IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1100 OF 2026

MOHAMMAD HISHAM OSMANI MOHAMMAD YUSUF OSMANI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Shri Kazi S S, Advocate for the Applicant.
Shri V.M. Lomte, APP for Respondent No.1/ State
Shri Prasad D. Jarare, Advocate for Respondent No.2.
...

WITH
CRIMINAL APPLICATION NO. 3434 OF 2026
IN APPLN/1100/2026

VINOD NARAYAN PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Shri Jarare Prasad Devidas, Advocate for the Applicant.
Shri V.M. Lomte, APP for Respondent No.1/ State.
Shri S.S. Kazi, Advocate for Respondent No.2.
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 03 November 2026

P. C. :-

1. For the reasons stated in Criminal Application No.3434/2026, same is allowed. The learned advocate Shri Jarare, who is appearing on behalf of the original informant, is also appearing for the applicant/ intervenor, therefore, he is also heard.

2. Heard the learned advocates appearing for the respective parties.

3. The applicant is seeking quashment of FIR No.0064/2026 dated 21.02.2026 registered with the Pundaliknagar Police Station, at the behest of respondent No.2/ informant for the offence punishable under Section 299 of the Bharatiya Nyaya Sanhita, 2023.

4. The learned advocate for the applicant vehemently submits that the offence registered against the applicant is under Section 299 of the Bharatiya Nyaya Sanhita. He reads out the aforesaid provision and submits that no offence under Section 299 can be said to have been committed by the present applicant. Therefore, he prays for quashment of the FIR and consequential proceedings.

5. *Per contra*, the learned APP as well as the learned advocate appearing on other side, strongly opposed the instant application. They stated that the investigation is almost over and filing of the charge-sheet is under process. The statements of witnesses disclose that the aforesaid post was found on the Facebook account maintained by the present applicant. In view

of sufficient availability of material against the applicant, the instant criminal application deserves to be rejected.

6. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it would be apposite to reproduce Section 299 of the Bharatiya Nyaya Sanhita, as under:-

> *"299. 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 through electronic means 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."*

7. As per the FIR lodged by respondent No.2 on 21.02.2026, occurrence of offence is stated to be 19.02.2026 to 21.02.2026. As per the FIR, following objectionable portion was found on the Facebook account of the applicant :-

"दि.21/02/2026 रोजी वेळ 10.00 वाजता माझे मोबाईल फोन मधील माझे फेसबुक युजर आयडी Ashok Patil More हे पेज चालु

करुन पाहत बसलो असता Hisham Osmani या नावाचे फेसबुक वर क्लीक केले असता जिन शेरों को राज करना था, वो शान से राज करे चले गए उनके सेकडो साल बाद भी कुछ गधे उनके महल में जाकर आज भी मुजरा करते है. साथ ही गधों के कुछ चपरासी भी रील बनाने और पानी मरने पहुंच जाते है ना जाने शहंशाह ने एसी कोनसी जगह इंजेक्शन लगाकर नचवाया था जो सैकडो साल बाद भी आज तक मुजरा करने वही जाते है जाओ भेय्या नाचलो हो सकता है इससे तुम्हारा दर्द कम हो जाए वैसे भी तुम्हारे बॉस के मुजरे का रर्चा इस्त्राईल और अमरिका तक है"

8. In view of the specific provisions of Section 299 and perusing the aforesaid contents from the FIR which are allegedly found on the Facebook account of the applicant, no offence under Section 299 is said to have been attracted against the applicant. It is clear that every insult or objectionable statement would not necessarily attract the provisions of Section 299 of the Bharatiya Nyaya Sanhita. The provision contemplates an aggravated form of insult to religion or religious beliefs, coupled with deliberate and malicious intention of outraging the religious feelings of a particular class of citizens. Even if the contents of the Facebook post are taken at their face value, the same do not disclose any specific insult to a religion or religious beliefs of any particular

class of citizens. Mere use of insulting or abusive expressions against certain persons, without satisfying the aforesaid essential ingredients, would not constitute an offence under Section 299 of the Bharatiya Nyaya Sanhita. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicant deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) FIR No.0064/2026 dated 21.02.2026 registered with the Pundaliknagar Police Station, at the behest of respondent No.2/ informant for the offence punishable under Section 299 of the Bharatiya Nyaya Sanhita, 2023 and the further consequential proceedings arising out of the said FIR, if any, are hereby quashed and set aside to the extent of the present applicant.

kps (SUSHIL M. GHODESWAR, J.)