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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11112-2025 (O&M)

Reserved on: 24.03.2026

Pronounced on: 01.07.2026

Ranjanni Gaur

... Petitioner

versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Mitul Singh Rana, Advocate, for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab,
for the respondent-State.

SUBHAS MEHLA, J.

1. The present petition has been filed seeking quashing of the FIR No.67 dated 03.09.2024 registered under Section 298 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Talwara, District Hoshiarpur, along with final report dated 19.01.2025 (Annexure P-2) and all consequential proceedings arising therefrom.

2. The allegations against the present petitioner are that of committing the offence of desecration on the day of Janmashtami, by dressing up her pet dog as Lord Krishna, and posting its pictures as *WhatsApp* Status. As per the prosecution, a complaint was filed by a private complainant, who is a youth leader of Shiv Sena, alleging that the petitioner hurt the sentiments of the Hindu community by dressing up her dog as Lord Krishna, whereupon the present FIR was registered under Section 298 of BNS. During the course of investigation, the statement of

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the petitioner was recorded, wherein she stated that she had been married for the last six years and had remained issueless, which is why she loved her pet dog and treated it as her own child. According to her, 2–3 days prior to the festival of Janmashtami, she dressed the pet dog with a crown of Shri Krishna Bhagwan and took its photograph on her mobile phone. She further stated that on the occasion of Janmashtami, she put the said photograph of her dog as her *WhatsApp* status through her mobile phone, and that she did not know that such an act would hurt the religious sentiments of any person. Upon completion of the investigation, a final report/challan under Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') was presented before the trial Court.

CONTENTIONS ON BEHALF OF THE PETITIONER

3. Learned counsel for the petitioner, at the outset, submitted that the challenge to the impugned FIR rests on three-fold contentions, namely: (i) that the act complained of is a *bona fide* expression of the petitioner's personal faith and devotion, devoid of any intention to insult or outrage religious feelings; (ii) that the prosecution is founded upon misplaced religious hypersensitivity and subjective perceptions of offence, rather than the objective legal standard contemplated under law; and (iii) that the registration of the present FIR amounts to an unwarranted overreach of criminal law, thereby constituting an abuse of the process of law. As part of legal arguments, learned counsel for the petitioner contended that the FIR does not disclose any offence under Section 298 of BNS, as the essential ingredients to constitute the offence are missing; that the heart of the matter is that of personal affection of the petitioner for her pet dog, who is an

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issueless lady, and not that of malicious intent to hurt religious feelings of a community; and that the present FIR is an abuse of process of law as it is politically motivated and squarely falls within category (5) illustratively enumerated by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335.

Learned Counsel submitted that the petitioner is a well-educated and law-abiding citizen, employed as a Bank Manager, with clean and clear antecedents, belonging to a reputed family, and after marriage, has remained issueless. Learned counsel further submitted that the gravamen of the matter is that of the petitioner's personal affection and devotional expression towards her pet dog, whom she treats as her own child owing to the fact that she has remained issueless, and not of any malicious or deliberate intention to wound the religious feelings of any class of persons.

Elaborating upon the aforesaid submissions, learned counsel contended that the impugned FIR does not disclose the commission of any offence under Section 298 of the BNS, as the essential ingredients, both *actus reus* and *mens rea*, are conspicuously absent. The *actus reus* of this offence involves destruction/defilement/damage to either a *place of worship*, or, to any *object*, which is *held sacred* by any class of people. In the present case, the “objects” used by the petitioner to dress up the dog were a **yellow cloth**, a **crown**, a **morpankh** and other ornaments, none of which are objects which are held sacred by the Hindu Community. Further, as regards the *mens rea*, the act in question was not done by the petitioner with the intention to hurt anyone's religious sentiments, nor with the

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knowledge that her actions would be considered as an insult to the Hindu religion. Rather, it is a case of personal expression by the petitioner, and misplaced hypersensitivity on part of the complainant. The petitioner herself belongs to Hindu religion, and cannot be said to have malicious intent to hurt the religious sentiments of her own community. Further, the petitioner is an issueless woman, and treats the pet dog as her own child, which is a usual manner associated with the occasion of Janmashtami as a form of celebration, i.e. of dressing up one's child as Lord Krishna. Acts of the petitioner have been misconceived, and have been exaggerated to give a criminal colour to her acts. The present FIR has been lodged by the complainant to advance his personal motive of gaining political capital by bringing up a matter related to religious sentiments, as he identifies himself as youth leader of a political party. Learned counsel for the petitioner further contended that the photograph in question was merely used as the petitioner's *WhatsApp* status as a form of private and personal expression, and was not published on any open or publicly accessible social media platform such as 'Facebook' or 'X', where it could be viewed indiscriminately by the public at large. It was submitted that the limited and restricted nature of its dissemination itself negatives any allegation of a deliberate attempt to outrage or wound the religious feelings of any class of persons, and reinforces the absence of the requisite *mens rea* under Section 298 of the BNS. Learned counsel for the petitioner further submitted that in view of the judgment passed by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp(1) SCC 335***, the proposition in the present case falls within the category of '*inherently improbable and*

