

VERDICTUM.IN

Court No. - 64

Case :- APPLICATION U/S 482 No. - 10602 of 2023

Applicant :- Asif

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Gauri Shanker Mishra

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

The applicant has come up challenging the proceedings of Case No. 28 of 2023 (arising out of Case Crime No. 120 of 2020) State v. Asif and others, under Sections 153-A and 295-A I.P.C. and Section 66 of the Information Technology Act, 2000, Police Station - Charra, District Aligarh, and the order of cognizance dated 03.01.2023, passed by the Judicial Magistrate-II, Aligarh.

The allegation against the applicant is that he has posted objectionable comments on his Facebook Account, regarding Lord Shiva, employing objectionable language, which has hurt religious sentiments of the Hindu Community. The case is that by those comments, he has insulted the religious sentiments of the Hindu Community. There have been further comments fomenting communal hatred by the other co-accused, in the comments section of the Facebook Account. After investigation, the Police have submitted a charge-sheet on the basis of material collected. The Court has taken cognizance of the offence and the applicant has now challenged the resultant proceedings, through the present application under Section 482 Cr.P.C.

Heard Mr. Gauri Shanker Mishra, learned Counsel for the applicant and Mr. Shashi Shekhar Tiwari, learned A.G.A. on behalf of the State.

A perusal of the comments posted on the applicant's Facebook have been sought to be defended by the learned Counsel for the

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applicant, as being mere forwards by another Anjali Singh that are not the applicant's authorship. If there is a comment which has the tendency to promote enmity between different groups, on the ground of religion posting it on one's Facebook, would certainly constitute an offence. The words employed in the post clearly, are ones made with deliberate and malicious intention of outraging the religious feelings of a particular section of the community or a class of citizens of the country. Even if the said comments have been endorsed by the applicant by posting them on his Facebook, it matters not whether he is the author or the exponent of the comments. Offences of the kind that have a tendency to promote hatred between classes of people or communities, have to be put down with a heavy hand. These offences cannot be permitted to flourish in society by adopting a soft-peddling approach at the cost of widespread damage to the community.

No other point was pressed.

In the opinion of this Court there is absolutely no good ground to quash the proceedings in exercise of powers under Section 482 Cr.P.C.

This application is accordingly, **dismissed**.

Let this order be communicated to the Judicial Magistrate-II, Aligarh through the learned Sessions Judge, Aligarh by the Registrar (Compliance) **by tomorrow**.

Order Date :- 6.4.2023

Prashant D.