

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Petn. No.03/2020

For Petitioner(s) : Mr. S. Lodh, Advocate,
Mr. R. Mukherjee, Advocate.

For Respondents No.1 to 3 : Mr. Ratan Datta, P.P.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

Order

10/01/2020

Petitioner had posted a Facebook post which reads as under:

“By mistake if you make a call in 8866288662, all of your data saved in the mobile would go to hackers. Be alert.... Be alert....”

The number in question pertains to a number given on which a person can give a missed call and thereby support the Citizenship Amendment Act. On this basis, a first information report came to be filed against the petitioner alleging that the Facebook post instigates division of religious sentiments, creates an environment of misinformation and public nuisance and rumour mongering consequential to criminal conspiracy as a purpose. This information was registered as a first information report and initially the charge was under Section 153A and Section 120B of Indian Penal Code (IPC, for short). The petitioner was arrested and released on bail by the competent Court after which, Section 505 of IPC is sought to be added at which stage the petitioner has filed this quashing petition.

In my opinion, there are *prima facie* grounds for examining further into the matter. A serious question would be, even if the allegations made in the complaint are taken on their face value,

can it be stated that any of the above mentioned offences are made out?

Issue notice, returnable for 12.02.2020.

By way of ad-interim relief, further investigation into the impugned F.I.R. is stayed. Consequently, the authority shall not cause the arrest of the petitioner pursuant to such complaint.

(AKIL KURESHI), CJ

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