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absurd', and hence ought to be quashed. Learned counsel for the petitioner further placed reliance on the judgment passed by the Hon'ble Bombay High Court in ***Mr. Kailash v. State of Maharashtra, 2025(2) AIR BomR (Cri) 154***, and the judgment passed by the Hon'ble Supreme Court in ***Mahendra Singh Dhoni v. Yerraguntla Shyamsundar, 2017 INSC 1282***. Thus, learned counsel for the petitioner prayed for quashing of the impugned FIR as well as challan dated 19.01.2025 (Annexure P-2) and all consequential proceedings arising therefrom.

CONTENTIONS ON BEHALF OF THE RESPONDENT-STATE

4. Learned State counsel opposed the contention of learned counsel for the petitioner and submitted that *prima facie* the contents of the FIR disclose commission of offence under Section 298 of BNS. The act of the petitioner of dressing up her pet dog as Lord Krishna, and thereafter disseminating the same by uploading the picture as her *WhatsApp* status on the day of Janmashtami, hurt the religious sentiments of the Hindu Community. Further, on joining of investigation, the petitioner has admitted the fact that 2-3 days prior to Janmashtami, she made her dog wear the crown of Lord Krishna and took the photo of the dog, which she posted as *WhatsApp* status on the day of Janmashtami. The fact that petitioner herself belongs to the same community, does not negate the commission of the offence in question. Hence, he prayed that the present petition is without merits, and ought to be dismissed especially in light of the admission of the petitioner to the alleged acts.

5. Heard.

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OBSERVATIONS AND ANALYSIS

6. The allegation in the impugned FIR against the petitioner is of hurting the sentiments of the Hindu Community by dressing up her pet dog with a yellow cloth, crown, and other ornaments, thereby portraying the dog as Lord Krishna, and putting picture thereof as a *WhatsApp* status. Hence, FIR against the petitioner was lodged under Section 298 of BNS upon a complaint filed by a private person, who was a youth leader of a political party. As part of the investigation, statement of the petitioner was recorded, wherein she has stated that she dressed up her pet dog as Lord Krishna and put pictures thereof as her *WhatsApp* status as a form of personal expression of her love for her pet dog, whom she treated as her child as she remained issueless even after six years of marriage. The primary contention raised by learned counsel for the petitioner is that the ingredients to constitute the offence under Section 298 of BNS are not satisfied, and it is a case of initiation of proceedings by a hyper-sensitive person, as such an act would not hurt the sensibilities of an ordinary prudent person who is a member of the society, and hence, prayed that the FIR be quashed. On the other hand, learned State counsel has contended that the FIR *prima facie* discloses commission of the offence under Section 298 of BNS. Thus, the question before this Court is whether the act of the petitioner and the material collected during investigation by way of statement of the petitioner satisfies the ingredients to constitute the offence under Section 298 of BNS.

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7 Section 298 of BNS is reproduced as follows:

“Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

8. The first ingredient as to commission of the alleged offence relates to the *actus reus* i.e. damage, destroy, or defile a place of worship or object. The present case relates to subject matter of ‘object’. In relation to Section 298 of BNS (*erstwhile* Section 295 of IPC), the word ‘object’ has been interpreted in a plethora of precedents: ***Queen Empress v. Imam Ali, (1887) 10 All 150 FB ; Ramesh Chunder Sannyal v. Hiru Mondal, 1890 17 Cal 852 ; S. Veerabhadran Chettiar v. Ramaswami Naicker, Air 1958 SC 1032***. A combined reading of the aforesaid authorities reveals that the term ‘object’ must be interpreted *ejusdem generis* with the word ‘place of worship’; accordingly, unless the ‘object’ is in a place of worship, or carried in a procession on a festive occasion, Section 298 of BNS would not apply. Hence, in the present case, the ‘object’ which the petitioner made her pet dog wear, cannot be interpreted as ‘object’ within the meaning of Section 298 of BNS.

