

Neutral Citation No. - 2025:AHC:113314-DB

Court No. - 47

Case :- CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 9 of 2025

Petitioner :- Jamiat Ulma E Hind (Arshad Madani) Public Trust And Another

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Raza Abbas,Syed Ali Murtaza

Counsel for Respondent :- A.S.G.I.,G.A.,R.P.S. Chauhan

Hon'ble Siddharth,J.

Hon'ble Avnish Saxena,J.

1. Heard Sri Syed Ali Murtaza and Sri Raza Abbas, learned counsel for the petitioners; Sri R. P. Chauhan, learned Standing Counsel for respondent nos.1 and 2 and Sri Manish Goyal, learned Additional Advocate General, assisted by Sri Pankaj Saxena, learned counsels appearing on behalf of State-respondent nos.3, 4, 5 and 6.

2. This public interest litigation has been filed praying for grant of following relief :

*(i) Issue a direction or order or Writ in the nature of Mandamus directing the respondent no. 3 and 4, namely, the state of Uttar Pradesh and the Director General of Police, Uttar Pradesh to immediately constitute a Special Investigation Team (SIT) headed by an officer of Inspector General Rank and hand over the investigation of the Case Crime No. 191 of 2025 lodged at Police Station Harduaganj, Aligarh, under sections 191(2), 191(3),190, *100,5308(5), 310(2), 3(5) of B.N.S., 2023 to the said SIT or transfer the investigation to any other impartial and independent investigating agency of the aforesaid case headed by an officer of the Inspector General Rank with a mandate to conduct an unbiased, thorough, and expeditious investigation, free from external influences or prejudices, while safeguarding the principles of natural justice and ensuring that neither the victims of the incident dated 24.05.2025 nor their family members are subjected to any form of harassment during the course of the investigation.*

(ii) Issue a direction or order or Writ in the nature of Mandamus

directing the respondent no.3 to file notification of the circular related to the appointment of Nodal Officers in each district dealing with cases of lynching and mob-violence, and status report of such cases in compliance of the directions/guidelines contained in paragraph No. 40.1, 40.2 and 40.3 of judgment dated 17.08.2017 Tehseen Poonawala case (supra).

(iii) Issue a direction or order or Writ in the nature of Mandamus directing the respondent no. 4 to file status report of the criminal investigation of cases of lynching and mob-violence taken place in the state of U.P. in last five years as mentioned in paragraph 22 of the aforesaid petition.

(iv) Issue a direction or order or Writ in the nature of Mandamus directing the respondent no. 3, namely the state of Uttar Pradesh to file notification issued by it related to the designation of court/fast track court (F.T.C.) earmarked for the purpose of conducting trial related to the lynching and mob-violence and submit status report of such criminal trials in compliance of the directions/guidelines contained in paragraph No. 40.17 of judgment dated 17.08.2017 Tehseen Poonawala case (supra).

(v) Issue a direction or order or Writ in the nature of Mandamus directing the respondent no. 3 and 4, namely, the state of Uttar Pradesh and the Director General of Police, Uttar Pradesh to file on record circulars and minutes of the regular review meetings of last five years (atleast once a quarter) taken place with all the Nodal Officers etc. in compliance of the directions/guidelines contained in paragraph No. 40.5 of judgment dated 17.08.2017 Tehseen Poonawala case (supra).

(vi) Issue a direction or order or Writ in the nature of Mandamus directing the respondent No. 3, the state of Uttar Pradesh to file victim compensation scheme framed under section 357-A Cr.P.C. related to the victim of lynching and mob-violence along with status report of the cases since 2018 in which compensation has been awarded to the victims and further be pleased to direct the state government to ensure strict compliance with the directions contained in paragraph 40 B- (iv) of the Hon'ble Supreme Court's judgment dated 17.07.2018 passed in Writ Petition (C) No.754 of 2016 Tehseen Poonawala case (supra), and awarding a compensation of Rs. 15,00,000 (Rupees Fifteen Lakhs) to

each of the victims of the incident dated 24.05.2025 as just repatriation for the irreparable loss suffered to meet out their immediate financial distress, medical expenses etc.

