

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 3255/2025

Puran Chander Sen Advocate S/o Late Shri Mawasi Ram Sen,
Aged About 74 Years, Resident Of Ward No. 3 Govindgarh, Distt.
Alwar Rajasthan.

-----Petitioner

Versus

1.

The State Of Rajasthan, Through P.p.
2.

Ravi Shankar Prasad Sharma, Minister Of Law And Justice
Of India, 4Th Floor, A -Wing, Shastri Bhawan, New Delhi.
3.

Amit Shah, The Home Minister Of India, National Stadium
India Gate, New Delhi.
4.

Narendra Damodar Daas Modi, 7, Kalyan Marg, Panchvati,
New Delhi.
5.

Other Unknown, Accused Persons As Aaj Tak And Republic
Bharat T.v. Channels Programmers And Journalists And
Members Of Hindu Maha Sabha, Members Of Rastriya
Sawayam Sewak Sangh, Members Of Bajrang Dal And
Members Of Cow Protector Force.

-----Respondents

For Petitioner(s)	:	Petitioner present in person
For Respondent(s)	:	Mr. Tushar Mehta, Senior Advocate/ Solicitor General of India, assisted by Mr. Kapil Vyas through VC Mr.R.D. Rastogi, Senior Advocate/ Additional Solicitor General of India assisted by Mr. C.S. Sinha, Mr. Kunal Sharma, Mr. Rajat Sharma & Mr. Chinmay Surolia Mr. Rajendra Prasad, Senior Advocate/Advocate General assisted by Mr. Sheetanshu Sharma, Mr. Tanay Goyal, Mr. Dhriti Laddha, Ms. Harshita Thakral through VC Mr. Rajesh Choudhary, Government Advocate cum Additional Advocate General, Mr. Rishi Raj Singh Rathore and Mr. Vivek Choudhary, Public Prosecutor

HON'BLE MR. JUSTICE SUDESH BANSAL
Order

23/09/2025

1. Petitioner herein, who is an enrolled Advocate under the Advocates Act, 1961, before the Bar Council of Punjab & Haryana, submitted a written application dated 12.10.2020 before the SHO, Police Station, Govindgarh, District Alwar, to register an FIR against the then Minister of Law & Justice, Hon'ble Home Minister and Hon'ble Prime Minister as also against the Programmers and Journalists having nexus with TV Channels like Aaj Tak, Republic India and the members connected with Hindu Mahasabha, Vishva Hindu Parishad, Rashtriya Swayamsevak Sangh (RSS), Bajrang Dal etc. The copy of the application dated 12.10.2020 is available on record as Annexure-3. Petitioner has averred in his application that an Amendment Bill – 2019, to amend the Citizenship Act, 1955, was presented in the Parliament at New Delhi, which was passed by both the Houses of Parliament viz. Lok Sabha and Rajya Sabha and thereafter, Hon'ble President of India signed the bill, which has been published in the Gazette Notification as a Legislation. It has further been averred that such an amended Legislation is against the spirit of Constitution of India, which has been brought with an intention to oppress Muslims and People of Secular Ideology and after promulgation of such amended Legislation, protests were made by the affected people and secular institutions across the country, wherein several persons were killed and injured; protestors were locked up in Jail, hence, thereby throughout the country an environment of hatred animosity and public disorder was created. It was averred and prayed that in respect of such illegal deeds, FIR be registered

against culprits for offences under Sections 302, 323, 341, 344 read with Sections 120-B, 409, 153-A, 153-B, 218, 109 read with Sections 193 & 195 of IPC and investigation be initiated against the culprits.

2. It appears that petitioner also sent a copy of the application dated 12.10.2020 to the concerned Superintendent of Police, District Alwar, on 14.10.2020 but when FIR was not registered, he filed a written complaint on 19.10.2020 before the Court of Judicial Magistrate, Laxmangarh Camp at Govindgarh, District Alwar, seeking direction under Section 156(3) Cr.P.C to register FIR and investigate the matter.

