

*** To be filed with the Pet./Appl./Doc ***

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HIGH COURT OF DELHI

NEW DELHI-110003

CASH MEMO

Bill No	07-03-2020/8285	
Date	07-03-2020	Time 11:28:38
Case Type	CRIMINAL	HIMANSHU
Name	DEEPAK	
Case No	NA	
Pages	55	
Total Amount	Rs. 32 /- (Inclusive of GST)	
Auto	141122	

****--THANK YOU--****

HIGH COURT OF DELHI

Subject1 :400.99 - ' P.I.L. MATTERS ' Other authorities

Subject2 :0 - '' NOT ENTERED

DIARY NO : 369263/2020

CASE TYPE : W.P.(CRL)

Filing Date : 07/03/20 14:36:16

DEEPAK MADAN

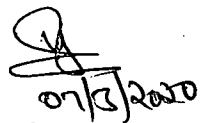
Vs.

THE STATE (GOVT. OF NCT OF DELHI) & ORS

SCRU ASSISTANT: YASHBIR DHANKHAD

The case has been passed for date : 12-MAR-20

AOJ/AR()


07/03/2020

**Signature
Dealing Assistant**

HIGH COURT OF DELHI

Name : 10 - 11 NOT ENTERED

Subject : 10 - 11 NOT ENTERED

DIARY NO : 369263/2020

CASE TYPE : W.P.(CRL)

Filing Date : 06/03/20 14:51:58


DEEPAK MADAN**Vs.****THE STATE (GOVT. OF NCT OF DELHI) & ANR**

S No. Defects

Marked
On

- Notice of Motion upon Counsel for concerned respondent be filed/ Proof of service be filed/ Notice be effected through nominated counsel.(1)
- Petitioner to file all annexures/ order/power of attorney should be stamped/signed properly. (2)
- The complainant be impleaded as a respondent and not as a co-petitioner.(3)
- List of dates should be filed within 5 pages.(4)
- Annexures should be made as true copies.(5)
- Affidavits should be filed or duly signed by the counsel.(6)
- Affidavits should be properly attested/ age of deponent be given/ identification be given properly ; be filed in the language of the deponent.(7)
- Affidavit with act should be given of the petition.(8)
- Typed copies of all handwritten annexures should be filed.(9)
- Margin of 4 cm. be kept on the left hand side of annexures.(10)
- It should be stated as to how petition is maintainable according to prayer/facts of the case/Territorial jurisdiction/pecuniary jurisdiction(11)
- VERIFICATION STATEMENT SHOULD BE GIVEN IN THE PETITION. IT SHOULD BE DATED 11-11
- If annexures be in Hindi/annexures be filed/ translation of Hindi annexures be filed
- If number to be done properly/ one more set duly signed be filed (14)
- Missing proforma be filed in both sets duly filled in. (15)
- Welfare stamp of Rs 10/- be affixed on Power of Attorney.(16)
- Certified copy of Charge Sheet (along with its typed copies) together with all documents relied upon be filed.(17)
- Missing proforma be filed in both sets duly filled in. (18)
- Petitions filed for quashing of F.I.R. on the basis of compromise/settlement should be accompanied by duly attested photographs of both the parties along with attested copy of identity proof.(19)
- Copy of FIR should be filed / Translated version of Hindi FIR also be filed.(20)
- Photograph (in compromise cases) be pasted on respective Id-Proof of the parties and attested by the Counsel.(21)
- In cases of parole the petitioner should first apply to Delhi Admn. and, if rejected, copy of the document certifying the same be filed.(22)
- It should be stated why petitioners not moved before the trial court for the similar remedy in 156(3) Cr.P.C.(23)
- In cases of protection, it should be stated why petitioners not approached to appropriate authorities (Police) for the remedy.(24)
- Petitioner no. (as given in Memo of parties) be indicated against each photograph.(25)

<http://www.15.196.159/html/prashant/defect.php?Prosecution=YES&dno=369263&dtr...> 06-03-2020


 06/3/2020

26. PARTICULARS OF F.I.R. BE GIVEN IN THE MEMO OF PARTIES AND HEADING OF THE PETITION(26)

COMMON OBJECTIONS

- | | |
|---|-----------|
| ✓ 27. SERVICE BE MADE TO THEIR NOMINATED COUNSEL PERSONALLY / TRACKING REPORT / DELIVERY REPORT OF SPEED POST / COURIER BE ATTACHED(203) | 06-MAR-20 |
| ✓ 28. MEMO OF PARTIES BE FILED AND SIGNED. COMPLETE ADDRESS BE GIVEN IN MEMO OF PARTY. IN CASE OF PETITION FILED IN A NAME OF FIRM THE NAME OF THE SOLE PROP(205) | 06-MAR-20 |
| ✓ 29. PETITION/ APPLICATIONS/ ANNEXURES/ORDER/POWER OF ATTORNEY SHOULD BE STAMPED / COURT FEES SHORT OR MISSING(209) | 06-MAR-20 |
| ✓ 30. English translation of vernaculars be filed.(221) | 06-MAR-20 |

There is only vernacular in photograph which cannot be translated from.

The above unremoved objections be removed hence same may be returned to be refile within a week.

SCRU ASSISTANT: YASHBIR DHANKHAD

Signature
Dealing Assistant

AOJ/AR()

- ▷ Service has been offered at pg no. 1.
- 2) Memo of parties to on record & address of respondents ~~to~~ from whom relief is sought is on record. NO other respondent is required to be named.
- 3) Court fees fixed.

fayyaz
21/6/20

objection has been removed
fayyaz

TO BE FILLED BY HAND

LISTING PROFORMA

Page1

INSTRUCTIONS: 1. DO NOT WRITE OUTSIDE THE BOXES. 2. WRITE IN BLOCK CAPITAL LETTERS. 3. ONE CHARACTER IN EACH BOX. 4. DO NOT Staple the Sheet.

IN THE HIGH COURT OF DELHI AT NEW DELHI

Case Type

Number

Year

W.P (Cal)

OF

IN THE MATTER OF:-

NAME

Deepak Madan

PLAINTIFF / PETITIONER

VS

NAME

The State of Delhi

DEFENDANT / RESPONDENT

1 (a) Case Category

W.P (Cal)

(b) Case Category

2 Date of Impugned order

3 (a) Similar Matter

Case Type / Number

4 Statute Involved

Criminal Matters - Code 100 to 105

FIR No.

