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WP-44600-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 19th OF NOVEMBER, 2025

WRIT PETITION No. 44600 of 2025

BUDDHA PRAKASH BOUDDHA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Aman Raghuwanshi - Advocate for petitioner.

Ms Padamshri Agarwal - Panel Lawyer for respondent/State.
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ORDER

This petition under Article 226 of the Constitution of India has been filed by the petitioner seeking following reliefs:-

"(1) The petition may kindly be allowed.

(2) Hon'ble Court may Issue an appropriate writ, order or direction, including a writ of Certiorari or Mandamus, or invoke the inherent powers of this Hon'ble Court for quashing of the impugned FIR No. 143/2025 dated 27.09.2025 registered at Police Station Daboh, District Bhind (M.P.) (Annexure P-1), and all consequential proceedings arising therefrom, as the same is arbitrary, mala fide, and violative of the Petitioner's fundamental rights under Articles 14 and 19(1)(a) of the Constitution of India;

(3) Hon'ble Court may direct the competent authorities to award Cost/compensation for harassment of the petitioner due to registration of false, frivolous and motivated FIR dated 27.09.2025 against the petitioner. Any other relief which this Hon'ble Court may deem fit and proper, in the facts and circumstances of the case.

(4) Cost of the petition maybe awarded to the petitioner."

2. As per prosecution case, complainant Ram Mohan Tiwari, resident



of Ward No. 04, Davoh, engaged in agriculture, submitted a complaint before Police Station Daboh District Bhind alleging that on 26.09.2025 at about 10:00 PM, he was informed by Shankar Singh Parihar that in the WhatsApp group “B P Bauddh Patrakar News Group”, administered solely by BP. Bauddh where only the administrator was permitted to post messages. At 09:04 PM, on the same date, he posted a seven-page message containing derogatory and misleading comments regarding the Hindu religion and the Brahmin community.

3. The forwarded message included assertions relating to ancient rituals, such as claims that consuming beef was essential to being a good Hindu, bull sacrifices and meat consumption were obligatory on certain occasions, Brahmins regularly consumed bovine meat, and cows and bulls were allegedly slaughtered in various religious ceremonies. The message also contained several offensive remarks targeting the Brahmin community. As the cow is held in high reverence in Hinduism, the said post has deeply hurt his religious sentiments as well as other Hindu and Brahmin community members. On the basis of the aforesaid complaint filed by the complainant, the impugned FIR bearing crime No.143 of 2025 under Sections 196(1)(b), 299, 353(1)(c), 353(2) of BNS was registered against the present applicant.

4. Learned counsel for the Petitioner submits that the Petitioner is also the administrator of a WhatsApp group titled “B.P. Bouddh Patrakar News,” operated from his personal mobile number. The said group is a closed digital forum wherein only the administrator (the Petitioner) is authorised to post messages or content. The platform primarily functioned as an informational



medium for readers and followers interested in journalistic discourse, current affairs, and counter-narrative discussions. On 26.09.2025, the Petitioner, in the bona fide exercise of his fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India, shared certain excerpts from scholarly literature. The said extract was posted in good faith, without any malicious or deliberate intention to outrage the religious feelings of any class or community. The post was purely academic in nature, sourced from a published literary work, and was shared within a limited, non-public, voluntarily joined forum.

5. It is further submitted that the Thana Incharge, Police Station Daboh, Mr. Rajesh Sharma, sent a WhatsApp message at 11:16 PM on 26.09.2025, directing that a complaint be brought against the Petitioner for registration of an FIR on the allegation that the post had been made by an extremist. This itself demonstrates the premeditated and motivated approach adopted by the local police authorities. The impugned FIR dated 27.09.2025 is false, frivolous, and motivated, having been registered at the behest of the local police authorities due to the Petitioner's independent and critical reporting on police excesses including those allegedly committed by Respondent No. 1. The Petitioner had recently published several news reports raising serious concerns regarding the conduct of the local police. The impugned FIR is nothing but a retaliatory counterblast to such reports, initiated with mala fide intent to silence a dissenting journalist.

6. It is further submitted that the Petitioner, in exercise of his fundamental rights under Article 19(1)(a), shared an extract from a book



authored by Dr. Surendra Kumar Sharma (Agyaat), which, to the best of his knowledge, has not been banned by either the Central or State Government. The extract was shared in a private WhatsApp group voluntarily joined by members interested in counter-narrative journalistic perspectives. The group was operated by the Petitioner in the ordinary course of his profession as a journalist, thereby attracting not only freedom of speech under Article 19(1) (a) but also freedom to practice his profession and freedom of the press.

