

ITEM NO.11

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No.41/2022 in W.P.(C) No.732/2017

TUSHAR GANDHI

Petitioner(s)

VERSUS

RAKESH ASTHANA & ANR.

Respondent(s)

(With IA No.3528/2022-EXEMPTION FROM FILING O.T. and IA No.3529/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.7036/2022-APPLICATION FOR EXEMPTION FROM FILING THE RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT and IA No.11480/2022 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 13-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Shadan Farasat, AOR

For Respondent(s)

Mr. K.M. Nagaraj, ASG  
Mr. Kanu Agrawal, Adv.  
Ms. Rukumani Bobde, Adv.  
Mr. Digvijay Dam, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Arvind Kumar Sharma, Adv.

Ms. Namita Choudhary, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Mr Shadan Farasat, counsel appearing on behalf of the petitioner submits that though the incident which forms the basis of the grievance in these proceedings took place on 19 December 2021 involving serious acts of hate speech, the FIR was registered only on 4 May 2022, nearly five months later. Moreover, it has been submitted that though eight months have elapsed since then, there is no palpable progress in the investigation, no arrest has been made and the charge-sheet has not been submitted.
- 2 Mr K M Nataraj, Additional Solicitor General submits that there is no contempt of the directions issued by this Court in its decision in ***Tehseen S Poonawalla vs Union of India and Others*** [(2018) 9 SCC 501].
- 3 We direct the Investigating Officer to place on record the steps which have been taken to pursue the investigation since the incident took place on 19 December 2021.
- 4 An affidavit shall be filed by the Investigating Officer within two weeks.
- 5 List the Contempt Petition on 30 January 2023.

**(CHETAN KUMAR)**  
A.R. -cum-P.S.

**(MATHEW ABRAHAM)**  
Court Master