FIR Date

Police Station

Service Matters - Code 500 to 505

Department / Authority / Organization etc.

Motors Accident Claim Matters - Code 600

Insurance Company

Lawyers Code

D6762006

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

VERSUS

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

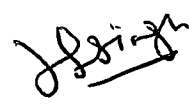
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26/9/2020
S.D

	engaged in criminal activities under section 153a/147/148/149/153b/120-b/295a IPC along with section 3 & 4 of damage to public property act arrest them, attach their properties and prosecute them in accordance with law.		
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Delhi
date- 7/3/20


HARSH PRIYA SINGH & ARPIT BHALLA
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

⑦

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

NOTICE OF MOTION

To,

The Standing counsel (Crl.)
437, Lawyers Chamber,
Delhi High Court, New Delhi.

Sir,

The enclosed Petition in the aforesaid matter as
being filed on behalf of the petitioner and is likely to be
listed on

Please take notice accordingly.

Thank you,

[Signature]
RECEIVED BY
06/3/2020
Standing Counsel (Crl.)
Delhi Admh. Delhi
Delhi High Court N. Delh.

DELHI.

[Signature] *[Signature]*
HARSH PRIYA SINGH & ARPIT BHALLA
ADVOCATE FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

TO,
THE DEPUTY REGISTRAR,
HIGH COURT OF DELHI,
NEW DELHI.

SUBJECT: URGENT APPLICATION

Sir,

Kindly treat the enclosed petition as an urgent one according to High Court rules and orders. The ground of urgency is that life and property of citizens of this country is at stake

DELHI.

date- 7/3/20


HARSH PRIYA SINGH & ARPIT BHALLA

ADVOCATE FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

3

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

VERSUS

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

MEMO OF PARTIES

DEEPAK MADAN

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

VERSUS

1. GNCT of Delhi

THROUGH ITS CHIEF SECRETARY

A WING IP ESTATE DELHI SECRETARIAT

NEW DELHI-110002

2. COMMISSIONER OF POLICE

M.S.O BUILDING POLICE HEADQUARTERS

ITO , NEW DELHI-110001

3. WARIS PATHAN

R/O Vill. And Po-Samirpur, Distt-Hamirpur, HP
74, Fl. - 700, Okhla Road
Mumbai - 400050

4. MOHD. TAAHIR HUSAIN

R/O Vill. And Po-Samirpur, Distt-Hamirpur, HP
A-1 BLOCK NEHRU VILLAGE
KARAWAL NAGAR
NEW DELHI

5. SALMAN KHURSHID

4, GULMOHAR AVENUE
JAMIA NAGAR, OKHLA NEW DELHI

6. FAIZUL HASSAN

AMU General secretary
ALIGARH MUSLIM UNIVERSITY CAMPUS,
ALIGARH, UTTAR PRADESH

7. AKBARRUDDIN OWAISI

R/O Vill. And Po-Samirpur, Distt-Hamirpur, HP
Mumbai - 400050

8. SONIA GANDHI

10, JANPATH, NEW DELHI 110001

9. KAPIL MISHRA

B-2/212, YAMUNA VIHAR, DELHI-110053

10. ANURAG THAKUR


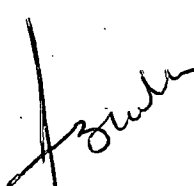
R/O Vill. And Po-Samirpur, Distt-Hamirpur, HP

11. ISHRAT JAHAN
WARD GHONTI, NORTH EAST DELHI

12. SARJEEL IMAM
503 & 504, 5th Floor Copia Corporate Suites, Plot
No.9, Non Hierarchical Commercial Centre, Jasola
Vihar, New Delhi, Delhi 110044

DELHI.

date- 7/3/20



HARSH PRIYA SINGH & ARPIT BHALLA
ADVOCATE FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

THE STATE

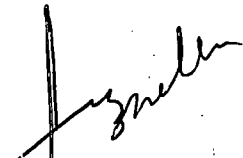
(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

LIST OF DATES AND EVENTS

11.12.2019	The Citizenship (Amendment) Act was passed by the government of India It amended the Citizenship Act of 1955 by providing a path to Indian citizenship for illegal migrants of Hindu, Sikh, Buddhist, Jain, Parsi, and Christian religious minorities, who had fled persecution from Pakistan, Bangladesh and Afghanistan before December 2014.
23.02.2020	Riots began at the North East District of Delhi
01.03.2020	Complaint was given by the petitioner to the respondent but of no use
	Hence the present petition

DELHI.

Date- 7/3/20


HARSH PRIYA SINGH & ARPIT BHALLA
ADVOCATE FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

7

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (CrI) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 482 Cr.P.C FOR ISSUANCE OF APPROPRIATE WRIT/DIRECTIONS OR ORDER IN THE NATURE OF MANDAMUS AND CERTIORARI FOR APPROPRIATE ACTION AGAINST (1) WARIS PATHAN (2) MOHD TAAHIR HUSSAIN (3) SALMAN KHURSHID (4) FAIZUL HASSAN (5) AKBARUDDIN OWAISI (6) SONIA GANDHI (7) KAPIL MISHRA (8) ANURAG THAKUR (9) ISHRAT JAHAN (10) SARJEEL IMAM AND ALL THOSE PERSONS WHO GOT ENGAGED IN CRIMINAL ACTIVITIES UNDER SECTION 153A/147/148/149/ 153B/120-B/295A IPC ALONG WITH SECTION 3 & 4 OF DAMAGE TO PUBLIC PROPERTY ACT ARREST THEM, ATTACH THEIR PROPERTIES AND PROSECUTE THEM IN ACCORDANCE WITH LAW.

**TO,
THE HON'BLE CHIEF JUSTICE
AND HIS HON'BLE COMPANION**

68

JUSTICES OF THE HIGH COURT OF DELHI.

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. That the present writ petition is being filed in respect of the communal attacks/riots which took place in East, North east and Shahdara District of Delhi from 23.02.2020 in which 42 persons have been reportedly killed and more than 300 injured as per media reports, after provocative and hate speeches were given by the prominent political leaders who may even have links with the assailants. Houses, shops and properties of the public persons were burnt by the assailants/rioters, the public persons who have lost their lives and properties have suffered losses due to the provocative speeches of the political leaders who have lost nothing except political mileage hence the present petition in public interest. The petitioner is filing the present writ petition in public interest. The petitioner has no personal interest in this litigation and the petition is not guided by self gains

or for gain of any other person/institution or body and there is no motive other than public interest.