(vii) Issue a direction or order or Writ in the nature of Mandamus directing the respondent No. 1, namely, Union of India (UOI) to undertake immediate and comprehensive public awareness initiatives including the dissemination of broadcast messages, publication of print media advertisements, execution of digital campaigns, and other outreach programs, to educate the public on the grave consequences of mob violence and lynching, while unequivocally highlighting the stringent legal penalties for such acts, in strict compliance with the binding directions contained in para 40A (viii) and (ix) of Hon'ble Supreme Court's judgment dated 17.07.2018 rendered in Tahseen S. Poonawal v/s Union of India and others, (2018) 9 SCC 501.

(viii) Issue a direction or order or Writ in the nature of Mandamus directing the respondent No. 1 and 2 namely, the Union of India and National Crime Record Bureau (NCRB), New Delhi, to collect the reports, classify and publish the incidents of lynching and mob violence cases of last ten years occurred and reported across India on year to year basis in order to monitor and streamline the investigation and trial of such cases.

(ix) Issue a direction or order or Writ in the nature of Mandamus directing the respondent No. 3 and 3, namely, the state of Uttar Pradesh and the Director General of Police, Uttar Pradesh to take punitive measures/appropriate disciplinary actions against the police officers and officer of the district administration who failed to comply with the directions issued by the Hon'ble Supreme Court in order to prevent or investigate or facilitate expeditious trial of such cases of lynching/mob-violence.

(x) Issue a direction or order or Writ in the nature of Mandamus directing the state respondents to initiate proceedings under the preventive detention law against those who are accuseds of lynching, mob violence and disturbed the public order and peace in the state of Uttar Pradesh.

(xi) Issue any other suitable writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(xii) Award the cost of petition to the petitioners.

3. Learned counsel for the petitioners has submitted :

(a) That the petitioner No. 1 is a registered trust in the name and style of Jamiat Ulma E Hind (Arshad Madani) Public Trust having its office at 1, Bahadur Shah Zafar Marg, New Delhi-110002. The trust deed is registered in the office of Sub-Registrar (III), Delhi/New Delhi vide registration No. 32 dated 12.03.2013. The petitioner No. 1 has also established its offices/state units in different states of the country and one of its office is situated at 195/6, Jagat Narain Road near Qaiserbagh Bus Stand, Lucknow i.e., the petitioner no. 2.

(b) That this matter is extremely urgent, the police is not conducting the fair and impartial investigation in First Information Report dated 24.05.2025 lodged by Salim Khan, and registered as Case Crime No. 191 of 2025 at Police Station Harduaganj, Aligarh. The respondents have not provided any financial assistance or aid to the victims of the above mob violence and they need it urgently.

(c) That petitioner No. 2 is Secretary in the office of the Jamiat Ulama Uttar Pradesh, 195/6 Jagat Narain Road near Qaiserbagh Bus Stand, Lucknow. Considering the incident of mob violence happened in district Aligarh on 24.05.2025 in which atleast four persons belonging to Muslim community were brutally beaten by public only on the suspicion of carrying cow meat and also the incidents of mob lynching and mob violence frequently reported in different districts of state of Uttar Pradesh in recent years, a meeting of Jamiat Ulama, a State unit of Jamiat Ulma E Hind (Arshad Madani) Public Trust., Lucknow, was called on 31.05.2025 in its office and after due deliberation, it was petitioner No. 2 was authorized to file a petition in the Hon'ble High Court, Allahabad, in order to secure justice for the victims and their family.

