



2026:CGHC:24269-DB

NAFR

ANURADHA
TIWARI

Digitally
signed by
ANURADHA
TIWARI

Date:
2026.06.18
10:18:14
+0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 1532 of 2026

- 1** - Sunil Kumar Xalxo S/o Jaipal Xalxo Aged About 37 Years R/o Village Jamragi -B,p.S. Bagbahar District Jaspur C.G.
- 2** - Sanjay Saxena S/o Dhoba Ram Aged About 43 Years R/o Village Vijaynagar P.S. Kapu District Raigarh C.G.
- 3** - Remish Terkey S/o Late Bajamin Tirkey Aged About 56 Years R/o Village Kasabel P.S. Kaqsabel District Jashpur C.G.
- 4** - Shyam Sundar Maravi S/o Late Shobhnath Maravi Aged About 47 Years R/o Village Kunkuri Behind Hospital P.S. Kunkuri District Jashpur C.G.
- 5** - Arvind Kachhap S/o Late Nanhu Kachhap Aged About 49 Years R/o Village Thakurpur P.S. Gandhinagar District Sarguja C.G.
- 6** - Paulus Kujur S/o Late Sukara Joseph Aged About 64 Years R/o Village Dhodhidand P.S. Kunkuri District Jashpur C.G.
- 7** - Harsh Kujur S/o Late Theder Kujur Aged About 44 Years R/o Bandotoli P.S. Bagich District Jashpur C.G.
- 8** - Dharmu Ekka S/o Late Buddhu Ekka Aged About 63 Years R/o Village Sargadi P.S. Pasta District Balrampur C.G.
- 9** - Dinesh Bhagat S/o Ghanshyam Bhagat Aged About 45 Years R/o Village Nariyal Dand P.S. Kansabel District Jashpur C.G.
- 10** - Mrs. Meera Tirkry W/o Prashant Kumar Aged About 59 Years R/o Village Shantinagar Kansabel P.S. Kansabel District Jashpur C.G.
- 11** - Blaciyus Tigga S/o Late Lukas Tigga Aged About 64 Years R/o Subhashnagar Bhagwanpur P.S. Gandhinagar Ambikapur District Sarguja C.G.

... Petitioners

versus

1 - State of Chhattisgarh Through- Superintendent of Police Jashpur District Jashpur C.G.

2 - Station House Officer Police Station Kunkuri District Jashpur C.G.

3 - Karnail Singh S/o Late Mungeshwar Singh Aged About 54 Years R/o Village Charaidand P.S. Kunkuri District Jashpur C.G.

4 - Roopnarayan Ekka S/o Pyara Ekka Aged About 44 Years R/o Gogharbasen P.S. Kansabel District Jashpur C.G.

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Anchal Kumar Matre, Advocate
For Respondents No.1 & 2/State	:	Mr. Priyank Rathi, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

17.06.2026

1. Heard Mr. Anchal Kumar Matre, learned counsel for the petitioners as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents No.1 & 2.

2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'B.N.S.S.') by the petitioners with the following prayer:-

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the order dated 24.01.2026 passed by the Learned First Additional Sessions Judge, Kunkuri,

District- Jashpur (C.G.), the order dated 19.09.2025 passed by the Learned JMFC, Kunkuri, Dist.- Jashpur (C.G) framing charges against the petitioners along with charges framed as well as the entire chargesheet pursuant to FIR no. 32/2024 dated 28.02.2024 registered at Police Station Kunkuri, District- Jashpur (C.G.) for the offences punishable under Sections 153A, 153B, 295A, 505(2), 109, 294 read with Section 34 IPC and quash the entire criminal proceedings against the petitioners in Cr.Cs.No. 1472/2025 pending before JMFC, Kunkuri, Dist. Jashpur (C.G.) and pass such other order as this Hon'ble Court may deem fit and proper in the interest of justice."