2. That the petitioner as a citizen of India who is also an Income tax payee and has always worked for himself and also for welfare of the nation and has never done anything against the law. The documents and information which has been mentioned and annexed in this petition are in public domain and the petitioner has obtained them from public resources/domain , social media and internet.
3. That the orders /directions issued in this writ petition will help in welfare of the victims who have suffered loss of life and property due to the riots which took place from 23.02.2020 .
4. That by way of present petition the respondent mentioned herein will be affected and other authorities or persons will not be affected by the order sought in this writ petition.
5. The petitioner is running free Ambulance service day and night 24 hours; he is also block president of BG-6

Maa laxmi apartment, Paschim Vihar, New Delhi . He is doing business of property dealing and has remained engaged in social welfare of the citizens of this country. That the petitioner has the means to pay the costs, if any, imposed by the court and the petitioner undertakes to pay the same as and when directed.

6. That the respondent no. 1 and 2 are the government authorities to implement the law and order in the state of Delhi, while the persons against whom relief has been sought are leader of political parties who have spread hatred. The respondents have failed to fulfill their legal and moral obligations and have also infringed upon the right to life and liberty given to the citizens of this country. That in case during the hearing of this petition if this Hon'ble court deems fit to add more respondents to the present petition or delete someone for proper adjudication of the petition the same would be followed and placed before this Hon'ble court.

Relevant facts which give rise to the present petition are:

7. That on 11.12.2019 the Citizenship (Amendment) Act was passed by the government of India It amended the Citizenship Act of 1955 by providing a path to Indian citizenship for illegal migrants of Hindu, Sikh, Buddhist, Jain, Parsi, and Christian religious minorities, who had fled persecution from Pakistan, Bangladesh and Afghanistan before December 2014.

8. That due to this Citizenship amendment Act various Muslim groups were protesting against this act at various places in Delhi. That since the very inception of passing of the amendment, leaders of various political parties started raised slogans against the amendment and gave hate speeches which speeches have instigated the people who started raising anti CAA slogans.

9. On 21.02.2020 in a speech at public rally publicized on social as well as public media Waris Pathan said "hum 15 crore muslim 100 crore Hinduon par bhari padenge" "Hamari Aatishbaazi ka muqabala ye log nahi kar sakte" "Eint ka jawab poathar se dena seekh lia hai ab humney, magar hikatta hokar

chalna padega" "azaadi leni padegi aur jo chez maangne se nahi milti usko cheen kar lena padega" "ab waqt aa gaya hai, maa baheno ko aage bhej dia hai abhi to bas shernian baahar nikali hain aur tumhari pasine chut gaye agar hum log sadak par nikale toh kya hoga, hum 15 crore hain 100 crore par bhari padenge, yaad rakhna ye baat" After listening to his speech the supporters who visited the rally were overwhelmed they started shouting --ye ye-- and were raising slogans in support of Waris Pathan.

10. This matter even became a news debate in various news channels, Waris Pathan was criticized by various scholars and Waris Pathan even posted the hate speeches on his twitter account, there are many instances in near past when leaders of AIMIM have given such type of hate speeches which are not only defamatory but also provocative in nature and many innocent persons get provoked by such type of hate speeches which can be seen in CCTV footages of riots which took place in Delhi on 24-26 Feb 2020 in which the rioters have left no stone unturned to prove the statement of Waris Pathan .

11. That through video footages and news reports on various TV News channels the petitioner has also come to know the active involvement and conspiracy of Taahir Hussain and Ms. Ishrat Jahan in the riots which took place on 24-26 February 2020, properties of various citizens was destroyed even people of this country have died due to active involvement of Taahir Hussain and his associates in the riots. The hate speeches and abetment calls given by Taahir Hussain has given rise to the riots.

12. That another politician Salman Khurshid went to Shaheen Bagh protesters and chanted slogans with small toddler. The word is derived from "to toddle", which means to walk unsteadily, like a child of 1 to 3 years of age. Salman Khurshid was supporting the child who was chanting "azadi, zor se bola azadi, tum goli maaro azadi tum kaise n doge azadi, hum cheen ke lenge azadi, inqalaab Zindabaad zindabaad.....etc etc" which are detrimental to mental growth of the toddler who cannot differentiate between wrong and right on its own. Salman Khurshid not only supported the toddler in

such type of anti national activity but he also provoked the supporters/public present at that time . The mind and future of the child has been destroyed which is also dangerous for building of nation.

13. That one Faizul Hassan Secretary of AMU Aligarh, Uttar Pradesh has stated in public speech thathindustani musalmano ka sabr dekhiye, 1947 se 2020 tak , kabhi koshish nahi kee ki hindustan toot jaye, warna rok nahi paoge, hum vo komb se hain jo barbad karne par aayenge toh chodenge nahi kisi bhi desh ko khatam kar denge,etc etc" speeches which are not only defamatory but also provocative in nature and many innocent persons get provoked by such type of hate speeches which can be seen in CCTV footages of riots which took place in Delhi on 24-26 Feb 2020 in which the rioters have left no stone unturned to prove the statement of Faizul Hassan.

14. Akbaruddin Owaisi in his speech has stated that "main kehna chahta hoon tu mera kaagaz dekhna chahta hai arrey 800 baras tak maine iss mulk par raaj kia haietc etc.....

15. Sonia Gandhi in public rally has stated "kabhi kabhi aisa waqt aata hai ki ussey iss paar ya uss paar ka faisala lena padta haietc etc....."
16. Kapil Mishra in his speech has stated that "... mai aap sable behalf par ye baat keh raha hoon ki Trump ke jaane tak hum ruke hue hain uske jaane ke baad hum apki bhi nahi sunenge....."
17. Anurag Thakur in his speech has stated that "desh ke gaddaron ko goli maaro saalo ko....."
18. Parvesh Verma in his speech has stated ".....ye log apke ghar mein ghussenge apki bahen betion ke sath rape karenge phir modiji nahi aayenge apko bachane amit shah nahi aayenge apko bachaane.....".
19. Abhay Verma in his speech said " jo Hindu hith ki baat karega wahi is dehs par raj karega, gaddaron ko goli maaro"
20. Ishrat Jahaan has been involved in illegal activities of provoking the mob and also blocked road by the time she was protesting with the agitators.

