2025:CGHC:56741-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 585 of 2025

Amit Agrawal S/o A.K. Agrawal Aged About 31 Years R/o Avanti Vihar, Telibandha, Raipur, Chhattisgarh. 492001

Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District : Raipur, Chhattisgarh

2 - Director General Of Police State Of Chhattisgarh, Police Headquarters, Sector 19, Atal Nagar, Nava Raipur, District : Raipur, Chhattisgarh

3 - Amit Baghel S/o Ram Kumar Baghel President, Johar Chhattisgarh Party (JCP), R/o Dharsiwa, Raipur, Chhattisgarh

Respondent(s)

(Cause-title taken from Case Information System)

Petitioner- Mr. Amit Agrawal, appears in person through VC

For Respondent(s) **:** Mr. Shaleen Singh Baghel, Dy. GA.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

Per Bibhu Datta Guru, J

21/11/2025

1. Heard on I.A. No. 03/2025, an application for permission to the petitioner to appear in person.

2. Upon due consideration, the petitioner is allowed to appear in person.

3. The Writ Petition (Criminal) under Article 226 of the Constitution of India has been filed by the petitioner for the following relief:

> *"a. It is prayed that this Hon'ble Court may kindly be pleased to call for the entire records concerning the FIR No. 0243/2025 dated 28.10.2025, P.S. Kotwali, Raipur, Zero FIR No. 006/2025 dated 30.10.2025, P.S. Jagdalpur, and all other pending FIRs registered against Respondent No. 3 for hate speech, for its kind perusal.*
>
> *b) That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of MANDAMUS or any other appropriate writ/order/direction, commanding the Respondents No. 1 and 2 to forthwith take immediate, stringent, and time-bound coercive action against Respondent No. 3 in accordance with law, including his arrest, thorough investigation, and filing of a charge sheet in all pending FIRs registered against him for hate speech.*
>
> *c) That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of MANDAMUS or any other appropriate writ/order/direction, commanding the Respondents No. 1 and 2 to ensure strict and time-bound compliance with the guidelines and directions laid down by the Hon'ble Supreme Court in Tehseen S. Poonawalla vs. Union of India and Shaheen Abdulla vs. Union of India for combating hate speech and mob violence.*
>
> *d) That, this Hon'ble Court may kindly be pleased to direct the Respondent No. 2 (Director General of Police) to nominate a senior police officer, not below the rank of Inspector General of Police, to personally supervise and monitor the investigation in all FIRs*

registered against Respondent No. 3 for hate speech, and to ensure that a consolidated charge sheet is filed before the competent court in an expeditious and time-bound manner.

e) That, this Hon'ble Court may kindly be pleased to direct the Respondents No. 1 and 2 to file periodic status reports before this Hon'ble Court detailing the progress of the investigation and the steps taken against Respondent No. 3, until the filing of the final report."

4. Petitioner appears in person and submits that the present Writ Petition has been necessitated by the continued and vitriolic hate speech propagated by Respondent No. 3, Amit Baghel, a habitual offender facing multiple criminal cases for promoting communal enmity, who has repeatedly made blasphemous and derogatory remarks against the Agrawal, Sindhi, and Jain communities and their revered figures, including his recent outburst dated 26.10.2025. It is urged that despite several FIRs, Respondents No. 1 and 2 have failed to take any coercive action, and such selective inaction is arbitrary and violative of Article 14. He also contends that the State's failure to curb such targeted hate speech infringes the communities' right to life with dignity under Article 21, creates an atmosphere of fear and intimidation, and directly attacks their freedom of conscience and religious rights under Article 25. It is further submitted that this inaction amounts to a blatant violation of the binding directions of the Hon'ble Supreme Court in ***Shaheen Abdull v. Union of India (WPC No.940 of 2022)*** and ***Tehseen S. Poonawalla v. Union of India (2018) 9 SCC 501***, which mandate prompt, *suo motu* action

against hate speech, and the State's conduct undermines the rule of law and defeats the constitutional obligation to maintain a secular, pluralistic social order. The repeated acts of Respondent No. 3, falling squarely within Sections 153A, 153B, 295A, and 505 IPC (and corresponding provisions of the BNS, 2023), pose a grave threat to communal harmony, and the Petitioner, having no alternative efficacious remedy due to consistent State apathy, is constrained to seek a writ of mandamus directing immediate, effective, and time-bound action to safeguard public order and uphold constitutional values.

