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WP-18818-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 19th OF JUNE, 2025WRIT PETITION No. 18818 of 2025*MARUF AHAMD KHAN**Versus**STATTE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Deepak Bunde - Advocate for petitioner.**Shri Sumit Raghuwanshi - Government Advocate for State.*
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ORDER

This petition has been filed seeking the following reliefs:-

"अ— यह कि लव जिहाद शब्द का इस्तेमाल कर मुसलमानों की धार्मिक भावनाओं को आहत करने और जिहाद शब्द को विकृत कर पेश कर हिंदू और मुसलमानों के बीच द्वेष फैलाने के लिए रेस्पॉण्डेंट क्रमांक 4 व 5 के खिलाफ आपराधिक प्रकरण दर्ज करने का आदेश पारित करने की कृपा हो।

ब— यह कि माननीय न्यायालय मुसलमानों और इस्लाम के खिलाफ न्यूज पेपर व न्यूज चैनलों के माध्यम से आम जनता को परोसे जाने वाली भ्रामक खबरों एवं झूठी जानकारियों पर प्रतिबंधात्मक कार्रवाई करने हेतु सख्त दिशानिर्देश जारी करें, जिससे धर्मनिरपेक्षता की भावना प्रबल हो और धर्म के कारण मुसलमानों के खिलाफ हो रहे अत्याचारों पर लगाम लग सकें तथा एक सभ्य समाज का निर्माण हो सकें।

स— यह कि इसके अतिरिक्त माननीय न्यायालय जो उचित समझे वह आदेश पारित करने की कृपा करें।"

2. A preliminary objection has been taken by the State regarding maintainability of the petition as the petitioner is having no locus to file this petition.

3. Counsel appearing for the petitioner submits that in pursuance to the publications made in the newspaper the religious faith of the Muslim community is being exploited resulting into hurting the sentiments of the petitioner and other persons belonging to Muslim community. The petitioner being the member of the



Muslim community is one of the affected person. He has filed an application to the Police authorities on 30.04.2025 for redressal of his grievances. As no action has been taken by the authorities, he has preferred this petition before this Court seeking a writ in the nature of mandamus to act upon his complaint.

4. The fact remains that the complaint submitted by the petitioner to the Police authorities shows that in pursuance to the newspaper publication the sentiments of the petitioner as well as other similarly situated persons belonging to the Muslim religion are adversely affected. This is a writ petition under Article 226 of the Constitution of India seeking a mandamus, however, no such relief as prayed can be granted as the relief claimed is in the nature of a Public Interest Litigation. The petitioner has sought relief in the complaint addressed to the Station House Officer, Police Station Aishbagh, Bhopal to take rigorous action against the persons who are publishing some false information in the newspapers which are affecting the sentiments of the petitioner and similarly situated person of his community.

5. In view of the nature of relief which has been claimed in the writ petition coupled with the averments made in the complaint it is clear that the petition is in the nature of a Public Interest Litigation for which mandamus cannot be issued. Under these circumstances, this Court refrains from entertaining the writ petition.

6. Even otherwise, if the complaint is made by the petitioner and no action was taken by the concerning Station House Officer on the complaint made by the petitioner then the petitioner is having a remedy to approach the higher authorities or file a complaint before the concerning Magistrate for redressal of his grievances in view of the judgments passed by the Hon'ble Supreme Court in the cases of Sakri Basu vs. State of U.P and others reported in (2008) 2 SCC 409, Sudhir Bhaskar Rao Tambe vs. Hemant Yashwant Dhage and Others reported in 2016 (6)



SCC 277 and M. Subramaniam vs. S. Jakari reported in (2020) 6 SCALE 204 and Vinubhai Haribhai Malaviya vs The State Of Gujarat reported in (2019) 17 SCC

1. The petitioner being a complainant is having an alternative and efficacious remedy of approaching the concerning Magistrate by filing an application under Section 156(3) of Cr.P.C./Section 175 of BNSS or by filing a private complaint under Section 200 of Cr.P.C./Section 223 of BNSS.

7. On both counts, the petition filed before this Court under Article 226 of the Constitution of India seeking mandamus is not maintainable.

8. Accordingly the writ petition stands dismissed.

(VISHAL MISHRA)
JUDGE

THK