(d) That in compliance of guidelines contained in the Hon'ble Supreme Court's Judgment dated 17.07.2018, the Central Government as well as the State Governments have failed to effectively control the monster of mob lynching and mob-violence. The cases of hate speeches, cow related violence, cultural hegemony, circulation of misinformation through social

media platforms including Facebook, Instagram, Whatsapp and X platform are at rise. As per the Information collected by the petitioner, which is not exhaustive, after the Hon'ble Supreme Court's Judgment dated 17.07.2018 at least 35 cases of mob attack have been reported from the entire country, out of which the following 8 incidents, excluding the incident dated 25.05.2025, have been reported from the State of Uttar Pradesh alone:

S. No.	Date	Location	Death	Injured	Incident
1.	30.08.2018	Lakshmanpur village, Balrampur, Uttar Pradesh	0	1	When one Kailash Nath Shukla, a 70 year old man, was taking his cattle to another village for treataement. A mob stopped hi, assaulted himbadly and threw him in a gutter.
2.	03.12.2018	Bulandshaer,	02	0	A protest against alleged illegal cow slaughter flared up into riots in which a police office named Subodh Kumar Singh and a protesting youth died.
3.	01.06.2019	Bareilly, Uttar Pradesh		04	Two Muslim Laborers and two others were beaten by Mob for allegedly consuming non vegetarian food.
4.	09.08.2019	Greater Noida, Uttar Pradesh		01	When a driver was transporting carcasses of dead cattle to disposal plat of Chagrasi village, fake news regardng cow slaughter was circulated by cow vigilantes. As a result the said driver was attacked by five persons including a woman, they broke the windows of his vehicle, overturned it. The trouble makes were later arrested by

					the police.
5.	23.05.2021	Moradabad, Uttar Pradesh		01	Mohd. Shakir was transporting buffalo meat on scooter when group stopped him and demanded Rs.50,000/-. Where after the was beaten with t he sticks. Later on, police registered a F.I.R. against the victim.
6.	04.06.2021	Mathura, Uttar Pradesh	01	07	One Shera 1 50 years old truck driver was shot dead and his 7 associates assaulted by a mob alleging that they were smuggling cows.
7.	18.06.2024	Aligarh, Uttar Pradesh	01	01	One Mohd. Farid @ Aurangzeb a 35 years man was lynched by a mob in Mama Bhanja Locality following suspicion of theft.
8.	30.12.2024	Moradabad, Uttar Pradesh	01	01	Shahdeen, a 45 years old father of 3 minor sons, earning his livelihood by pulling the manual carts, was brutally murdered near the police beat post of Manhola Police Station by a group of Cow Vigilantes on the suspicion of cow slaughter.

(e) That in such cases of mob-lynching/mob-violence the state respondents have failed to act upon Hon'ble Supreme Court's guidelines contained in Para 40 (A) of Judgment dated 17.07.2018, to look into the 'Preventive Measures' and the Senior Superintendent of Police, Aligarh as well as the Station House Officer of Police Station Harduaganj are liable

to be proceeded against in terms of Hon'ble Court's guidelines contained in Para 40(C) of Judgment dated 17.07.2018.

(f) That the Hon'ble Supreme Court Court in the matter of **Tahseen S. Poonawal v/s Union of India and others. (2018) 9 SCC 501** has laid down the guidelines for the Government of India and the state governments in order to ensure effective and professional investigation to prevent the incidents of mob lynching (including mob violence) and to provide adequate compensation to the victim and his family.

4. Hence he has prayed that the reliefs prayed in the writ petition may be granted. He has relied upon the judgement in the case of :

(i). **Bandhua Mukti Morcha Vs. Union of India and others reported in AIR 1984 SC 802;**

(ii). **Kusum Lata Vs. Union of India and others reported in AIR 2006 SC 2643;**

(iii) **Judgment dated 11.02.2025 passed in Writ Petition(s) Civil No.719 of 2023-.National Federation of Indian Women (NFIW) Vs. Union of India and others:**

(iv) **Interim order dated 10.07.2025 passed in Crl. Misc. Writ Petition No.10072 of 2025-Mohd. Alam Vs. State of U.P. and 04 others.**

5. Sri Manish Goyal, learned Additional Advocate General, has submitted the Apex Court in the case of **Tehseen S. Poonawalla Vs. Union of India and others, reported in (2018) 9 Supreme Court Cases 501** has laid suitable guidelines from para 40.1 to 40.23, which are quoted hereinbelow:

A. Preventive Measures :

40.1. The State Government shall designate, a senior police officer; not below the rank of Superintendent of Police, as Nodal Officer in each district. Such Nodal Officer shall be assisted by one of the DSP rank officers in the district for taking measures to prevent incidents of mob violence and lynching. They shall constitute a special task force so as to procure intelligence reports about the people who are likely to commit such crimes or who are involved in spreading hate speeches, provocative statements and fake news.