21. Sarjeel Imam in his speech has stated that "humey Assam ka raasta band karna hoga, usko bhartat se alag kar denge, wo muslim ghrast ilaka hai aur bharat ke tukade karenge..."
22. That by given such type of hate speeches which are not only defamatory but also provocative in nature and many persons get provoked by such type of hate speeches which can be seen in video footages of riots which took place in Delhi on 24-26 Feb 2020 in which the rioters have left no stone unturned to prove the statement of these politicians. Beside this the above . Sonia Gandhi, Waris Pathan, Salman Khurshid, Faizul Hassan, Taahir Hussain and Ms. Ishrat Jahan, Kapil Mishra, Anurag thakur, Parvesh Verma and Abhay Verma and Sarjeel Imam under section 153A,147,149,120-B, IPC and section 3 & 4 of Damage to public property act and their properties be attached for reimbursement of the loss occurred to public exchequer. They be also booked under National Security Act for continuously posting such type of hate speeches and disturbing integrity of the

country. That due to these hate speeches which were provocative also the areas such as

- i) Maujpur
- ii) Bhramपुरi
- iii) Bhajanpura
- iv) Chand bagh
- v) Kardampur
- vi) Jaafrabad

Properties in these areas have been destroyed people are living under fear of future mis happening , the government needs to compensate the victims which will be done, if it is done, through public exchequer and the above politicians will again stick to their provocative speeches and will themselves remain under security of police and SPG commandos whereas the common man, public will be victimised.

23. That aggrieved by the acts and conduct of the above persons the petitioner has also sent a complaint to the respondents. A true typed copy of

complaint along with email details being roof of service is attached herewith as **Annexure -P/1**

24. That there has been more than 10 days and the respondents are not taking any action against the politicians who delivered hate speeches, even though the impact of these hate and provocative speeches have been seen in North East , East Delhi and Shahdara district of Delhi where instances of multiple riots and mob attacks has caused deaths loss of properties and severe injuries in many case. The videos of hate and provocative speeches delivered by different political leaders which has been downloaded from internet are downloaded in a pen drive which has been attached herewith this petitioner , which pen drive is **Annexure- P/2** along with snapshots from video which is **Annexure -P/3** colly.

25. **Grounds** , That the petitioner is moving inter alia the present petition on the following amongst the other grounds:

- A. BECAUSE the Anti CAA protesters who were participating in a demonstration should not have been allowed to gather at Jaffrabad though they have been sitting at Shaheen Bagh from last more than two months.
- B. Because the Delhi Police should have arrested the politicians delivering hate speeches on the spot when these politicians were provoking the mobs.
- C. Because the state has breached the Constitution by violating Article 21 of the Constitution of India, Article 21 States:-
- "protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by Law"
- D. Because the mob and rioters have deprived the residents of the area of their life and personal liberty by beating them severely, by sexually assaulting females, and by destroying their properties. The state has vindicated the sacrosanct fundamental right to life and the personal liberty of the people residing at North

East district of Delhi. It is pertinent to note that Article 21 contains an exception viz. "procedure established by law". The Hon'ble Supreme Court construed the definition and purview of a 'procedure established by Law' in Maneka Gandhi Vs Union Of India as one that is Fair, just and reasonable.

- E. Because the respondent did not uphold allegiance to the Constitution of India as required by the Government of India.
- F. Because the police failed in recognize and respect the limitations of their powers and function in Contravention with the Government of India Code of Conduct for Police.
- G. Because the respondents did not keep in mind the welfare of the people and instead of taking coercive steps to stop the rioters/mob the respondents stood as mere spectators. .
- H. Because the hate speeches have been delivered by political persons and it is their duty to control what they speak in general public. Delhi Police did not exercised due diligence against the political

persons when hate speeches were delivered by them on public platform.

I. Because the State Police did not took action against the political persons on time so as to control them from making any further hate speeches and provoke the public which has lead to such a big massacre.

26. That the Petitioners crave leave of this Hon'ble Court to urge such further additional ground (s), at the time of hearing of this petition, which have not been specifically taken up in this petition.

27. That the Petitioner has no alternative and efficacious remedy except to approach this Hon'ble Court for seeking relief claimed in the petition.

PRAYER

It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to

- i) order a writ in the form of mandamus directing the respondents to register a case against all the persons involved in giving hate speeches.

and provoking riots under section 109/147/148/149/153A/153B/120-B IPC and section 3 & 4 of Damage to public property act

ii) to constitute a SIT and compute the damage caused to the public property as well as to the property of the public persons and then attach and sell the properties of (1) WARIS PATHAN (2) MOHD TAAHIR HUSSAIN (3) SALMAN KHURSHID (4) FAIZUL HASSAN (5) AKBARUDDIN OWAISI (6) SONIA GANDHI (7) KAPIL MISHRA (8) ANURAG THAKUR (9) ISHRAT JAHAN (10) SARJEEL IMAM and disburse the amount to the victims affected by the riots in the interest of justice.

iii) To direct the respondent to restrain any political party or person from giving any speech and organize any rally until the peace and situation within Delhi is under control and normal.

Pass any other order which this Hon'ble court deems fit and appropriate in favour of the petitioner and against the respondents which is

in the interest of public at large, in the interest of
justice.


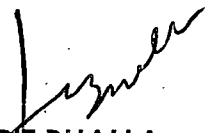
It is prayed accordingly.


PETITIONER

Delhi

THROUGH

DELHI.



HARSH PRIYA SINGH & ARPIT BHALLA
ADVOCATES FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (CrI) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

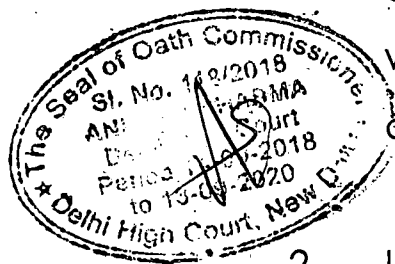
THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

AFFIDAVIT

I, Deepak Madan aged 46 years S/O Satpal Madan R/O BG-6, 250 B Paschim Vihar; New Delhi-110063 , Do Hereby Solemnly Affirm And Declare As Under:-

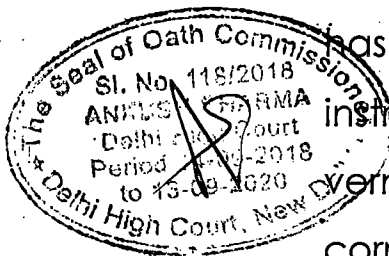
1. That the deponent is the petitioner in this petition under public interest litigation and is fully conversant with the facts and circumstances of this case. The deponent is competent to swear this affidavit.