3. Brief facts of the case, in a nutshell are that on the basis of a written complaint lodged by the complainant, a member of Vishwa Hindu Parishad, at Police Station Kunkuri, District Jashpur (C.G.), FIR No. 32/2024 dated 28.02.2024 came to be registered against the petitioners. It was alleged that the petitioners had participated in a public meeting purportedly organized by Bharat Mukti Morcha and Rashtriya Christian Morcha at Saliyatoli Mini Stadium, Kunkuri, on 27.02.2024, wherein certain statements were allegedly made by the speakers which, according to the complainant, were objectionable and derogatory towards the Hindu religion and certain public personalities.

4. Pursuant to the registration of the FIR, investigation was conducted, the petitioners were arrested and a charge-sheet was filed. Thereafter, the learned Judicial Magistrate First Class, Kunkuri, by order dated 19.09.2025, framed charges against the petitioners under

Sections 153A, 153B, 295A, 294 and 505(2) read with Section 34 of the IPC. Aggrieved thereby, the petitioners preferred Criminal Revision No. 07/2025 before the learned First Additional Sessions Judge, Kunkuri, which came to be dismissed vide order dated 24.01.2026.

5. The petitioners contend that even if the allegations contained in the FIR, complaint and charge-sheet are accepted in their entirety, the essential ingredients of the offences alleged are not made out. According to the petitioners, the statements attributed to them do not disclose any deliberate or malicious intention to outrage religious feelings or promote enmity between different groups, and therefore continuation of the criminal proceedings would amount to an abuse of the process of law. Hence, the present petition has been filed seeking quashment of the order framing charges dated 19.09.2025, the revisional order dated 24.01.2026 and the consequential criminal proceedings arising out of FIR No. 32/2024.

6. Learned counsel for the petitioners submits that the impugned order dated 24.01.2026 passed by the learned First Additional Sessions Judge, Kunkuri, District Jashpur, affirming the order dated 19.09.2025 passed by the learned Judicial Magistrate First Class, Kunkuri, framing charges under Sections 153A, 153B, 295A, 294 and 505(2) read with Section 34 of the IPC, is wholly illegal, arbitrary and contrary to the settled principles governing criminal prosecution. It is contended that even if the allegations contained in the FIR, complaint and charge-sheet are accepted in their entirety, the same do not disclose the essential

ingredients of the offences alleged and, therefore, the continuation of the criminal proceedings would amount to an abuse of the process of law warranting interference by this Court in exercise of its inherent jurisdiction.

7. Learned counsel would submit that the petitioners are associated with social organizations engaged in creating awareness amongst socially and economically backward sections of society and that the statements attributed to them were made in the course of a public meeting while expressing their views on social, political and religious issues. It is argued that the petitioners subscribe to ideals of rationalism, scientific temper and social reform, which find recognition in Article 51A(h) of the Constitution of India. According to learned counsel, the Constitution not only guarantees freedom of speech and expression under Article 19(1)(a) but also protects the right to dissent, criticize and question prevailing beliefs and practices, subject only to the reasonable restrictions contained in Article 19(2). Reliance is placed upon the observations of the Hon'ble Supreme Court in ***Bijoe Emmanuel v. State of Kerala, (1986) 3 SCC 615***, wherein the Court emphasized the constitutional value of tolerance by observing, "Our tradition teaches tolerance; our philosophy preaches tolerance; our Constitution practices tolerance; let us not dilute it."

8. It is further submitted that the ingredients of Sections 153A and 153B IPC are conspicuously absent in the present case. Learned counsel contends that for attracting Section 153A IPC there must be

intentional promotion of enmity, hatred or disharmony between different groups on the grounds specified therein and such act must have a tendency to disturb public tranquillity. Likewise, Section 153B IPC contemplates imputations prejudicial to national integration or assertions affecting the allegiance and rights of particular classes of citizens. According to learned counsel, the allegations in the present case do not disclose any such intention, consequence or tendency and, therefore, the offences under Sections 153A and 153B IPC are not made out even prima facie.