3. The criminal complaint filed by the petitioner was considered by the Judicial Magistrate and vide order dated 21.10.2020 came to be rejected on the issue of jurisdiction assigning reasons therein that the whole complaint does not whisper a word about occurrence of any incident or accrual of any cause of action or part of cause of action within the territorial jurisdiction of the Court at Govindgarh; against the order dated 21.10.2020, petitioner preferred a criminal revision petition, which was dismissed by the Court of Additional Sessions Judge, Laxmangarh, District Alwar, vide order dated 20.02.2025. Thereafter, petitioner has filed instant criminal miscellaneous petition under Section 528 of BNSS, 2023, impugning the orders dated 21.10.2020 and 20.02.2025 and prayed to issue directions to respondent No.1 – State of Rajasthan to register Zero Number FIR against the respondents in the present matter.

4. The petitioner appeared in person and pressed the petition on merits and relying upon the judgment of the Hon'ble Supreme

Court delivered in case of *Lalita Kumari Versus Government of U.P. & Ors.*: **AIR 2014 SC 187**, it has been urged by the petitioner that the allegations made in his application dated 12.10.2020 disclose commission of cognizable offences and do not warrant any preliminary enquiry, hence, it was incumbent and mandatory for the police to register the FIR in the present matter and since FIR was not registered by police nor Judicial Magistrate entertain his criminal complaint, Revision Petition too has been dismissed by Sessions Court, therefore, direction needs to be issued by this Court.

5. Learned Advocate General, appearing on behalf of State of Rajasthan, opposed the petition and submits that averments made by the petitioner in the application dated 12.10.2020 do not disclose commission of cognizable offence, moreover, do not attract jurisdiction of the Police Station, Govindgarh, District Alwar to register FIR, hence, the Judicial Magistrate has also rightly rejected the criminal complaint, for want of jurisdiction to issue directions to register the FIR, and the order of the Judicial Magistrate being well with propriety has been affirmed by the Sessions Court as well, thus, impugned orders do not warrant any interference by the High Court, in exercise of its inherent and extraordinary jurisdiction. Learned Advocate General also submits that petition is wholly misconceived and therefore, deserves to be dismissed with costs.

6. Learned Solicitor General of India, Mr. Tushar Mehta, and learned Additional Solicitor General of India, Mr. R.D. Rastogi, have also put in appearance to assist the Court in the present matter and have vehemently opposed the prayer of the petitioner

and argued that on the face value and from bare perusal of the averments made by the petitioner in application dated 12.10.2020, so also in the present petition, they are *prima facie* absurd, frivolous and vexatious, which have been made to gain cheap publicity and such a petition deserves to be dismissed at threshold with exemplary costs. It has been argued by the learned Solicitor General of India that taking the averments of application as it is, no cause of action or part of cause of action, occurred within the territory of Govindgarh, District Alwar and further, Amendment Bill – 2019 was passed in Lok Sabha and Rajya Sabha at New Delhi for which respondents herein may not be held responsible in person.

7. Learned Additional Solicitor General firmly argued that there is a legislative procedure as envisaged under Article 107 of the Constitution of India, to pass the Bill by the Houses of Parliament and it is not any functionary individual, so neither Minister of Law & Justice nor Hon'ble Prime Minister and Hon'ble Home Minister can be blamed and all allegations are arbitrary, baseless and malicious which have been made with oblique motive. Learned Additional Solicitor General has pointed out that petitioner, being an enrolled Advocate, ought to abide the Standards of Professional Conduct and Etiquette and cannot act like a layman to fomenting of bogus litigation. Learned Additional Solicitor General has also pointed out that the Hon'ble Supreme Court is already seized with the subject matter of amendment in the Citizenship Act, 1955 and no cause of action arises at all to register any FIR. To maintain law and order situation, is the sovereign function of Government, hence, the present petition is nothing but a bogus litigation, which

has been filed in sheer misuse of process of law, and same deserves to be dismissed with exemplary and heavy costs upon the petitioner, in order to curb and deter practice of filing such kind of frivolous petitions before the High Court in future.

Reliance has been placed on the judgment of the Hon'ble Supreme Court in case of *Vineet Kumar & Ors. Versus State of U.P.*: **(2017) 13 SCC 369** and judgment of Division Bench of Allahabad High Court in case of *Dr. Mukut Nath Verma Versus Union of India*: **Criminal Misc. Writ Petition No.6583 of 2021** decided on 17.08.2021, dismissing the writ petition with costs of Rs.5 lakhs (five lakhs).