2. I have filed the present petition as a Public Interest Litigation.

3. I have gone through the Delhi High Court (public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

4. I the petitioner have/has no personal interest in the litigation and neither myself nor anybody in whom I am/petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition
5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.
6. That the accompanying petition under public interest litigation r/w article 226 of the constitution of India has been drafted by my counsel under my instructions. The same has been read over to me in vernacular and I found the same to be true and correct to the best of my knowledge and belief and nothing has been concealed therein.
7. That no other similar petition seeking the prayer in the accompanying petition has been filed in the Hon'ble High Court or in the Hon'ble Supreme Court of India.



26

[Signature]
I identified the Deponent who
has signed in my presence.

[Signature]
DEPONENT

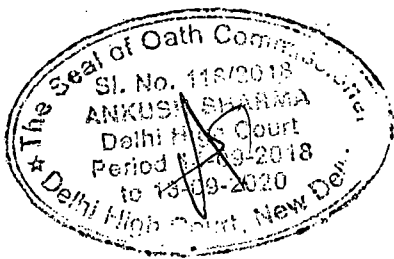
VERIFICATION:

06 MAR 2020

Verified at Delhi on this day of March 2020 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

06 MAR 2020

[Signature]
DEPONENT



CERTIFIED *Deepak Medan Aseman*
S/o *Satpal Medan*
R/o *A. Bhalle Ans*
Identified *[Signature]*
has signed *[Signature]*
on *06 MAR 2020*
that the contents
have been read
and correct to the best of my knowledge and belief.

Oath Commissioner, Delhi
New Delhi

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

VERSUS

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

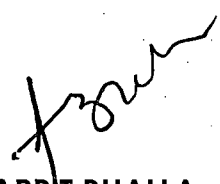
STATEMENT OF NON FILING

This is certified that the Petitioners have not filed similar petition seeking similar relief in the Hon'ble High Court of Delhi or in the Hon'ble Supreme Court of India.


PETITIONER

Delhi
dated - 6/3/20
DELHI.

THROUGH


HARSH PRIYA SINGH & ARPIT BHALLA
ADVOCATES FOR THE PETITIONER
OFF: CHAMBER NO. 120-A
WESTERN WING, TIS HAZARI COURTS
New DELHI-110054

28

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (CrI) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

V E R S U S

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

**APPLICATION U/S 482 CrPC SEEKING EXEMPTION FROM
FILING CERTIFIED COPIES OF ANNEXURES**

1. That the petitioner has filed the accompanying petition for registration of case and issuing appropriate directions.
2. That the petitioner is not able to file true typed copy of annexures and undertakes to file the certified copies if directed.
3. That the petitioner is having a good prima facie case and certified copies of the documents are not available and the same are not available with the petitioner and prejudice will be caused to the petitioner if the petition is not heard in absence of certified or true typed copies.

P R A Y E R

It is, therefore, most humbly and respectfully prayed that filing of certified copy and true typed copies of the aforesaid Annexures may kindly be exempted, in the interest of justice.


PETITIONER

DELHI

THROUGH


COUNSEL

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

VERSUS

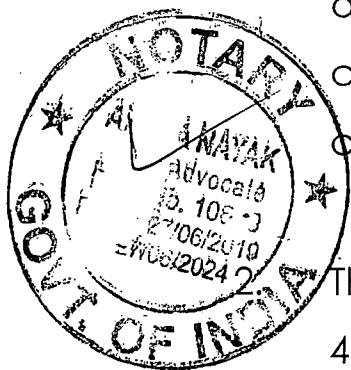
THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

AFFIDAVIT

I, Deepak Madan aged 46 years S/O Satpal Madan R/O BG-6, 250 B Paschim Vihar; New Delhi-110063 , Do Hereby Solemnly Affirm And Declare As Under:-

1. That the deponent is the petitioner in this petition and is fully conversant with the facts and circumstances of this case. The deponent is competent to swear this affidavit.



That the accompanying application under section 482 Cr.P.C for seeking exemption from filing certified copies of the annexures has been drafted and filed by my counsel under my instructions.


DEPONENT

31

I identified the deponent who has signed in my presence

VERIFICATION:

04 MAR 2020

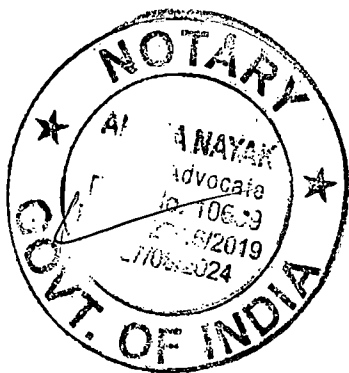
Verified at Delhi on this day of March 2020 that

the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

[Signature]

DEPONENT

04 MAR 2020



CERTIFIED THAT THE DEPONENT
 CERTIFIED THAT THE DEPONENT
 Smt./Smt./Km. *[Signature]*
 S/o, W/o R/o. *[Signature]*
 Identified by *[Signature]*
 Has sole *[Signature]*
 Delhi on *[Signature]*
 That the contents of the affidavit which
 have been read & explained to
 him are true & correct to his knowledge
[Signature]
 NOTARY

To
COMMISSIONER OF POLICE
I.P ESTATE, ITO
NEW DELHI-110001

SUB: Complaint against inflammatory speech and tweets in planned manner to break riots disturb peace and tranquility stone pelting and to initiate fight between two communities/religions and request to initiate attachment of properties of the abettors

Sir,

On 21.02.2020 in a speech at public rally publicized on social as well as public media Waris Pathan said

“hum 15 crore muslim 100 crore Hinduon par bhari padenge”

“Hamari Aatishbaazi ka muqabala ye log nahi kar sakte”

“Eint ka jawab poathar se dena seekh lia hai ab humney, magar hikatta hokar chalna padega” “azaadi leni padegi aur jo chez maangne se nahi milti usko cheen kar lena padega”

“ab waqt aa gaya hai, maa baheno ko aage bhej dia hai abhi to bas shernian baahar nikali hain aur tumhari pasine chut gaye agar hum log sadak par nikale toh kya hoga, hum 15 crore hain 100 crore par bhari padenge, yaad rakhna ye baat”

After listening to his speech the supporters who visited the rally were overwhelmed they started shouting --ye ye-- and were raising slogans in support of Waris Pathan. This matter even became a news debate in various news channels, Waris Pathan was criticized by various scholars and Waris Pathan even posted the hate speeches on his twitter account, there are many instances in near past when leaders of AIMIM have given such type of hate speeches which are not only defamatory but also provocative in nature and many innocent persons get provoked by such type of hate speeches which can be seen in CCTV footages of riots which took place in Delhi on 24-26 Feb 2020 in which the rioters have left no stone unturned to prove the statement of Waris Pathan . Beside this Waris Pathan be also booked under National Security Act for continuously posting such type of hate speeches and disturbing integrity of the country.