9. Learned counsel next submits that the offence under Section 295A IPC is also not attracted. It is argued that the essence of Section 295A lies in the existence of a deliberate and malicious intention to outrage the religious feelings of a class of citizens and that mere criticism, dissent, satire or discussion concerning religious beliefs or social practices does not constitute the offence. He submits that the Hon'ble Supreme Court was held that Section 295A penalizes only those aggravated forms of insult to religion which are perpetrated with deliberate and malicious intention of outraging religious feelings. It is contended that the statements attributed to the petitioners, even if accepted as true, do not disclose any deliberate or malicious intent to insult any religion or outrage the religious feelings of any community and, therefore, invocation of Section 295A IPC is wholly misconceived.

10. It is further argued that the ingredients of Section 505(2) IPC are equally absent. Learned counsel submits that the alleged statements

neither constitute rumours nor alarming news and there is no material to show that the petitioners intended to create or promote feelings of enmity, hatred or ill-will between different religious, linguistic or social groups. It is also contended that there is no allegation of any resultant public disorder or communal disturbance. Equally, the invocation of Section 34 IPC is stated to be unsustainable as there is no material indicating any pre-arranged plan, prior meeting of minds or common intention amongst the accused persons to commit any offence. The allegations, according to learned counsel, are general and omnibus in nature and fail to attribute any specific criminal act to each individual petitioner.

11. Lastly, learned counsel places reliance upon the principles laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, and submits that where the allegations made in the FIR and the material collected during investigation, even if accepted at their face value, do not disclose the commission of any offence, the High Court would be justified in exercising its inherent jurisdiction to quash the proceedings so as to prevent abuse of the process of Court and secure the ends of justice. It is, therefore, prayed that the order dated 19.09.2025 framing charges, the revisional order dated 24.01.2026 affirming the same, and all consequential criminal proceedings arising out of FIR No. 32/2024 be quashed.

12. Per contra, learned State counsel opposes the petition and supports the impugned orders passed by the Courts below. It is

submitted that the FIR, statements of witnesses recorded during investigation, the video recording of the public meeting, the pamphlets seized during investigation and the material collected by the Investigating Agency prima facie disclose the commission of offences punishable under Sections 153A, 153B, 295A, 505(2), 294 and 34 of the IPC. It is contended that at the stage of framing of charge or while exercising jurisdiction under Section 482 Cr.P.C., this Court is not required to meticulously examine the probative value of the evidence and only a prima facie view is required to be taken.

13. Learned State counsel would submit that the public meeting held on 27.02.2024 at Saliyatoli Mini Stadium, Kunkuri, was attended by a large gathering and during the course of the meeting several speakers, including the present petitioners, allegedly made statements describing Hindu as a term denoting “thief, dacoit, robber and slave”, asserted that “Hindu is not a religion but an abuse”, made derogatory remarks against religious preacher Dharendra Shastri and the Chief Minister of Chhattisgarh, and exhorted the gathering that EVM machines should be broken and elections should not be allowed to be conducted through EVMs. According to the State, such statements cannot be viewed in isolation and are required to be examined in the backdrop of the audience before whom they were made and their potential impact on communal harmony and public order.

14. It is further submitted that the allegations in the FIR specifically disclose that the statements were perceived by members of the Hindu

community as insulting and derogatory towards their religion and religious beliefs and had the tendency to create feelings of disharmony, hatred and ill-will between different religious groups. The complainant has categorically alleged that the speeches were capable of promoting hostility amongst communities, affecting national integration and disturbing communal harmony. Whether the petitioners actually possessed the requisite intention or whether the statements amount to protected speech are matters which can only be adjudicated upon after evidence is led during trial and cannot be conclusively determined in proceedings seeking quashment.

15. Learned State counsel would further submit that the investigation has culminated in the filing of a charge-sheet after collection of documentary as well as electronic evidence, including videography of the event accompanied by a certificate under Section 65-B of the Evidence Act. The learned Judicial Magistrate, upon consideration of the charge-sheet and accompanying material, found sufficient grounds for presuming that the petitioners had committed the offences alleged and accordingly framed charges. The revisional Court, after independently examining the matter, has affirmed the said order. It is contended that the concurrent findings recorded by the Courts below do not suffer from any jurisdictional error warranting interference.