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9. As far as *mens rea* to constitute the offence is concerned, requirement of Section 298 of BNS is that the accused must have ‘intention’ of insulting the religion of any class of person, or ‘knowledge’ that his act/conduct is likely to cause such insult. Learned counsel for the petitioner has contended that an act cannot constitute an offence under Section 298 of BNS solely because the sentiments of a particular individual or a handful of persons are hurt, rather offence is constituted where the act is of such a nature that it would outrage or wound the religious feelings of an ordinary, reasonable member of the concerned community, and accordingly the common sensibilities of a community are hurt.

In this regard, it may be considered how the standard to assess obscenity in cases of P.D.A. i.e. public display of affection has been considered by the Hon’ble Supreme Court. Initially, the widely applied test was the ‘Hicklin Test’, derived from ‘1868 English Law’ (***Regina v. Hicklin, (1868 L.R. 2 Q.B. 360)***), according to which, impact of the act on the weakest or most impressionable and sensitive mind in the society was the standard. However, in 2014, the Hon'ble Supreme Court in ***Aveek Sarkar v. State of West Bengal, 2014 INSC 75***, established a new standard to determine whether an act of PDA would fall within the ambit of obscenity under Section 294 of IPC. The Hon'ble Apex Court replaced the 'Hicklin Test' with the 'Community Standard Test', and held that “*obscenity has to be judged from the point of view of an average person, by applying contemporary community standards.*” Accordingly, the standard for assessing obscenity was set as the perception of the **ordinary prudent person in the society** and not the most impressionable, depraved, or

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corrupt person in the society. Hence, criminal liability cannot be founded upon subjective hypersensitivity or idiosyncratic perceptions of offence; otherwise, the threshold for criminal prosecution would be left to the varying sensibilities of individuals rather than the objective standard contemplated by law.

10. Coming to the facts of the present case, and in assessing how the act of the petitioner affects the sensitivities of the society, it is necessary to appreciate that aesthetics and morality govern the common conscience of modern society. It is often seen that the 'aesthetic' sense of a group of people has a considerable impact on their sense of morality. For instance, a tiger is seen as a symbol of strength and valour that must be held in high regard in the animal kingdom whereas a rodent is seen as a tiny dirty scared creature that must be eliminated for ensuring basic sanitary health. It is not only the difference in the potential harm they cause to humans but also the difference in their appearances that affects our perception towards them.

11. Religion plays a major role in determining aesthetic attitudes. Our notions of purity and impurity, of beauty and ugliness are shaped by our religious beliefs. The case in point is an exemplary instance of misconstruction of intent and a parochially narrow understanding of religious philosophy. It may come across as a small innocuous incident that was blown out of proportion however, it also offers us an opportunity to go in-depth of our viewpoint towards the beauty of life and creation through the lens of religion and spirituality - especially in the context of Hinduism.

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12. The gesture made by the petitioner by dressing up her pet in the customary attire of Janamashtami seems to have been done in good faith and without malice. The posting of the photo on *WhatsApp* appears to be out of an intention of love and for showcasing her affection. The question of hurting others' religious sentiments and disgracing Lord Krishna arises primarily because of a myopic viewpoint that visualizes 'dog' as an impure creation of 'God'.

13. Attention is drawn to the Bhagvad Gita Chapter 5, Shloka 18:

“विद्याविनयसम्पन्ने ब्राह्मणे गवि हस्तिनि ।

शुनि चैव श्वपाके च पण्डिताः समदर्शिनः ॥ १८ ॥

vidyā-vinaya-sampanne

brāhmaṇe gavi hastini

śuni caiva śva-pāke ca

paṇḍitāḥ sama-darśinaḥ

The above translates to: “The humble sages, by virtue of true knowledge, see with equal vision a learned and gentle brahmana, a cow, an elephant, a dog, and even an outcaste.” This verse acknowledges the innate unity in the perceived hierarchy of living beings and dog is an integral part of it in every literal sense. And as we know that the Gita is attributed to Lord Krishna himself, therefore, if Krishna himself says that a sage sees no difference between a priest and a dog because the same Divine Soul (*Atman*) resides in both, then seeing Krishna in a dog is not sacrilege - it is a realization of divine truth.



14. While we have discussed the Bhagavad Gita on this issue, it would also be worthwhile to discuss the Mahabharata in the present situation. In one of the final happenings in the great epic, after the great battle is over, there is a description of Yudhishtira accompanied by a stray dog ascending to heaven where Lord Indra asks him to leave the unclean dog behind in order to enter heaven. Yudhishtira declines Indra's instruction and conveys that he would rather give up heaven than abandon such a loyal creature. It is then that the dog shows its true form - that of Lord Dharma himself. This instance, stated in the *Mahaprasthanika Parva* of the Mahabharata is another succinct example of the relation between dog and divinity in the textual sense.