That through video footages and news reports on various TV News channels the complainant has also come to know the active involvement and conspiracy of Taahir Hussain and Ms. Ishrat Jahan in the riots which took place on 24-26 February 2020, properties of various citizens were destroyed even people of this country have died due to active involvement of Taahir Hussain and his associates in the riots. The hate speeches and abetment calls given by Taahir Hussain has given rise to the riots.

That another politician Salman Khurshid went to Shaheen Bagh protesters and chanted slogans with small toddler. The word is derived from "to toddle", which means to walk unsteadily, like a child of 1 to 3 years of age. Salman Khurshid was supporting the child who was "azadi, zor se bola azadi, tum goli maaro azadi tum kaise n doge azadi, hum cheen ke lenge azadi, inqalaab Zindabaad zindabaad.....etc etc" which are detrimental to mental growth of the toddler who cannot differentiate between wrong and right on its own. Salman Khurshid not only supported the toddler in such type of anti national activity but he also provoked the supporters/public present at that time . It shows the spoilt mind and future of the children which is also dangerous for building of nation.

One Faizul Hassan Secretary of AMU Aligarh, Uttar Pradesh has stated in public speech thathindustani musalmano ka sabr dekhiye, 1947 se 2020 tak , kabhi koshish nahi kee ki hindustan toot jaye, warna rok nahi paoge, hum vo komb se hain jo barbad karne par aayenge toh chodenge nahi kisi bhi desh ko khatam kar denge,etc etc" speeches which are not only defamatory but also provocative in nature and many innocent persons get provoked by such type of hate speeches which can be seen in CCTV footages of riots which took place in Delhi on 24-26 Feb 2020 in which the rioters have left no stone unturned to prove the statement of Faizul Hassan. Beside this Faizul Hassan be also booked under National Security Act for continuously posting such type of hate speeches and disturbing integrity of the country.

Akbaruddin Owaisi in his speech hs stated that "main kehna chahta hoon tu mera kaagaz dekhna chahta hai arrey 800 baras tak maine iss mulk par raaj kia haietc etc.....

Sonia Gandhi in public rally has stated "kabhi kabhi aisa waqt aata hai ki ussey iss paar ya uss paar ka faisala lena padta haietc etc.....



Kapil Mishra in his speech has stated that "... mai aap sable behalf par ye baat keh raha hoon ki Trump ke jaane tak hum ruke hue hain uske jaane ke baad hum apki bhi nahi sunenge....."

Anurag Thakur in his speech has stated that "desh ke gaddaron ko goli maaro saalo ko....."

Parvesh Verma in his speech has stated ".....ye log apke ghar mein ghussenge apki bahen betion ke sath rape karenge phir modiji nahi aayenge apko bachane amit shah nahi aayenge apko bachaane.....".

Abhay Verma in his speech said "jo Hindu hith ki baat karega wahi is dehs par raj karega, gaddaron ko goli maaro"

Ishrat Jahaan has been involved in illegal activities of provoking the mob and also blocked road by the time she was protesting with the agitators.

Sarjeel Imam in his speech has stated that "humey Assam ka raasta band karna hoga, usko bhartat se alag kar denge, wo muslim ghrast ilaka hai aur bharat ke tukade karenge..."

Even the speeches given by Ms Sonia Gandhi, Sarjeel Imam, Kapil Mishra, Anurag thakur, Parvesh Verma and Abhay Verma has act like catalyst in the riot affected areas, properties were burnt and people have died there was irreparable losses which cannot be compensated in terms of money these riots have caused loss to public exchequer. It is prayed that legal action be taken against all the above persons Namely Ms. Sonia Gandhi, Waris Pathan, Salman Khurshid, Faizul Hassan, Taahir Hussain and Ms. Ishrat Jahan, Kapil Mishra, Anurag thakur, Parvesh Verma and Abhay Verma and Sarjeel Imam under section 153A, 147, 149, 120-B, IPC and section 3 & 4 of Damage to public property act and their properties be attached for reimbursement of the loss occurred to public exchequer.

Deepak Madan (@ Deepu)

S/o Sh Satpal Madan

R/o BG-6/ 250-B,

Paschim Vihar , Delhi-110063



3/1/2020

Gmail - Subject : Seek action against those who made hate speeches & tweets in Delhi riots

35



DEEPAK MADAN <deepakmadanrwamla@gmail.com>

Subject : Seek action against those who made hate speeches & tweets in Delhi riots

1 message

Sun, Mar 1, 2020 at 7:28 PM

DEEPAK MADAN <deepakmadanrwamla@gmail.com>

To: connect@mygov.nic.in, indiportal@gov.in, privateoffice@govmu.org, pmo@govmu.org, amitshah.mp@sansad.nic.in, amitshah.bjp@gmail.com, CONTACT@amitshah.co.in, cmdelhi@nic.in, cp-bsbassi@nic.in, delpol.service@delhipolice.gov.in

To,

Honorable Prime Minister of India

Shri Narendra Modi

Prime Minister's Office

South Block, Raisina Hill New Delhi-110011.

Phone No: +91-11-23012312.

Fax: +91-11-23019545, 23016857

&

Honorable Union Minister for Home Affairs

Shri Amit Shah

Ministry of Home Affairs North Block New Delhi - 110001 India

&

Honorable Chief Minister of Delhi

Shri Arvind Kejriwal

Delhi Secretariat, 3rd, IP Estate, New Delhi, Delhi 110002

&

S N Shrivastava- Delhi Police Commissioner

OFFICE OF THE COMMISSIONER OF POLICE :: DELHI POLICE HEADQUARTERS, MSO BUILDING, I.P. ESTATE, NEW DELHI 110002

Respected Sir's

The appeal for peace following violent protests over the Citizenship Amendment Act (CAA), I/we request to honorable prime minister of India & government security agencies the miscreants would be dealt with an iron fist. Kindly Miscreants' identified as per attached file, and confiscate their property and fulfilled the damage cost and take appropriate action as soon as possible...