8. This Court has carefully read the averments made in the application dated 12.10.2020 (Annexure-3), submitted by the petitioner as also perused both the impugned orders dated 21.10.2020 and 20.02.2025 and considered the contentions made by the petitioner, learned Solicitor General of India, Additional Solicitor General and learned Advocate General as also gone through the judgments cited from both the sides.

9. The prayer of petitioner to register FIR against the respondents, on the basis of averments made by him in the application dated 12.10.2020, is wholly based on the Guidelines and Principles enunciated by the Hon'ble Supreme Court in case of *Lalita Kumari* (supra). Hon'ble Supreme Court has issued the following directions in case of *Lalita Kumari* (supra):-

- "111. In view of the aforesaid discussion, we hold:
- (i) Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
 - (ii) If the information received does not disclose a cognizable offence but indicates the necessity for an

inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

(iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.

(iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

(v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.

(vi) As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:

(a) Matrimonial disputes/family disputes

(b) Commercial offences

(c) Medical negligence cases

(d) Corruption cases

(e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay.

The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.

(vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry.

(viii) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above."

10. The petitioner allegedly submitted application dated 12.10.2020, before the SHO, Police Station, Govindgarh, District Alwar, but in the averments of the application, there is no whisper

about the occurrence of any act of amendment in the Citizenship Act or any incident of killing or causing hurt to any person within the territorial jurisdiction of Govindgarh. It has not been disclosed in the application that how a cause of action or part of cause of action arises to register FIR at Police Station, Govindgarh, District Alwar. A bare perusal of the averments as a whole reflects that the petitioner has only made general allegations, without any specification to impute the respondents for the alleged acts of killing or causing hurt, if happened, in any part of the country and there is no basis at all to connect such incidents with the introduction and passing of Amendment Bill – 2019 in both the houses of the Parliament. The petitioner has not mentioned any source of information or other grounds to have such a belief, hence, allegations made by the petitioner against the respondents are nothing, but his own misconception and creative thoughts of his biased and adulterated mind. No prudent man can make such an arbitrary, absurd and bogus allegation and then pray to register FIR to investigate thereupon. There are no particulars at all in the application that who all received injuries, how many were killed and where all such accidental events, if any, happened. Concededly, the act of introducing the Amendment Bill – 2019, to amend the Citizenship Act, commenced and culminated in passing of the Bill by both the houses of Parliament at New Delhi. Assuming for a moment that coincidentally, any situation to maintain the law and order in the society came up before the Government, petitioner miserably failed to show the basis or foundation to connect such sovereign functionary of the Government, to maintain the law and order situation in the society

with introduction and passing of the Amendment Bill – 2019. An arbitrary, concocted and false belief of the petitioner, without any basis, is not suffice to level such a serious allegation. Merely on the basis of averments of the petitioner, made in the application dated 12.10.2020, *prima facie*, it cannot be believed that even if any law and public disorder situation arose in the country, same is outburst of passing of the Amendment Bill – 2019. All such averments, neither attract jurisdiction of Police Station, Govindgarh, nor *prima facie* give rise to occurrence of any cognizable offences.

11. From bare perusal of the averments as well, carefully and meaningfully, without addition and subtraction, same on their face value appears to be vague and non-specific and have been made to target the Government, for one or the other reasons, best known to the petitioner. Petitioner, being an advocate, cannot be expected to make such bald, derogatory and serious allegations against the Government and its Ministry of Council. Such a sweeping allegation made by the petitioner against the respondents is nothing, but an attempt to malign their image and reputation as much as an attempt to create a hatred communal violence and such an action at the behest of Advocate cannot be appreciated, rather deserves to be deprecated.

12. Petitioner is not able to show a single averment or reason from his application, to invoke the jurisdiction of Police Station, Govindgarh, District Alwar, where none of the incident, as alleged in the application, happened and no cause of action or part of cause of action arose. Petitioner being a local resident of Govindgarh, District Alwar, cannot be allowed to choose

jurisdiction of Police Station and Court for his own convenience. Learned Judicial Court is right in his approach to confine himself to exercise jurisdiction on any complaint, in respect of incident happened within the territorial jurisdiction of concerned Judicial Magistrate. The Revisional Court too has not committed any jurisdictional error in affirming the order of learned Judicial Magistrate, which does not suffer from any illegality or impropriety, hence, both the impugned orders do not call for any interference by this Court on merits.