16. Placing reliance upon the settled principles governing quashing of criminal proceedings, learned State counsel submits that where the allegations in the FIR and the material collected during investigation

disclose a prima facie case, the inherent jurisdiction of the High Court ought not to be exercised to stifle a legitimate prosecution. It is, therefore, prayed that the petition be dismissed and the petitioners be relegated to raise all factual and legal defences before the trial Court during the course of trial.

17. We have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

18. The legal position on the issue of quashing of criminal proceedings is well-settled that the jurisdiction to quash a complaint, FIR or a charge-sheet should be exercised sparingly and only in exceptional cases and Courts should not ordinarily interfere with the investigations of cognizable offences. However, where the allegations made in the FIR or the complaint even if taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the FIR or the charge-sheet may be quashed in exercise of powers under Article 226 or inherent powers under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.).

19. The Hon'ble Supreme Court in the matters of ***Rupan Deol Bajaj v. K.P.S. Gill*** reported in ***(1995) SCC (Cri) 1059***, ***Rajesh Bajaj v. State of NCT of Delhi*** reported in ***(1999) 3 SCC 259*** and ***Medchl Chemicals & Pharma (P) Ltd. v. Biological E Ltd. & Ors*** reported in ***2000 SCC (Cri) 615***, the Supreme Court clearly held that if a prima facie case is made out disclosing the ingredients of the offence, Court should not quash the complaint. However, it was held that if the allegations do not

constitute any offence as alleged and appear to be patently absurd and improbable, Court should not hesitate to quash the complaint. The note of caution was reiterated that while considering such petitions the Courts should be very circumspect, conscious and careful. Thus, there is no controversy about the legal proposition that in case a prima facie case is made out, the FIR or the proceedings in consequence thereof cannot be quashed.

20. In *Neharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others* reported in **2021 SCC OnLine SC 315**, the Apex Court has observed that the power of quashing should be exercised sparingly with circumspection in the rarest of rare cases. While examining an FIR/complaint, quashing of which is sought, the Court cannot inquire about the reliability, genuineness, or otherwise of the allegations made in the FIR/complaint. The power under Section 482 of the Cr.P.C. (now 528 of the B.N.S.S.) is very wide, but conferment of wide power requires the Court to be cautious. The Apex Court has emphasized that though the Court has the power to quash the FIR in suitable cases, the Court, when it exercises power under Section 482 of the Cr.P.C. (now 528 of B.N.S.S.), only has to consider whether or not the allegations of FIR disclose the commission of a cognizable offence and is not required to consider the case on merit. Further, while dismissing/disposing of/not entertaining/not quashing the criminal proceedings/complaint/FIR in exercise of powers under Section 482 of Cr.P.C. (now 528 of B.N.S.S.) , final conclusions are as under:-

“i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;

ii) Courts would not thwart any investigation into the cognizable offences;

iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;

iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the ‘rarest of rare cases (not to be confused with the formation in the context of death penalty).

v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

ix) The functions of the judiciary and the police are complementary, not overlapping;

x) Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;

xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be

passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/ disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the

higher forum can consider what was weighed with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

21. Very recently, the Hon'ble Supreme Court in ***Pradeep Kumar Kesharwani v. State of Uttar Pradesh & Another (Criminal Appeal No. 3831 of 2025, decided on 02.09.2025)***, while reiterating the settled principles governing the exercise of inherent jurisdiction for quashing criminal proceedings, has once again emphasized that the jurisdiction vested in the High Court is extraordinary in nature and is required to be exercised with great caution, circumspection and only in exceptional circumstances.

22. The Apex Court has held that while considering a prayer for quashing of an FIR, charge-sheet or criminal proceedings, the Court is not expected to conduct a mini trial or undertake a meticulous examination of the evidence collected during investigation. The scope of judicial scrutiny at such stage is confined to examining whether the allegations made in the FIR, the material collected during investigation and the charge-sheet, if accepted at their face value, disclose the

commission of a cognizable offence and make out a prima facie case for proceeding against the accused.