"Property of all those involved in this violence will be confiscated and damage done to the public property would be recovered and in this damages i would like to present some hate speeches & tweets in Delhi riots which is attached in this email and according to that kindly confiscate their property and recovery the damage cost.


<https://mail.google.com/mail/u/5?ik=3cd1886358&view=pt&search=all&permthid=thread-a%3Ar-153515582936206021&simpl=msg-a%3Ar-2642090581217820584>

3/1/2020

Gmail - Subject : Seek action against those who made hate speeches & tweets in Delhi

I also request you that according to attached PDF file is certify that the information submitted in this application is true..

Deepak Madan (@ Deepu)
S/o Sh. Satpal Madan
R/O BG-6/250 -B
Paschim Vihar, New Delhi -110063
9999734440

 **Inflammatory speech & tweets.pdf**
132K

WWW.LIVELAW.IN


3/1/2020

Gmail - Subject : Seek action against those who made hate speeches & tweets in Delhi riots

36

I also request you that according to attached PDF file is certify that the information submitted in this application is true..

Deepak Madan (@ Deepu)
S/o Sh. Satpal Madan
R/O BG-6/250 -B
Paschim Vihar, New Delhi -110063
9999734440

 **Inflammatory speech & tweets.pdf**
132K



Pen drive -

Annexure - P/2

37

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

DEEPAK MADAN

.....PETITIONER

VERSUS

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

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PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



Signature

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

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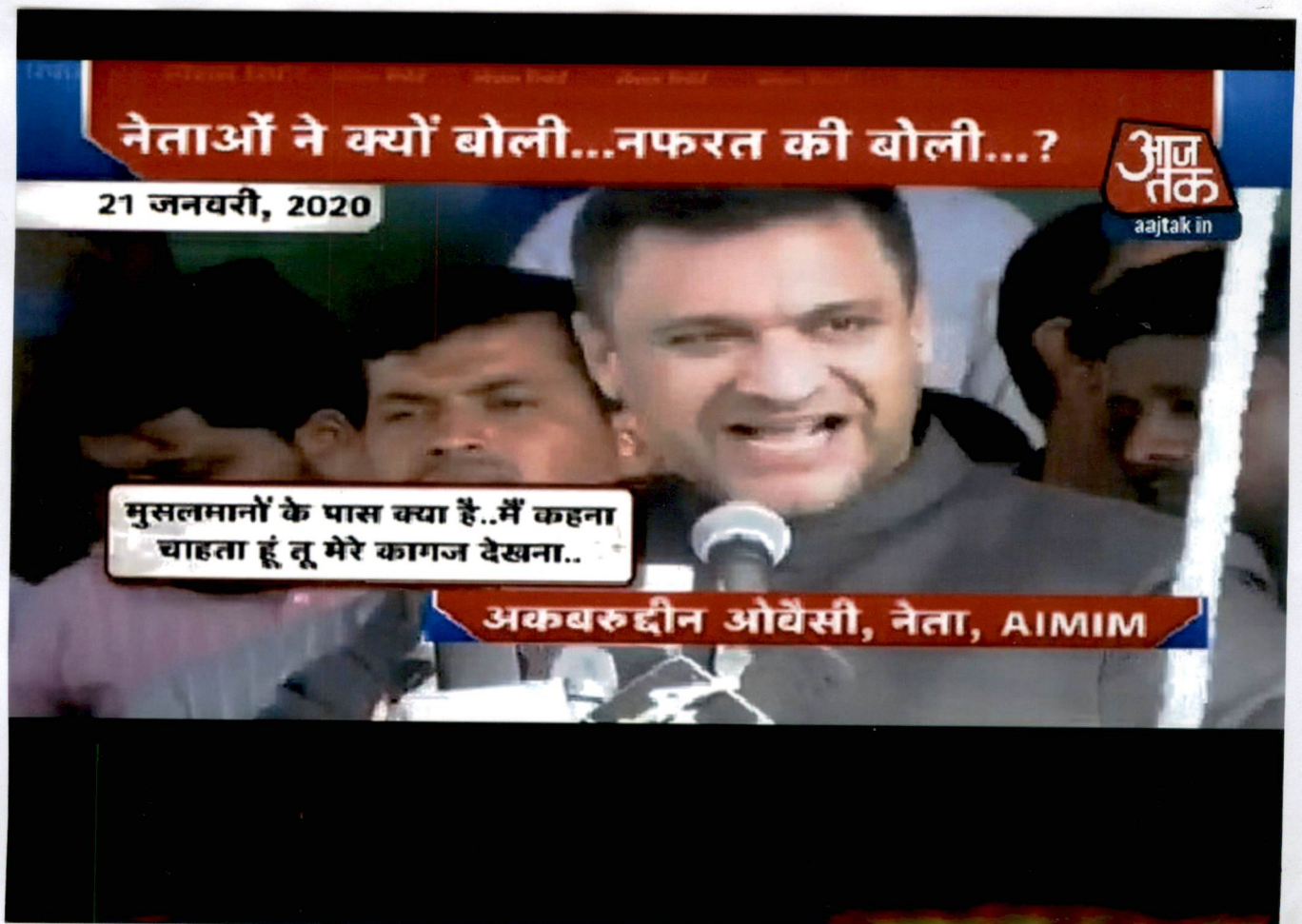
.....PETITIONER

V E R S U S

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PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