40.2 The State Governments shall forthwith identify Districts, Sub-Divisions and/or Villages where instances of lynching and

mob violence have been reported in the recent past, say, in the last five years. The process of identification should be done within a period of three weeks from the date of this judgment, as such time period is sufficient to get the task done in today's fast world of data collection.

40.3 The Secretary, Home Department of the concerned States shall issue directives/advisories to the Nodal Officers of the concerned districts for ensuring that the Officer In-charge of the Police Stations of the identified areas are extra cautious if any instance of mob violence within their jurisdiction comes to their notice.

40.4 The Nodal Officer, so designated, shall hold regular meetings (at least once a month) with the local intelligence units in the district along with all Station House Officers of the district so as to identify the existence of the tendencies of vigilantism, mob violence or lynching in the district and take steps to prohibit instances of dissemination of offensive material through different social media platforms or any other means for inciting such tendencies. The Nodal Officer shall also make efforts to eradicate hostile environment against any community or caste which is targeted in such incidents.

40.5 The Director General of Police/the Secretary, Home Department of the concerned States shall take regular review meetings (at least once a quarter) with all the Nodal Officers and State Police Intelligence heads. The Nodal Officers shall bring to the notice of the DGP any inter-district co-ordination issues for devising a strategy to tackle lynching and mob violence related issues at the State level.

40.6 It shall be the duty of every police officer to cause a mob to disperse, by exercising his power under [Section 129](#) of CrPC, which, in his opinion, has a tendency to cause violence or wreak the havoc of lynching in the disguise of vigilantism or otherwise.

40.7 The Home Department of the Government of India must take initiative and work in co-ordination with the State Governments for sensitising the law enforcement agencies and by involving all the stake holders to identify the measures for prevention of mob violence and lynching against any caste or community and to implement the constitutional goal of social justice and the Rule of Law.

40.8 *The Director General of Police shall issue a circular to the Superintendents of Police with regard to police patrolling in the sensitive areas keeping in view the incidents of the past and the intelligence obtained by the office of the Director General. It singularly means that there should be seriousness in patrolling so that the anti-social elements involved in such crimes are discouraged and remain within the boundaries of law thus fearing to even think of taking the law into their own hands.*

40.9 *The Central and the State Governments should broadcast on radio and television and other media platforms including the official websites of the Home Department and Police of the States that lynching and mob violence of any kind shall invite serious consequence under the law.*

40.10 *It shall be the duty of the Central Government as well as the State Governments to take steps to curb and stop dissemination of irresponsible and explosive messages, videos and other material on various social media platforms which have a tendency to incite mob violence and lynching of any kind.*

40.11 *The police shall cause to register FIR under [Section 153A](#) of IPC and/or other relevant provisions of law against persons who disseminate irresponsible and explosive messages and videos having content which is likely to incite mob violence and lynching of any kind.*

40.12 *The Central Government shall also issue appropriate directions/advisories to the State Governments which would reflect the gravity and seriousness of the situation and the measures to be taken.*

B. Remedial Measures :

40.13 *Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that an incident of lynching or mob violence has taken place, the jurisdictional police station shall immediately cause to lodge an FIR, without any undue delay, under the relevant provisions of [IPC](#) and/or other provisions of law.*

40.14 *It shall be the duty of the Station House Officer, in whose police station such FIR is registered, to forthwith intimate the Nodal Officer in the district who shall, in turn, ensure that there is no further harassment of the family members of the victim(s).*

40.15 Investigation in such offences shall be personally monitored by the Nodal Officer who shall be duty bound to ensure that the investigation is carried out effectively and the charge-sheet in such cases is filed within the statutory period from the date of registration of the FIR or arrest of the accused, as the case may be.

