

IN THE COURT OF CITY JUDGE / JMIC SRINAGAR

Mohammed Ashraf Bhat  
Advocate, J&K High Court, Srinagar.

----(Complainant)

*Through:- Mr. N.A. Ronga & Associates, Advocate.*

V/s

1. Nupur Sharma, D/o-Vinay Sharma  
[Redacted]  
Ex-Spokesperson, Bharitya Janata Party
2. Navika Kumar,  
Editor, Times Now Times Centre, FC-6, Film City,  
Sector 16-A NOIDA-201301, Uttar Pradesh
3. Ms. Kirtima Maravoor  
Compliance Officer  
Bennett, Coleman & Company Ltd. (TV Division),  
Ground Floor, Trade House, Kamala Mills Compound,  
Senapati Bapat Marg, Lower Parel, Mumbai 400013.
4. Naveen Kumar Jindal, S/o-Prakash Anand  
Ex-Head Spokesperson  
Bharitya Janata Party,  
New Delhi-110001.

----(Accused persons)

<u>Case No.:-</u>	25788251/2022
<u>CNR Number of the case:-</u>	JKSG03-030417-2022
<u>Date of institution of case:-</u>	11-06-2022
<u>Date of Order of case:-</u>	18-06-2022
<u>Coram:-</u>	Ajay Kumar, KCS(Judicial).
<u>JO Code of the Presiding Officer:-</u>	JK00198.

IN THE MATTER OF:

A COMPLAINT UNDER THE AUTHORITY OF SECTION 190 CrPC, AGAINST THE ACCUSED PERSONS FOR COMMITTING OFFENCES IN TERMS OF SECTIONS 120-B, 153A, 153B, 295(A), 298 & 505(2) OF IPC.

ORDER

1. The brief facts of the complaint are that the complainant being a Muslim and follower of Prophet Muhammad (PBUH), besides being a practising advocate in the J&K High Court, Srinagar, is submitting this complaint, personally for seeking indulgence of this Court. It has been stated that on May 26, 2022, the accused no.2 aired a TV-Debate 'The Gyanvapi Files' on Times Now which was set out by the accused No.2 & 3, with the intention of spreading hatred, stigmatizing and demeaning the Muslim community on national television which is accessible and within the reach of the huge number of people and has a huge societal influence. At the outset, the

entire telecast of the Time Now News Hour debate 'The Gyanvapi Files' appeared to be one-sided and partisan violating the basic principles of journalism and those laid down by the esteemed News Broadcasting Digital Standards Authority (NBDSA) where the host Accused No.2, being completely helpful and supportive towards the Ex- Bharatiya Janata Party (BJP) spokesperson Nupur Sharma (Accused No.1). Further states that the accused No.1 on the Times Now debate abovementioned organized by the accused No.2 used infalmmotroy and derogatory remarks about the Prophet Muhammad (PBUH) by saying that, "They should be told to shut up and stop insulting our religion. Otherwise, we are also capable of hitting them where it hurts. They may call it a fountain as much as they want but the reality is that even Supreme Court ordered immediate protection of the area....claims made in Quran about your flying horses... that the earth is flat ...should I make fun of it? What about Prophet Mohammed marrying a six-year-old child and having sex with her when she was nine?". Further states that the accused No.4, being the associate and hailing from the same Political Party as that of the accused No.1, on 01.06.2022, endorsed the statement made by the accused No.1, by publishing a tweet from his official twitter handle, uttering similar blasphemous remarks against Prophet Mohammed (PBUH), willfully and intentionally. The said accused No.4, consciously, in league and with common intention have caused serious wounds to the religious sentiments and beliefs of the Muslim Community of which the complainant is a member, for which the accused are liable to be punished. Further states that the aforesaid anti-Muslim outshout is clearly and extremely inflammatory statement and has caused immeasurable damage to the community in general and the complainant in particular, being a Muslim and staunch believer and follower of the Prophet of Islam (PBUH). Accused used the National Television platform to speak such vile comments targeting the Muslim Community. The Statements have been made with the intention of causing enmity, hatred and ill will in between religious communities and goes against the secular fabric of the Country, and the religious tolerance. Further states that without condemning or even interjecting to stop the hate monger Accused No.1 from making such a derogatory statement against the Prophet of Islam, Mohammed (PBUH), anchor Navika Kumar (Accused No.2) concludes the shouting match by saying if the structure in Gyanvapi mosque cannot be called a Shivling, it cannot be called a fountain. She says, "All I want to say is that if this country is to be run by the Constitution and the rule of law then clearly if it is not identified and called a 'Shivling' then it cannot be called a 'Fountain' as well and defining any property that may have any links with any religion or faith, is that acceptable in this society? That is the question we are asking on this News Hour tonight." Therefore, it is amply clear that the whole essence of the debate was, 'since people are mocking the Hindu faith they could also mock other religions.' Further states that the accused persons with common intention and with a view to hurt the sentiments and emotions of the followers of Islam including the Complainant, have uttered and spoken the language highly insulting to the Prophet Mohammed (PBUH). This has been done not only to hurt the religious sentiments of Muslims including the complainant but also to create and opportunity in the Country, to violate the religious tolerance of the people and create an atmosphere of communal rioting. The act of the accused commenting on Prophet Mohammed (PBUH)'s character with such confidence has disturbed the

peace and tranquility by spreading hatred and thereby resulting in communal violence. Further states that the complainant being staunch follower of the teachings of Islam revealed by Prophet Mohammed (PBUH), and as such the followers of the Prophet Mohammed (PBUH), including the complainant, is deeply hurt by the acts of the accused, by their inflammatory and blasphemous remarks thereby insulting the religious sentiments and beliefs of the Muslims all over the world including the complainant. He further states that the debate and speech by the accused persons is inciteful, hateful, derogatory to which complainant has also produced the documents which are annexed with the complaint and that his version is vindicated by the fact that the accused No. 1 & 4 have been expelled from the party and that there speech and debate have brought international disrepute to the entire country and as also brought disrespect to the public at large within an outside the country.

2. I have gone through the complaint and have heard the Ld. Counsel. All the accused persons in the case reside outside the territorial jurisdiction of this Court and thus, inquiry under Section 202 CrPC is mandatory before issuing process against the accused persons. Thus, the case is referred for investigation to SSP Srinagar under Section 202 CrPC for ascertaining whether or not there is sufficient ground for proceeding in the case. Inquiry shall be concluded before the next date of hearing which is fixed on 28-07-2022.

**Announced**  
**18-06-2022**

**City Judge / JMIC,**  
**Srinagar.**