VERDICTUM.IN

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 28th OF OCTOBER, 2026

MISC. CRIMINAL CASE No. 51666 of 2025

CNR No.: MPHC010785982025

UVESH KHAN @ UVESH REPORTER

Versus

THE STATE OF MADHYA PRADESH AND ANR

Appearance:

Shri Sankalp Kochar - Advocate for the petitioner.

Shri Pramod Pandey - GA for the respondent-State.

Shri Raman Choubey - Advocate for the respondent no.2.

ORDER

The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "the BNSS"), has been filed seeking quashment of FIR dated 08.09.2025 (Annexure P/1) registered at Police Station Silwani, District Raisen, as Crime No.328/2025 for the offence punishable under Section 196(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS"), and all consequential proceedings arising therefrom.

2. The prosecution case, in brief, is that on 06.09.2025, during the Ganesh Visarjan procession at Silwani, the applicant, who is a journalist and operates a YouTube news channel, broadcast a report concerning an incident in the town. The complaint alleges that the manner in which the incident was reported created fear and confusion among members of the Hindu

NEUTRAL CITATION NO. 2026:MPHC-JBP:86748 VERDICTUM.IN

community and had the potential to provoke communal discord. On the basis of the complaint, the impugned FIR was registered against the applicant under Section 196(1) of the BNS.

3. Learned counsel for the applicant submits that the applicant is a journalist by profession, as demonstrated by his UDYAM certificate (Annexure P/2) and appointment letter issued by DNN News Channel (Annexure P/3). It is contended that the news report, a screenshot of which has been filed as Annexure P/4, merely reported a violent incident during the Ganesh Visarjan procession in which two persons sustained injuries. Learned counsel further submits that Crime No.324/2025 had already been registered at the same police station regarding an assault upon Ramashankar Dixit during the procession, and the applicant had also submitted a representation dated 10.09.2025 (Annexure P/5) seeking closure of the impugned FIR. It is argued that the report neither promotes enmity between communities nor contains any material indicating an intention to create communal disharmony. Consequently, the essential ingredients of Section 196(1) of the BNS are absent, and continuation of the proceedings would amount to an abuse of the process of law.

4. Learned counsel for the State, opposing the petition, submits that the allegations concern reporting of an incident in a sensitive communal setting and that the effect and context of the publication require investigation. It is contended that the FIR discloses allegations warranting investigation and that the proceedings ought not to be quashed at the threshold. Respondent No.2 also opposes the relief sought and supports the

NEUTRAL CITATION NO. 2026:MPHC-JBP:86748 VERDICTUM.IN

registration of the FIR.

5. Heard learned counsel for the parties and perused the record.

6. Section 196(1) of the BNS, which corresponds substantially to Section 153A of the Indian Penal Code, penalizes acts that promote or attempt to promote disharmony, enmity, hatred or ill-will between different groups on specified grounds. The mere reporting of an incident involving violence does not, by itself, constitute the offence. The nature and content of the publication, the context in which it was made, and the requisite connection with the promotion or attempted promotion of enmity between groups are material considerations.

7. In ***Patricia Mukhim v. State of Meghalaya, AIR 2021 SC 1632,*** the Apex Court, relying upon the principles laid down in ***Bilal Ahmed Kaloo v. State of A.P., (1997) 7 SCC 431,*** reiterated that *mensrea* is an essential ingredient of the offence under Section 153A IPC and that the promotion of enmity or ill-will between at least two groups or communities is necessary. Mere incitement of the feelings of one community, without reference to another community or group, would not by itself attract the provision. The alleged words and expressions must be assessed in their entirety and in the context in which they were used.

8. In the present case, the allegation against the applicant primarily rests upon his reporting of an incident that occurred during the Ganesh Visarjan procession. The screenshot of the news report filed as Annexure P/4 indicates that the report concerned a violent incident at two places during the procession, resulting in injuries to two persons. The applicant has also relied

NEUTRAL CITATION NO. 2026:MPHC-JBP:86748 VERDICTUM.IN

upon the registration of Crime No.324/2025 concerning an alleged assault during the same procession. These circumstances lend support to the applicant's contention that the report related to an actual incident; however, the mere existence of another FIR would not, by itself, conclusively establish the legality or otherwise of the impugned publication.

9. Nevertheless, the allegations forming the basis of the impugned FIR, as placed before this Court, do not identify any specific words, expressions or material in the applicant's report that promoted or attempted to promote enmity between two communities on any of the grounds contemplated under Section 196(1) of the BNS. The assertions that the report created fear and confusion among members of a particular community and had the potential to provoke discord are general in nature. In the absence of specific allegations disclosing the essential ingredients of the offence, the mere possibility of public outrage or communal tension cannot, by itself, justify the continuation of criminal proceedings under the aforesaid provision.

10. The applicant's status as a journalist does not confer immunity from criminal prosecution where the ingredients of an offence are otherwise made out. Equally, the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution cannot be curtailed merely because a report concerns a sensitive public incident. Any restriction on such expression must be justified in law. In the facts alleged in the present case, the material placed on record does not disclose a prima facie case under Section 196(1) of the BNS. Continuation of the proceedings on the basis of

NEUTRAL CITATION NO. 2026:MPHC-JBP:86748 VERDICTUM.IN

the allegations as presently framed would, therefore, amount to an abuse of the process of law.

11. Accordingly, the petition is ***allowed***. The FIR dated 08.09.2025 (Annexure P/1), registered as Crime No.328/2025 at Police Station Silwani, District Raisen, for the offence punishable under Section 196(1) of the BNS, and all consequential proceedings arising therefrom against the applicant, are hereby quashed.

(HIMANSHU JOSHI)
JUDGE

mn