13. Resort taken by the petitioner to the Guidelines and Principles enunciated by the Hon'ble Supreme Court in case of *Lalita Kumari* (supra), is wholly misconceived as the first and foremost condition to register FIR is only when the averment/information discloses commission of a cognizable offence. The averments made in the application do not warrant any preliminary enquiry at all and the act of the State Government as also the orders passed by the Judicial Courts, declining to register FIR on the basis of such absurd averments, cannot be held faulted in any manner. In the opinion of this Court, the action of the petitioner right from the beginning to move application dated 12.10.2020, seeking to register FIR on the basis of such averments and to approach the Judicial Magistrate, then to the Sessions Court and now, to the High Court, cannot be appreciated and the possibility that such an action of the petitioner is either tutored or politically motivated may not be ruled out.

14. Before parting with, this Court deems it just and proper to observe in the present era, which is need of hour as well, that an Advocate, before initiating any litigation in public spirit or in the

public interest, is at least expected to verify the factual matrix of the subject matter and to see whether such factual matrix is supported by any document or evidence or not and further, to act within parameters of law and not to act in an arbitrary and whimsical manner just to gain a cheap popularity. An Advocate, being attached with a noble profession and society, owes certain additional responsibilities towards society than an ordinary person. Minimum expectation from an Advocate is to abide by the Rules framed by the Bar Council of India to maintain the Standards of Professional Conduct and Etiquette and not to fomenting of bogus litigation. It would not be out of place to reproduce a relevant paragraph from the judgment of the Hon'ble Supreme Court delivered in case of *O.P. Sharma Versus High Court of P&H: (2011) 6 SCC 86*, hereunder:

"38. An advocate's duty is as important as that of a Judge. Advocates have a large responsibility towards the society. A client's relationship with his/her advocate is underlined by utmost trust. An advocate is expected to act with utmost sincerity and respect. In all professional functions, an advocate should be diligent and his conduct should also be diligent and should conform to the requirements of the law by which an advocate plays a vital role in the preservation of society and justice system. An advocate is under an obligation to uphold the rule of law and ensure that the public justice system is enabled to function at its full potential. Any violation of the principles of professional ethics by an advocate is unfortunate and unacceptable. Ignoring even a minor violation/misconduct militates against the fundamental foundation of the public justice system."

15. It is hereby further observed that it is a settled canon of administration of justice that no litigant has a right to unlimited drought upon the Court time, just in order to get his affairs settled in the manner as he wishes. A litigant, cannot be permitted to misuse judicial process by filing frivolous petitions and easy access

to justice cannot be allowed to be used as a license to file misconceived and frivolous petition. As and when, the Court comes across to filing of bogus, frivolous and vexatious petition by a litigant, that too, with malafide and ulterior motive, it is the solemn duty of the Court to dismiss such petition at the very threshold with imposition of costs upon the non-bonafide litigant, to curb and deter this practice in future, with an object to save the precious time of the Judicial Court and to set an example that judicial process may not be allowed to be misused by a litigant, according to his own whims and fancies. The very purpose of exercising the inherent powers by the High Court under Section 528 of BNSS, 2023 (former Section 482 Cr.P.C.), is advancement of justice including to thwart the attempt of a malafide litigant at the very threshold.

16. As a final result, the instant petition is hereby dismissed with costs, which is quantified to the tune of Rs.50,000/- (Rupees: Fifty Thousands Only), payable by the petitioner. The petitioner is directed to deposit the cost before the Litigants Welfare Fund within a period of four weeks, by way of a Demand Draft in the name of Registrar General, LWFA, Rajasthan High Court, Jaipur. Respondents are at liberty to prosecute the petitioner by way of availing a civil or criminal remedy, as available under the law, if so desired.

17. All pending application(s), if any, also stands disposed of.

18. Record of the concerned Judicial Magistrate be sent back.

(SUDESH BANSAL),J