

Case :- APPLICATION U/S 482 No. - 38523 of 2019

Applicant :- Salman Khurshid

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Syed Mohd. Fazal, Sri .S.G. Hasnain(Sr.Adv.)

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Sri S.G. Hasnain, learned Senior Advocate, assisted by S/Sri Syed Mohd. Fazal and Ajay Kumar Kashyap, learned counsel for the petitioner as well as Sri Ratnendu Kumar Singh, learned AGA and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed seeking quashing the charge-sheet dated 06.08.2019 as well as the cognizance/summoning order dated 03.09.2019 and the proceeding of Sessions Trial No.01 of 2019 (State vs. Salman Khurshid), arising out of Case Crime No. 353 of 2019, under Sections 153 A, 171-G IPC and Section 125 of the Representation of the People Act, 1951, Police Station Farrukhabad Kotwali, District Fatehgarh, pending in the court of Special Judge (SC/ST Act), Farrukhabad.

3. During the electioneering for Lok Sabha Election 2019, the petitioner made the statement in response to question being put by the journalists in respect of the statement of Sri Yogi Adityanath, the Chief Minister of Uttar Pradesh, in which Sri Yogi Adityanath allegedly said that the petitioner was sympathizer of Batla House accused/terrorists. The said incident was an encounter which took place in the year 2008 in which some terrorists were killed as well as one police inspector was also shot dead by the terrorists.

4. It is said that the present petitioner made an indecent remark

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against the Chief Minister, Sri Yogi Adityanath, which would read as under:-

“Rishte me ham unke Baap Lagte hai”

5. Learned counsel for the petitioner has submitted that this statement was made in a lighter vein which is a famous dialogue of movie "Shahanshah" without any intention to be disrespectful to the Chief Minister, Sri Yogi Adityanath. The petitioner has no intention to hurt and insult feelings and sentiments of any one, including, Sri Yogi Adityanath. It is further submitted that the petitioner is a veteran Politician, Senior Advocate, Ex-Member of Parliament as well as Ex-Union Cabinet Minister and enjoys a good image in society.

6. The applicant has filed a personal affidavit today in the Court and he has expressed regret on the said comment/statement. Paragraph 2 of the affidavit rendered in the Court reads as under:-

"2. That it is relevant to submit herein that the statement of the deponent 'Rishte me ham unke Baap Lagte hai' is a popular dialogue of Shahenshah movie delivered by reputed actor Mr. Amitabh Bachchan, which had no real malafide meaning attached to it when repeated by the deponent which in totality and circumstances was on a lighter side with no intention whatsoever to have hurt anyone's sentiment. However if any person feels hurt the deponent solemnly expresses regret."

7. Once the petitioner has regretted his comments/statement and has made it clear that he never intended to hurt the feelings and sentiments of anyone or Sri Yogi Adityanath and he made the said statement only in the lighter vein while responding to some questions put up by journalists, I am of the view that the impugned proceedings should be quashed. Sometimes, in a spur of moment, a person utters something with no intention to hurt feelings and sentiments of others, and if such person regrets for making such a statement, the Court should take a larger view of the matter and quash the proceedings. “Regret is tough but fair

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teacher. To live without regret is to believe you have nothing to learn, no amends to make, and no opportunity to be braver with your life.”

8. The petitioner has regretted his offending comment which means that he still has appetite to learn and be brave in life.

9. In view of the affidavit submitted by Sri Salman Khurshid and considering overall facts and circumstances of the case, the context in which he uttered the offending sentence, and his regret for his comment, I am of the view that the continuation of the impugned proceedings against Sri Salman Khurshid would not be justified.

10. Thus, the present petition is ***allowed*** and the entire proceedings of Sessions Trial No.01 of 2019 (State vs. Salman Khurshid), arising out of Case Crime No.353 of 2019, under Sections 153 A, 171-G IPC and Section 125 of the Representation of the People Act, 1951, Police Station Farrukhabad Kotwali, District Fatehgarh, pending in the court of Special Judge (SC/ST Act), Farrukhabad, are hereby quashed.

Order Date :- 13.2.2023

Vijay