15. When it comes to Hindu iconography and mythology, dog finds a special place here as the vehicle of Kal Bhairava, a manifestation of Lord Shiva. Idols of Bhairava on a black dog are worshipped by many sects especially within Tantric traditions. It is stressed here that the dog is a symbol of loyalty, compassion, vigilance and protection and therefore a perfect companion to divine power. Lord Dattatreya is also often depicted with four dogs surrounding him. These dogs represent the four Vedas. This might imply very poignantly that sacred knowledge is present even in what society might falsely deem 'lowly'.

16. Chronologically, continuing from the epics and Vedas to the Vedanta literature, we must remind ourselves the philosophy of "*Sarvam Khalvidam Brahma*" meaning 'everything is at its core Brahman i.e. divine' mentioned in the Chandogya Upanishad. Thus, if everything is

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God, then nothing is *outside* of God. This implies that a dog is a manifestation of the same cosmic energy that Krishna represents.

17. Extending the notion of one-ness of *atman* (individual consciousness) and *brahman* (universal being), we find Shankaracharya's concept of non- dualism or *Advaita Vedanta* which clearly proposes that all things animate and inanimate are part of the same fold of existence. This school of thought has been accepted and practiced across countries today and is the most popular amongst all Vedanta schools. We must recognize the pervasiveness of divinity in this case and acknowledge that it is not 'God' but 'Godliness' that unites all creation.

18. Finally, we must come to the Bhakti tradition which holds great importance in contemporary India. Dressing up of children as Baby Krishna on Janamashtami as a ritual every year is also derived from Bhakti Yoga where divinity is bestowed through *saguna* (with form) or *nirguna* (without form) means. This is a case of the former kind. On Janmashtami, the lady's heart was focused on Krishna. So, by dressing her dog - which she considers and loves as her own child - the petitioner is practicing Bhakti Yoga. For Krishna, the 'purity' of the cloth or the species of the wearer is secondary to the purity of the devotee's emotion.

19. A flagbearer of the same Bhakti Movement, Saint Kabir promoted the idea of a formless God. He emphasized that essence of God resides in every atom ever created by the Divine power itself. In accordance with *saguna* (as discussed above) and *nirguna* (as proposed by Kabir) schools of thought, the petitioner has not committed an act that may breach the lines of belief and dignity in this case. It is in this notion we find



unity of opinion between Bhakti and Gita i.e. the eminence of ‘bhava’ or ‘emotion’ - one sees God in any form depending on the devotee’s emotion and imagination rather than the intrinsic ‘divine’ nature of the perceived deity. There is God in a stone once the stone becomes an idol, there is God in a flower once the flower becomes sacred, there is God in an animal once divinity is bestowed upon it from eyes of the devotee.

20. Religion is a collective realization of personal beliefs which implies that the personal relationship between the believer and God is at its very core. Therefore, the nature of that relationship rests upon the imagination of the believer who intends to formalize it depending on how he or she ‘visualizes’ God. In simple terms, the ‘image’ of God depends on the imagination of the devotee. It is because of this reason that, since time immemorial, humans have seen God in things around them, living and non-living.

21. There is God in rivers, trees, mountains, the sun, the moon, animals and birds. This practice is derived from *Animism* which refers to the belief that all things (animals, rocks, rivers) possess a spiritual essence. In Vedic religion, the pantheon of Gods was closely associated with the natural phenomenon: Indra being the God of Rain and similarly Agni (fire), Varuna (sky/water), Vayu (wind), Prithvi (earth), Surya (sun) and Ushas (dawn). The sacredness of the Cow and rivers Saraswati and Ganga also proliferated from their pivotal economic and social importance that translated into religious importance beyond the Vedic period.

22. In the Egyptian civilization as well, we come across integration of spirituality and animal symbols. Egyptians worshipped the

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Cat as Bastet - the God of home and protection, the Jackal as Anubis - the God of the dead, the Falcon as Horus - the God of the sky. This Anthropomorphization is prominent in Indian mythology as illustrated by the extreme popularity of Lord Hanuman, Lord Ganesha, Lord Garuda, Lord Nandi and so on whose physical appearance stems directly from the animal kingdom. At this juncture, we must also clearly state what we mean by *anthropomorphization*. It is 'the act of attributing human characteristics, emotions, intentions, or behaviors to non-human entities like animals, objects, or natural phenomena.' The petitioner in this case has subjected her pet dog to this phenomenon out of love.