7. It is further submitted that the essential ingredients of Sections 196 BNS (promotion of enmity between groups), Section 299 BNS (deliberate and malicious acts intended to outrage religious feelings), and Sections 353(1)(c) and 353(2) BNS (erstwhile Section 505 IPC) are not satisfied in the present case. The Petitioner neither promoted enmity nor acted with any deliberate intention to insult or outrage any religion, caste, or community. The act of sharing an excerpt from a scholarly, publicly available book, within a restricted and private digital group, cannot constitute any criminal offence.

8. It is further submitted that the indispensable element of mens rea, i.e., deliberate and malicious intention, is completely absent. The Petitioner merely quoted an academic work authored by Dr. Surendra Kumar Sharma (Agyaat), without any intention whatsoever to outrage religious feelings. There is not even a prima facie allegation in the FIR that the quoted extract caused enmity between different sections of society or created hatred among religious, caste, or social groups, as required under Section 196 BNS (erstwhile Section 153A IPC). Mere quoting or referring to an academic



book relating to any caste or religion particularly when such book is not prohibited by the Central or State Government does not attract Section 196(1)(b) BNS. The Petitioner's act was neither prejudicial to the maintenance of harmony between groups nor is capable of disturbing public tranquillity in any conceivable manner. The registration of the impugned FIR dated 27.09.2025 is, therefore, a gross abuse of the legal process, intended solely to stifle free press and silence an independent journalist. It is a direct infringement of the Petitioner's constitutionally guaranteed rights under Article 19 of the Constitution of India, including freedom of speech, freedom of profession, and freedom of the press. For these reasons, it is prayed that this Court may be pleased to quash the impugned FIR dated 27.09.2025 and grant such other reliefs as may be deemed just and proper in the interest of justice.

9. On the other hand, learned counsel for the State submits that the impugned FIR clearly discloses the commission of cognizable offences under Sections 196(1)(b), 299, 353(1)(c) and 353(2) of the BNS. It is a well-settled principle of law that at the stage of investigation, the Court is not required to consider the defence of the accused or assess the sufficiency or reliability of the material collected. The only question to be examined is whether the FIR, on its face, discloses the commission of a prima facie cognizable offence. It is urged that the allegations in the complaint, taken at their face value and accepted in entirety, clearly indicate intentional publication of highly inflammatory and provocative material, capable of outraging religious sentiments and disturbing public tranquility. Thus, the present petition is



devoid of merit and is liable to be dismissed.

10. Heard counsel for the parties and perused the record.

11. The present matter involves allegations of publication or circulation of material capable of hurting religious sentiments or promoting disharmony. The allegations contained in the impugned FIR, when taken at their face value, disclose prima facie ingredients of the offences invoked. Whether the Petitioner acted with deliberate and malicious intention, whether the extract was quoted in good faith, and whether the content was merely academic or capable of disturbing public tranquillity and whether the Petitioner's post oversteps the permissible limits of free speech are the matters to be examined based on evidence collected during investigation. These are not issues that can be adjudicated at this preliminary stage. The plea of mala fides asserted by the Petitioner is also a question of fact, which would require evidence and cannot be conclusively determined in proceedings under Article 226 at the stage of investigation. The mere assertion that the FIR is a counterblast to earlier journalistic reports cannot, in itself, justify quashing of the FIR when the allegations otherwise disclose cognizable offences.

12. The Supreme Court has consistently held that at the stage of considering a prayer for quashing of an FIR, the Court is required only to examine whether the allegations, taken at face value, disclose the commission of any cognizable offence. In **State of Haryana v. Bhajan Lal** reported in AIR 1992 SC 604, the Court laid down that quashment is justified only in the rarest of rare cases where the allegations do not constitute any



offence or are absurd and inherently improbable. Similarly, in **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra** reported in 2021 SCC Online SC 315, the Supreme Court reiterated that the High Court, while exercising jurisdiction under Article 226 or Section 482 of the Cr.P.C., must refrain from conducting a roving enquiry into the truthfulness of allegations or evaluating the sufficiency of evidence at the FIR stage. The Court further observed that when the FIR discloses the commission of cognizable offences, investigation should ordinarily proceed unhindered.

13. In view of the settled law, and upon careful consideration of the FIR, the submissions made by the parties, this Court is of the considered opinion that no case is made out for exercise of extraordinary jurisdiction under Article 226 of the Constitution.

14. The petition is accordingly **dismissed**. No order as to costs.

(MILIND RAMESH PHADKE)
JUDGE