W.P (Crl) No. _____ OF 2020

IN THE MATTER OF PUBLIC INTEREST LITIGATION

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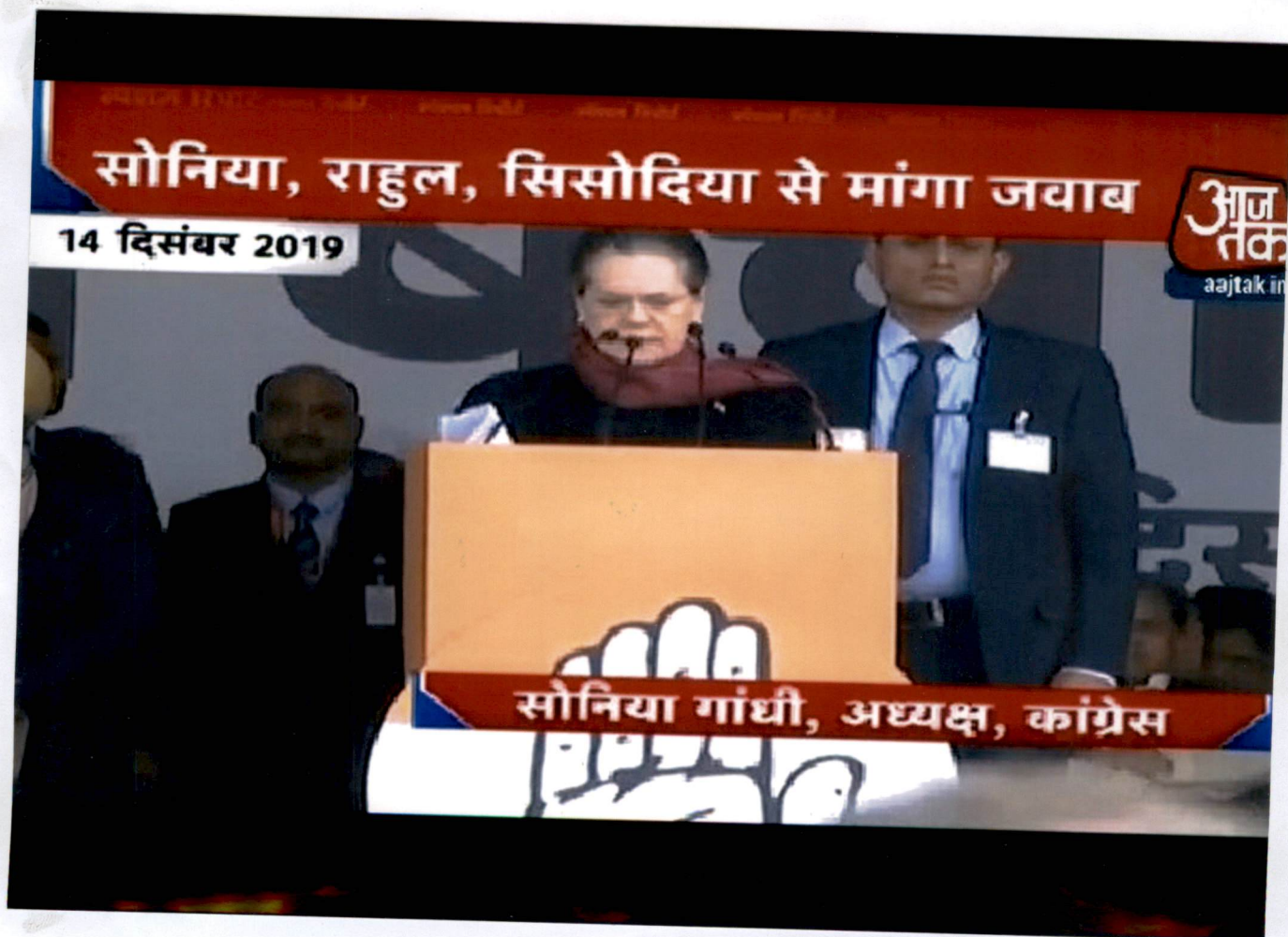
.....PETITIONER

VERSUS

THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



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42

IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

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IN THE MATTER OF PUBLIC INTEREST LITIGATION

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V E R S U S

THE STATE

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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

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PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



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IN THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI.

EXTRAORDINARY CRIMINAL JURISDICTION

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IN THE MATTER OF PUBLIC INTEREST LITIGATION

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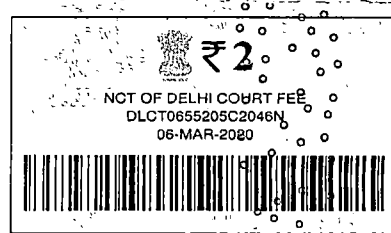
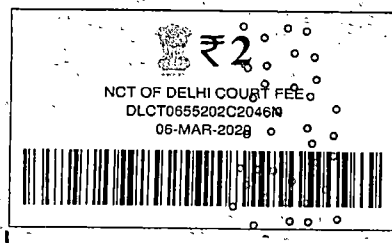
THE STATE

(GOVT. OF NCT OF DELHI) & OTHERS ...RESPONDENTS

PHOTOGRAPH SNAPSHOT/ CLICKED FROM VIDEO FOOTAGE



Shrey



50

IN THE HON'BLE COURT OF 14 the Hon Ble High Court of Delhi

Suit/Appeal No. _____ JURISDICTION of 201

In Re:-

Deepak Madan

Plaintiff(s) or Petitioner(s)
Appellants(s) Complainant(s)

VERSUS

The State

Defendant(s)/Respondent(s)/Accused(s)

KNOW ALL to whom these present shall come that I/We Deepak Madan & Satpal Madan No Bc-6, 250B Paschim Vihar New Delhi-110063

The above named Petitioner do hereby appoint.

Harsh Prigya Singh & Arpit Bhadler
Enrolment D/1633/07 Enrolment No- D/676/06
Office - Ch. No-120A Western wing
Tis Hazari Court New Delhi - 110054.

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize him/them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or documents as may be deemed necessary or proper for the prosecution of the said case at stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposition.

To withdraw or compromise the said case or submit to arbitration any disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings

The deposit, draw and receive money, cheques, cash and grant receipts hereof: all other acts and things which may be necessary to be done for the progress and in the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise power and authority hereby conferred upon the Advocate whenever he may think fit to do so to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by me/us in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution on the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 3/3/20 day of March 201.....
Accepted subject to the terms of the fees.

Advocate(s)



Client(s)

Client(s)

I Identify The Signature / Thumb Impression of the Client
Who has signed in my presence.

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PAGE CONTAINING COURT FEES

GOVERNMENT OF NCT OF DELHI		
e-Court Fee		
DATE & TIME :	06-MAR-2020 15:32:58	
NAMES OF THE ACC/ REGISTERED USER :	SHCIL	
LOCATION :	DELHI HIGH COURT	
e-COURT RECEIPT NO :	DLCT0643C2032P179	
e-COURT FEE AMOUNT :	₹ 50	
	(Rupees Fifty Only)	
		
DLCT0643C2032P179		
<p>Statutory Alert : The authenticity of this e-Court fee receipt should be verified at www.shcilestamp.com . Any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the Competent Authority. This receipt is valid only after verification & locking by the Court Official.</p>		