23. In the *Shinto* religion of Japan, the concept of 'Kami' exists. Kami refers to the spirits that inhabit nature. The fox is seen as one such spirit which is a messenger to God of prosperity 'Inari'. This is just like Yakshas and Gandharvas which are forest spirits who change forms and occupy a prestigious position in Indian myths and folk tales. These point towards divinity residing in nature.

24. The 'Dashavatar' of Vishnu is a very well-known and integral part of how the Hindu religion assimilates and popularizes a variety of cults over time. Four of the ten avatars of Lord Vishnu have been inspired by animals: Matsya (fish), Kuruma (tortoise), Varaha (boar) and Narasimha (half-lion). It shows how spirit does not discriminate between form, human or animal, according to Hindu philosophy.

25. In a summarized manner we may also take note of traditions in the civilizations of the Americas that revere animals in a similar way: in the Aztec civilization Xolotl was their dog-headed God of fire; the Jaguar was

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the God of spirits in the Mayan civilization; the snake was worshipped in both North and South American indigenous cultures; the eagle has always been a symbol of divine authority and can still be seen as the national emblem of the United States of America; the coyote and the bear are also seen as divine spirits of the wild - representing life and rebirth owing to their cycle of hibernation during winters in Northernmost parts of America.

26. Acknowledging the absence of *mens rea* in the facts of the present case, and the belief that God is ubiquitous and omnipresent, and may exist in unconventional forms in nature depending on the perception of the devotee, the petitioner did the act as an expression of affection and no malicious intent could be ascertained.

27. After analyzing the historical and cultural aspects that go behind this case, we may now come to the constitutional and legal aspects. Firstly, Article 19(1)(a) of the Indian Constitution guarantees the petitioner the right to freedom of expression - the petitioner is allowed to express ideas even in symbolic ways that may include dressing up a pet - subject to the restrictions of public order and morality (which we have already addressed that it does not violate in this case). Secondly, Article 25 guarantees the freedom of conscience and religion which protects her act of devotion or 'bhakti' in this case.

28. In terms of judicial precedents relied upon by the learned Counsel for the petitioner, in ***Mr. Kailash v. State of Maharashtra (supra)***, the Hon'ble Supreme Court has held that unless deliberate and malicious intent is demonstrated to insult the religious sentiments of a class of

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citizens, offence under Section 295A of IPC cannot be said to have been committed:

“The necessary ingredient of the aforesaid provision is 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 otherwise, when it amounts to insulting or attempting to insult the religion or religious belief of that class.

In order to attract the offence under Section 295A, what is necessary to be demonstrated is deliberate attempt and in this case the attempt on part of the Petitioner, specially when the song sung by him and picturized on him was a musical piece sung in praise of Lord Shiva.

The test to invoke Section 295A is, whether the act has the potential to disturb public order or morality.”

29. Learned Counsel for the petitioner has further sought to rely on the judgement Hon'ble Supreme Court in ***Mahendra Singh Dhoni v. Yerraguntla Shyamsundar (supra)***. In the instant case, Mahendra Singh Dhoni was depicted in the attire of Lord Krishna on the cover page of a magazine, with a caption “God of Big Deals”. The Hon'ble Apex Court quashed the impugned complaint, and held that to penalize an act under Section 295A of IPC it is necessary to establish a deliberate and malicious intent



to insult the religious feelings of a particular class of persons. It was further observed as follows:

“Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the Section”

30. Moreover, in ***Priya Prakash Varrier v. State of Telangana (2019 (12) SCC 432)*** that involved a song allegedly offending religious sentiments, the Supreme Court reiterated that “if a person’s intent is not to provoke or cause disorder, criminal proceedings should not be entertained.” The court also warned against the frivolous filing of such cases over matters of personal choice and expression.

31. In view of the foregoing discussion, the following extract from Ramcharitramanas may be the befitting concluding note in the present case:

"जाकी रही भावना जैसी, प्रभु मूरता देखि तिना जैसी"

The above phrase signifies that a person perceives the Divine, based on their own inner feelings, intentions, and mindset.

32. Hence, individual expression of the petitioner, shaped by her personal experiences, cannot be criminalized merely because it does not align with the sensitivities of others. In the absence of *mens rea*, criminal proceedings cannot be initiated to validate subjective perceptions of hurt. Constitutional tolerance must override hypersensitivity which leads innocent acts to be construed as desecration.

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33. Accordingly, the present petition stands allowed, and the FIR No.67 dated 03.09.2024 registered under Section 298 of BNS at Police Station Talwara, District Hoshiarpur along with final report dated 19.01.2025 (Annexure P-2) and all consequential proceedings arising therefrom, hereby stand quashed.

34. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(SUBHAS MEHLA)
JUDGE

01.07.2026

Manisha

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No