2025, lodged at Police Station Kashipur, District Udham Singh Nagar, Uttarakhand.

2. A further prayer has been made that aforesaid FIRs and the consequential proceedings drawn thereunder may be ordered to be placed under the supervision of an independent investigating authority such as CBCID/SIT with further direction to investigate the FIR No.0374/2025, Police Station Rawatpur, District Kanpur Nagar, Uttar Pradesh.

3. The petitioner also seeks a declaration that religious expression



including putting up posters, banners or participation in non-violent festivals are protected under Articles 19(1)(a) and 25 of the Constitution of India and such acts cannot be criminalised in absence of any proof of proximate incitement to violence. It has also been prayed that the respondents be directed to adhere to such a procedural safeguard provided under the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') including Sections 35, 173, 179, 183 & 193 and further to direct the respondents to file status report before this Court.

4. The first FIR as observed above has been lodged at Police Station Rawatpur, District Kanpur Nagar, Uttar Pradesh under Section 196 & 299 of Bharatiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS'), wherein nine persons have been named as accused along with certain other unknown persons. The allegations in the FIR are related to certain occurrences which are said to have been taken place on 04.09.2025 on the occasion of Barawafat. The FIR has been lodged by the Sub-Inspector of the area.

5. FIR no.0296/2025 has been lodged at Police Station Kaiserganj, District Bahraich, Uttar Pradesh under Section 189(2), 223, 351(3) & 353 of BNS. In the said FIR five persons have been named as accused along with 300-350 unknown persons. The said FIR has been lodged by the Sub-Inspector of the area and allegations contain in the FIR pertain to certain incidents which took place while some procession was said to have been taken out.

6. The third FIR being FIR no.0417/2025 has been lodged by Police Station Kashipur, District Udham Singh Nagar, Uttrakhand under Section 190, 191(2), 191(3), 121(1), 132, 221, 351, 351(2), 324(3) of BNS. The said FIR has been lodged by Senior Sub Inspector of the Police Station concerned, wherein three persons have been named as accused along with one unknown person. The allegation in the FIR is in respect of certain occurrences, which is said to have been taken place at the time of taking out of a procession.



7. All the three FIRs have thus been registered outside the State of Delhi and in terms of law the FIRs are to be investigated by the investigating authorities of the police station concerned unless some other investigating agency is appointed to investigate into the allegations of the FIR by a competent authority of the State concerned.

8. If the accused persons named in the FIRs are aggrieved in any manner by not so fair or impartial investigation, as is the allegation in the said writ petition, the same will give rise to cause of action to the accused persons and, therefore, in our considered opinion the prayers made in this writ petition cannot become subject matter of public interest litigation petition. Nothing prevents the accused persons named in the aforementioned FIRs to take recourse of the legal remedy, which may be available to them for ensuring that the allegations in the FIRs are investigated in a proper, lawful and impartial manner.

9. Even otherwise, we have our own doubts that for this Court sitting at Delhi, it will be possible and legally permissible to issue such direction as sought in the writ petition. The cause of action, if any, for seeking prayers made in the writ petition is personal to the accused persons named in the FIRs or to any other person, who may be affected by the investigation to be conducted by the investigation agency, such matters in our considered opinion cannot form basis of seeking the prayers made in this writ petition in a public interest litigation petition.

10. The petition is highly misconceived, which is hereby dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 12, 2025/S.Rawat