23. The Hon'ble Supreme Court further observed that the High Court, while exercising jurisdiction under Section 482 of the Code of Criminal Procedure (now Section 528 of the BNSS), cannot enter into disputed questions of fact, evaluate the truthfulness or otherwise of the allegations, assess the evidentiary value of witness statements, or adjudicate upon the probable defence available to the accused. Such an exercise falls squarely within the province of the trial Court, which alone is competent to appreciate evidence after the parties have led their respective cases. The Apex Court cautioned that where the allegations disclose the ingredients of the alleged offences and the investigating agency has collected material in support thereof, criminal proceedings ought not to be scuttled at the threshold merely because the accused has raised a plausible defence or disputes the correctness of the prosecution case. The Hon'ble Supreme Court observed that:

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:-

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied

upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted prosecution/complainant; and/or the material that justifiably refuted it cannot be by is by the such, the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.

[(See: Rajiv Thapar & Ors. v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]”

24. Tested on the touchstone of the aforesaid principles, this Court finds that the allegations contained in the FIR and the material collected during investigation cannot be said to be so absurd, inherently improbable or wholly devoid of substance as to warrant exercise of inherent jurisdiction under Section 528 of the BNSS. The prosecution case is founded upon a written complaint lodged by the complainant, statements of witnesses recorded during investigation, pamphlets relating to the public meeting in question and electronic evidence in the form of videography of the event accompanied by a certificate under Section 65-B of the Indian Evidence Act. The material collected during investigation *prima facie* indicates that during a public gathering attended by a large number of persons, including members of different communities, certain statements were allegedly made concerning the Hindu religion, religious personalities and the electoral process. Whether the prosecution ultimately succeeds in establishing the allegations beyond reasonable doubt is a matter to be determined during trial.

25. The principal contention of the petitioners is that the statements attributed to them constitute protected speech and represent criticism of social practices, political institutions and religious beliefs, thereby falling within the ambit of freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India. While the constitutional protection of free speech and the right to dissent are undoubtedly of great significance in a democratic polity, the question whether the statements in issue amount to legitimate criticism or cross the threshold

into conduct punishable under the penal provisions invoked by the prosecution is essentially a matter requiring appreciation of the context in which the statements were made, the audience to whom they were addressed, their tenor and their likely impact. Such an exercise necessarily involves appreciation of evidence and cannot appropriately be undertaken in proceedings seeking quashment at the threshold.

26. Equally untenable is the submission that the allegations, even if accepted in their entirety, do not disclose the ingredients of Sections 153A, 153B, 295A and 505(2) of the IPC. A perusal of the FIR reveals specific allegations that during the public meeting statements were made to the effect that Hindu is not a religion but an abuse and that the word "Hindu" signifies a thief, dacoit, robber and slave. The FIR further alleges that derogatory remarks were made against a religious preacher and the Chief Minister of the State and that exhortations were issued against the use of EVMs. The complainant has specifically alleged that such statements hurt the religious sentiments of members of the Hindu community and were capable of generating feelings of disharmony, hostility and ill-will amongst different sections of society. Whether these allegations are ultimately established and whether the requisite mens rea for the offences alleged is proved are matters which can only be adjudicated upon after evidence is led before the trial Court.

27. The submission that the petitioners are social activists, rationalists or adherents of scientific temper and that their statements were intended merely to encourage social reform also cannot, by itself,

furnish a ground for quashing the proceedings at this stage. The defence sought to be projected by the petitioners, including their explanation regarding the intent behind the statements and the context in which they were allegedly made, constitutes a matter of defence. It is settled law that while exercising jurisdiction under Section 528 of the BNSS, this Court is not expected to undertake a detailed enquiry into disputed questions of fact or record findings regarding the correctness of rival versions advanced by the parties.

