

GAHC010215222025



2025:GAU-AS:13788

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1187/2025

AKANSHA SWARUP
ANCHOR CNN-NEWS18,



VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:INSPECTOR CHANDAN DAS
SON OF LATE ABHI RAM DAS
INSPECTOR OF POOLICE (B)
CYBER POLICE STATION
UNDER COMMISSIONERATE OF POLICE
GUWAHATI
ASSA

Advocate for the Petitioner : MR. S P SHARMA,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Heard Mr. K.N. Choudhury, learned Senior Counsel assisted by Mr. S.P. Sharma, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. Public Prosecutor for the State of Assam.

2. The present application is filed under Section 528 of the BNSS, 2023 by which the inherent powers of this Court was invoked for quashing of the FIR being FIR No. 004/2025 lodged on 12.06.2025 registered at Crime Branch Police Station, Commissionerate of Police, Guwahati, Assam under Section 196(2)/299/302 of the BNS, 2023.

3. FIR dated 12.06.2025 lodged by the police personnel from the Cyber Branch reveals that the petitioner had held an interview in a National Broadcast segment aired in CNN-News18 and in that interview, she made a blatantly unverified and highly defamatory statement against the Maa Kamakhya Temple. It is further stated that during the said telecast, she stated on air that human sacrifice is being practiced at Maa Kamakhya Temple and that she had made that statement as a declarative factual assertion. It is also stated in the FIR that the false narration was further supported by the interviewee, the cousin of deceased Raja Raghuvanshi, who also said that human sacrifice is being practiced at Kamakhya Temple and that

she knows it. It is as such stated by the informant that the said statement had the effect of hurting religious sentiments of a particular community and disturbing public peace and communal harmony. It also stated to have created a sense of disbelief about the holy temple in the mind of the people. It is as such stated that the said remarks may disturb public tranquility and may lead to serious law and order situation and as such, a request was made to register the case under the relevant sections of law. The police on receipt of the said ejahar registered the case under the aforesaid sections of law and conducted the investigation.

4. Mr. K.N. Choudhury, learned Senior Counsel appearing for the petitioner had placed the question being put in the interview by the petitioner and replied by the cousin of the deceased person. He placed Question No. 3 annexed in the petition by which the petitioner had put a question that the relatives of the deceased said that the case could have been a case of human sacrifice and that news channel spoke with the deceased brother who said that it might be a case of human sacrifice because the attack was from behind and the garland was placed on the neck of the deceased. The further question put by the petitioner that since the relatives of the deceased have gone to Kamakhya, where the sacrifice or human sacrifice are offered, the same could be in the suspicion of the relatives that it was a tantric killing.

5. Mr. K.N. Choudhury, learned Senior Counsel submits that the petitioner by

putting those statements had not stated her mind or her opinion. She stated about what she heard from the relatives of the deceased person as the word used is "they". As such, he submits that there was no comment on the part of the petitioner regarding human sacrifice at Kamakhya from her own side and that no offence is made out be it under Section 196 IPC or 299 or 302 of the IPC. The learned Senior Counsel further submits that immediately after the show, the news channel had expressed apology by stating that the petitioner had referred "human sacrifice" erroneously at the holy Kamakhya Temple and that there was a complete error of judgment and further that they had deleted all the comments from their platforms. The said apology was also published in the Assam Tribune wherein, the same statements were reiterated by the channel concerned. Further, the learned Senior Counsel submits that the questions put by petitioner had no potentiality to promote disharmony or enmity, hatred or ill will between different groups and that he submits that no offence has been made out against the petitioner and the instant FIR may be quashed. To substantiate the argument made by the learned Senior Counsel, the following judgments were placed:-

(1) *Mahendra Singh Dhoni Vs. Yerranguntla Shyamsundar & Anr.* reported in (2017) 7 SCC 760 by which the Hon'ble Apex Court had interpreted Section 295-A of the IPC which is now Section 299 of the BNS, 2023.

(2) *Prof. R.K. Vijayasarithi & Anr. Vs. Sudha Seetharam & Anr.* reported in AIR

2019 SC (Supp) 1195 by which the Apex Court had underlined the law required to be followed while exercising the inherent power.

(3) *Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Anr.* (a judgment delivered by the Apex Court in Criminal Appeal No. 3831/2025) by which the Hon'ble Apex Court had streamlined the steps to be taken while exercising the inherent power by the High Court.

6. On the other hand, Mr. K.K. Das, learned Addl. Public Prosecutor for the State of Assam submits that the version annexed by the petitioner in the petition showing the conversation between the petitioner and the cousin sister of the deceased is not a complete one and that there are more statements attached to it. He by relying on the Case Diary has placed the statement of the co-accused i.e., the cousin sister of the deceased in which the co-accused had stated that she did not had any knowledge about any human sacrifice being offered at the Holy Temple of Maa Kamakhya and that her information was based on the statement made by the petitioner. He as such submits that the petitioner should have been careful in making statements in public media and making such derogatory and thoughtless statements is unbecoming of an Anchor and as such, quashment of the FIR may not be allowed in the instant case. He also stated that she had made careless statement without any research on the said subject and as such, Section 196 and 299 and Section 302 is well attracted in the instant case against the

petitioner.

7. I have heard the parties and I have gone through the records.

8. It is no res integra that the Hon'ble Supreme Court in *State of Haryana and Ors. vs. Ch. Bhajan Lal and Ors.* Reported in 1992 Supp (1) SCC 335 had enumerated the guidelines to be followed while quashing the First Information Report or any complaint. It is held that FIR can be quashed in cases where the allegations made in the FIR or complaint even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused. It is also held that FIR can also be quashed if the allegations and their materials accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code and also in cases where uncontroverted allegations made in the FIR and the evidence collected in support of the same do not disclose the commission of any offence. Further, that where the allegations made in the FIR are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused, quashment can be entertained. Apart from above guidelines, the Hon'ble Supreme Court had narrated few other guidelines in the said case.