5. Learned State Counsel strongly opposes the Petition and submits that the allegations of "complete inaction" are unfounded and misleading, as FIRs have already been registered and the police are conducting investigation strictly in accordance with law. It is submitted that the Petitioner seeks to use this Court to dictate the manner of investigation and to compel coercive action such as arrest without allowing the statutory process to unfold, which is impermissible in writ jurisdiction. The State has a duty to balance public order with the fundamental right to free speech under Article 19(1)(a), and the mere existence of allegations does not justify automatic invocation of penal or preventive measures. The directions in ***Tehseen S. Poonawalla*** (supra) and ***Shaheen Abdulla*** (supra) do not mandate indiscriminate or mechanical action, and the State has been compliant by registering FIRs and taking steps based on evidence. It is further submitted that no arbitrariness, mala fides, or deliberate inaction has been demonstrated, nor is there any

extraordinary circumstance warranting judicial interference in an ongoing investigation. Accordingly, the Petition is misconceived, premature, and liable to be dismissed.

6. We have heard learned counsel for the parties and perused the pleadings as well as the material available on record.

7. Upon consideration of the submissions and the material available on record, it is apparent that multiple FIRs have already been registered against Respondent No. 3, and the investigations therein are stated to be ongoing. The Petitioner has not brought forth any cogent material to demonstrate that the investigating agency has either shut the investigation or refused to act on the FIRs. Mere dissatisfaction with the pace or nature of investigation cannot, in law, furnish a ground for invoking the extraordinary jurisdiction of this Court under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 or Article 226 of the Constitution.

8. The reliefs sought by the Petitioner, particularly those seeking directions for immediate arrest, the manner of investigation, supervision by a senior officer of a particular rank, and periodic status reports, amount to a prayer for judicial supervision and micromanagement of criminal investigation. Such reliefs, if granted, would impermissibly encroach upon the statutory domain of the investigating agency and violate the well-settled principle that the Court cannot direct the police to arrest a particular individual, nor can it predetermine the course or outcome of

investigation.

9. The Supreme Court in a catena of judgments has consistently held that while the State is obligated to register FIRs and maintain public order, courts must refrain from issuing directions that interfere with investigative discretion unless there exists clear evidence of mala fides, deliberate inaction, or a complete failure of the machinery. In the present case, no material has been placed on record to establish that the State authorities have acted arbitrarily, discriminatorily, or with ulterior motive. The mere assertion of "State apathy," without substantiating facts, is insufficient to justify judicial intervention.

10. This Court is mindful of the directions issued by the Supreme Court in ***Tehseen S. Poonawalla*** (supra) and ***Shaheen Abdulla*** (supra); however, those judgments do not mandate automatic arrests or mechanical coercive action upon every allegation of hate speech. They require the State to register FIRs and ensure fair, expeditious investigation which, in the present case, has already been undertaken. The Petitioner has not shown any exceptional circumstance to indicate non-compliance with these guidelines, nor is there any imminent threat to public order warranting extraordinary measures.

11. It is settled law that a writ of mandamus cannot be issued to compel the police to submit a charge sheet or to carry out investigation in a particular manner, as doing so would compromise the independence of investigation and the statutory protections embedded in the Bhartiya

Nagarik Suraksha Sanhita, 2023. The Petitioner's prayer for consolidated supervision and consolidated charge sheet is likewise misconceived and unsupported by any statutory requirement.

12. In light of the above analysis, we find no merit in the present CRMP. The reliefs sought are neither maintainable nor substantiated by any exceptional circumstance justifying deviation from established legal principles governing criminal investigation. The Petition is accordingly dismissed.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul/Amardeep