40.16 The State Governments shall prepare a lynching/mob violence victim compensation scheme in the light of the provisions of [Section 357A](#) of CrPC within one month from the date of this judgment. In the said scheme for computation of compensation, the State Governments shall give due regard to the nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal and medical expenses. The said compensation scheme must also have a provision for interim relief to be paid to the victim(s) or to the next of kin of the deceased within a period of thirty days of the incident of mob violence/lynching.

40.17 The cases of lynching and mob violence shall be specifically tried by designated court/Fast Track Courts earmarked for that purpose in each district. Such courts shall hold trial of the case on a day to day basis. The trial shall preferably be concluded within six months from the date of taking cognizance. We may hasten to add that this direction shall apply to even pending cases. The District Judge shall assign those cases as far as possible to one jurisdictional court so as to ensure expeditious disposal thereof. It shall be the duty of the State Governments and the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.

40.18 To set a stern example in cases of mob violence and lynching, upon conviction of the accused person(s), the trial court must ordinarily award maximum sentence as provided for various offences under the provisions of the [IPC](#).

40.19 The courts trying the cases of mob violence and lynching may, on application by a witness or by the public prosecutor in relation to such witness or on its own motion, take such measures, as it deems fit, for protection and for concealing the identity and address of the witness.

40.20 The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall be given timely notice of any court proceedings and he/she shall be entitled to be heard at the trial in respect of applications such as bail, discharge, release and parole filed by the accused persons. They shall also have the right to file written submissions on conviction, acquittal or sentencing.

40.21 The victim(s) or the next of kin of the deceased in cases of mob violence and lynching shall receive free legal aid if he or she so chooses and engage any advocate of his/her choice from amongst those enrolled in the legal aid panel under the [Legal Services Authorities Act, 1987](#).

C. Punitive Measures:

40.22 Wherever it is found that a police officer or an officer of the district administration has failed to comply with the aforesaid directions in order to prevent and/or investigate and/or facilitate expeditious trial of any crime of mob violence and lynching, the same shall be considered as an act of deliberate negligence and/or misconduct for which appropriate action must be taken against him/her and not limited to departmental action under the service rules. The departmental action shall be taken to its logical conclusion preferably within six months by the authority of the first instance.

*40.23 In terms of the ruling {(2011) 6SCC 405} of this Court in *Arumugam Servai v. State of Tamil Nadu*, the States are directed to take disciplinary action against the concerned officials if it is found that (i) such official(s) did not prevent the incident, despite having prior knowledge of it, or (ii) where the incident has already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits.*

6. He has submitted that the guidelines have binding effect on the State Government and the Central Government. This case is regarding violation rights with regard to First Information Report lodged by Salim Khan on 24.04.2025 and it is not a public interest litigation as clear from paragraph no.2 of the writ petition.

7. After hearing rival contentions and considering the judgement of the Apex Court in the **Tehseen S. Poonawalla (Supra)**, this court is of the view that all the reliefs prayed in the writ petition are in accordance with

the dictum of the Apex Court in the case of **Tehseen S. Poonawalla(Supra)**. The case laws relied by the learned counsel for the petitioner are not relevant for deciding this case when there is separate judgement of the Apex Court on the issue raised in the writ petition.

8. Hence the above noted writ petition is **disposed of** with the observations that the judgement of the Apex Court in the **Tehseen S. Poonawalla (Supra)** is binding upon the State Government as well as the Central Government. It is always open for the aggrieved party to approach the government first before rushing to this court seeking compliance of the judgement of Apex Court. Every incident of mob lynching/ mob violence is a separate incident and it cannot be monitored in a public interest litigation.

Order Date :- 15.7.2025

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