9. In the case at hand, it is seen that in Question No. 3 as annexed by the

petitioner in the petition, the petitioner had stated one statement, which is as follows:

“Since they had gone to Kamakhya, **where sacrifices or human sacrifices are offered**, is your family suspicious that this could be a tantric killing.”

10. In the said statement, it is reflected that the middle words where sacrifices or human sacrifices are offered are stated are purportedly the words of the petitioner and as such, it cannot be said that these words are not hers and are the words of the relatives of the deceased from whom the petitioner had heard many things. Further, in the FIR, it is stated that the petitioner had made statements which is as follows “Narwali (human sacrifice) is being practiced at Kamakhya” and it is also stated that she made the statement without any official source, religious authority or historical validation. As such, it is seen that statements which are not pleasant in nature were made in connection with religious activity at Kamakhya, which has consequences. The said FIR was registered under three (3) provisions of law i.e., Section 196(2), Section 299 and 302 of the BNS, 2023. Section 196 (2) of the BNS, 2023 provides that whoever commits an offence specified under Sub-section – 1 in any place of worship or in connection with any religious ceremonies may be punished with the prescribed punishment.

11. On a bare perusal of the said Section, it seems the said Section would not

apply in the instant case inasmuch as, the comments made by the petitioner were not in any place of worship or in an assembly engaged in the performance of religious worship or religious ceremony. However, the requirement is that if the FIR discloses the commission of cognizable offence, the same would not be quashed and as such under what provision the FIR is registered would not matter and what matters are the contents of the FIR which should reveal commission of an offence/cognizable offence.

12. Further, Section 299 of the BNS which provides that whoever with deliberate and malicious intention of outraging the religious feelings of any class of citizen of India by words or by signs insults or attempt to insult religion or religious belief of that class may be punished with the prescribed punishment. However, the said requirement that the accused person with the malicious intention deliberately uses words does not find place in the instant case. It can also be noticed that the petitioner while making the said statements that human sacrifices are offered at Kamakhya cannot said to be with the deliberate and malicious intention for outraging the religious feelings of any class of citizen of India. It can also be not said that by making that statement, she had intentions to insult or she has attempted to insult religion or religious beliefs of a particular class. It seems she had carelessly made that statement without any thoughtful consideration into it. The same should not have been uttered by the petitioner in public forum, which

would entail the said consequence. However, as far as the ingredients of Section 299 of the BNS, 2023 is concerned, the same may not be attracted in the instant case against the petitioner.

13. Further, Section 302 of BNS, 2023 which provides that whoever with deliberate intention of wounding the religious beliefs of any person, utters any word may be punished with the prescribed punishment. However, the deliberate intention of the petitioner is again found missing by prima facie examination of the contents of the interview. From a bare perusal of the interview as well as the contents of the FIR, it cannot be said that the petitioner with deliberate intention of wounding the religious beliefs of any person had made that statement in the said interview. It is noticed that the main purpose of the interview was to speak about the death of the deceased person under the mysterious circumstances and it was only to offer a view to the public by questioning the relative of the deceased and to extract answers as to under what conditions and circumstances the deceased could have met his death. As such, the deliberate intention which is required in both the Sections i.e., Section 299 and 302 cannot be said to be visible in the instant case.

14. Be that as it may, it is required that the contents of the FIR should make out a cognizable offence and if it does not make out a cognizable offence, the same may be quashed. In the instant case, even if Section 196(2) along with Section 299 BNS

and Section 302 BNS are not attracted, examination may be made in case any other Sections involving cognizable offence are attracted. In such a case, Section 196 (1) may be examined in the instant case as to whether Section 196(1A) would be attracted. Section 196(1)(a) provides that whoever by words either spoken or written or by signs promotes or attempts to promote on grounds of religion, race, place of birth etc., or on any other ground, disharmony or feelings of enmity or hatred amongst different religious groups or other groups may be punished with the prescribed punishment.

15. A simple glance on the aforesaid Section again makes it mandatory that the accused person who used words, spoken or written or by signs or by any other method should promote or attempt to promote disharmony or enmity between religious or other groups. In the instant case, what needs to be found out is as to whether the petitioner had made the statements that human sacrifices are offered at Kamakhya was with the intention to promote or had made attempts to promote feelings of enmity, disharmony amongst religious, racial or any other groups and the answer to the said query would be in the opinion of this Court would be negative. Every case depends on its own facts and circumstances and it is the duty of the Court to discern the real object behind any statement made or any words said. By reading the contents of the FIR as well as the question and answer in the interview, no prudent person can come to a conclusion that the questions put by

the petitioner and the answers given by the relative of the deceased person as well as the contents of the FIR was with the object of creating enmity between groups or any attempt to promote enmity, disharmony between any kind of groups. It will not be out of context to however mention herein that the said statements were utterly not required in the facts of the case and the same were totally careless on the part of the petitioner as well as the interviewee. Statements made in public forum should be well thought of. The petitioner as such is constrained not to make any such statement in near future before any forum much less public media at any point of time without any authority and validation.

16. In view of the discussions made above, this Court deems it fit that the FIR being registered as Crime Branch P.S Case No. 04/2025 registered under Section 196(2)/299/302 BNS, 2023 lodged on 12.06.2025 before the Crime Branch Police Station, Commissionerate of Police, Guwahati, Assam is set aside and quashed qua the petitioner namely, Ms. Akansha Swarup for the ends of justice.

17. Petition is disposed of.

JUDGE

Comparing Assistant