28. This Court is also unable to accept the contention that the absence of actual communal disturbance, violence or public disorder is by itself sufficient to terminate the prosecution at the threshold. The offences alleged by the prosecution are founded not merely upon the consequences that may have followed but also upon the nature and tendency of the statements allegedly made. Whether the statements were capable of promoting enmity, hatred or ill-will between different groups or amounted to deliberate and malicious acts intended to outrage religious feelings are issues which require examination upon a full-fledged trial.

29. The charge-sheet indicates that during investigation the investigating agency collected documentary as well as electronic evidence, including the pamphlets relating to the event, videographic recordings of the speeches delivered during the meeting and statements of witnesses who were present at the venue. Upon consideration of the material so collected, the investigating agency

formed an opinion that sufficient grounds existed for prosecuting the petitioners for offences punishable under Sections 153A, 153B, 295A, 505(2), 294 and 34 of the IPC. The learned Judicial Magistrate First Class, Kunkuri, having considered the material placed before him, framed charges against the petitioners and the revisional Court has affirmed the said order. The prosecution case, therefore, cannot be said to be based on mere conjectures or surmises.

30. Upon a cumulative consideration of the FIR, the charge-sheet and the material collected during investigation, this Court is satisfied that the allegations levelled against the petitioners, if taken at their face value and accepted as correct for the limited purpose of the present proceedings, disclose a prima facie case requiring adjudication by the competent criminal Court. The prosecution case is not founded merely upon vague or omnibus allegations but upon specific statements alleged to have been made during a public meeting attended by a large gathering. Whether such statements attract the penal provisions invoked by the prosecution is a matter which can only be conclusively determined after appreciation of evidence during trial.

31. The submissions advanced on behalf of the petitioners regarding the protection available under Article 19(1)(a) of the Constitution, the absence of deliberate or malicious intention, the applicability of Article 51A(h), the alleged lack of mens rea, the contention that the statements constitute fair criticism and the plea that no offence is made out, all involve disputed questions of fact as well as mixed questions of law and

fact. Adjudication of such issues would necessarily require examination of the actual contents of the speeches, the surrounding circumstances, the evidence collected during investigation and the testimony of witnesses. Such an exercise falls beyond the limited scope of jurisdiction under Section 528 of the BNSS.

32. At this stage, this Court is only required to ascertain whether the allegations contained in the FIR and the material collected during investigation disclose the commission of cognizable offences. The defence sought to be projected by the petitioners cannot be examined in a petition seeking quashment of criminal proceedings. The law is well settled that the High Court, while exercising its inherent jurisdiction, does not function as a trial Court and cannot undertake a roving enquiry into the truthfulness, reliability or admissibility of the evidence collected during investigation.

33. In the considered opinion of this Court, the present case does not fall within any of the categories illustratively enumerated by the Hon'ble Supreme Court in ***Neeharika Infrastructure Pvt. Ltd.*** (supra) and ***Pradeep Kumar Kesharwani*** (supra) so as to warrant exercise of the extraordinary jurisdiction for quashing the criminal proceedings at the threshold. The allegations levelled against the petitioner cannot be characterized as so absurd, inherently improbable, or manifestly frivolous that no prudent person could reasonably conclude that they disclose a prima facie case for proceeding further.

34. Consequently, this Court is of the considered opinion that no

ground is made out for quashing the FIR, the charge-sheet, the order dated 19.09.2025 passed by the learned Judicial Magistrate First Class, Kunkuri framing charges against the petitioners, the revisional order dated 24.01.2026 passed by the learned First Additional Sessions Judge, Kunkuri, or the consequential criminal proceedings arising therefrom. The petition, being devoid of merit, deserves to be and is accordingly **dismissed**.

35. It is, however, clarified that the observations made herein are confined solely to the adjudication of the present petition and shall not be construed as an expression of opinion on the merits of the case pending before the trial Court. The trial Court shall proceed independently and decide the matter strictly in accordance with law and on the basis of the evidence that may be adduced before it.

36. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice