

**IN THE COURT OF SH. MRIDUL GUPTA,
CHIEF JUDICIAL MAGISTRATE
NEW DELHI DISTRICT, PATIALA HOUSE COURTS
NEW DELHI**

Ct Cases / 1090/2025

Amita Sachdeva Vs. State and Anr.

17.09.2026

ORDER

1. Vide this order, the undersigned shall dispose of the present application under Section 175(3) BNSS filed on behalf of the complainant seeking directions for registration of FIR and investigation.
2. It is submitted on the behalf of complainant that the she is an advocate on record practicing in Hon'ble Supreme Court of India and ardent follower of Sanatan dharma. The complainant is compelled to file the present complaint due to inaction of the State despite serious and derogatory posts made by accused Karishma Aziz on the social media platform 'X'. The posts include insults to Bhagwan Shri Ram, Veer Savarkar, Chhatrapati Shivaji Maharaj, Hon'ble Prime Minister of India, distorting history and inciting religious disharmony on social media and spreading anti-India sentiment.
3. Brief conspectus of facts is that on 09.02.2025, the complainant came across a post on platform 'X' by @KARISHMA_VOICE (Karishma Aziz) insulting a Hindu saint by mocking his spiritual views and disability, offending Hindu sentiments. Another post dated 13.02.2025 met out deliberate insult and defamation to the Hon'ble Prime Minister of India by

comparing him to a dog. A video post dated 19.02.2025 mocked Hindu warriors, kings and revolutionaries intended to demean, insult and spread hatred. Another video post dated 20.02.2025 attempted to distort history by glorifying Aurangzeb, a known oppressor of Hindus, as also demeaning Hindu icons and their legacy. Similarly other posts dated 23.02.2025 and 26.02.2025 also contained insults and defamatory remarks targeting Hinduism, their patriotic sentiments, mocking their historical figures, belittling Hindu rulers as well as derogatory remarks against freedom fighter Veer Savarkar by falsely labeling him as a traitor and making baseless accusations about his role in India's independence movement.

4. It is submitted that the tweets revealed an agenda to systematically mock and demean beliefs, insult India and spread communal discord. The accused Karishma Aziz's public profile magnifies the harmful effect of her words influencing impressionable minds and promoting hatred and disrespect towards Hinduism and the nation. Another post dated 05.04.2025 demonstrates intention to hurt the religious sentiments of Hindus and promote enmity and communal discord in the country.

5. The complainant saw and noticed the derogatory and filthy posts and videos of accused/ respondent Karishma Aziz at her chamber in Hon'ble Supreme Court of India which falls within the jurisdiction of this Court. Accordingly, she prayed for direction to register the FIR against the accused/ respondent no. 2 Karishma Aziz for commission of offences under Section 196/299/353 BNS. She relied upon *Amish Devgan Vs. Union of India* [(2021) 1 SCC 1] and *Amita Sachdeva Vs. Union of India* [WP(C) 4615/2026, DOD 08.04.2026, Hon'ble High Court of Delhi].

6. Reply to the present application was filed on by the IO, Cyber PS South, Saket, Delhi. It was submitted that the cited tweets contain obscenity, material statements directly targeting Hinduism as a religion and are in the nature of political/ historical commentary, criticism and satire. Considering the freedom of speech and enquiry conducted, no evidence of deliberate attempt to incite communal harmony was found.

7. Heard. Record perused.

8. It is well settled that powers under Section 175(3) BNSS (earlier Section 156(3) Cr.P.C) are to be exercised judiciously and not mechanically. At the same time, where the facts disclosed in a complaint *prima facie* reveal commission of a cognizable offence and investigation is necessary for collection of evidence beyond the reach of the complainant, the Court would be justified in directing registration of FIR. The principles laid down in **Skipper Beverages Pvt. Ltd. v. State** 2002 CrL LJ NOC 333 (Delhi) and **Ravinder Kumar v. State (Govt. of NCT of Delhi)** 2013 VIII AD (Delhi) 403 are well settled in this regard.

9. In **Lalita Kumari Vs. Govt. of UP & Ors.**, Hon'ble Apex Court observed as under;-

“The mandate of Section 154 of the Code is that at the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence, the police officer concerned cannot embark upon an inquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not relevant or credible. In other words, reliability, genuineness and credibility of the information are not the conditions precedent for registering a case under Section 154 of the Code. A perusal of the above-referred judgments clarify that the reasonableness or creditability of the information is not a condition precedent for the registration of a case”

10. At the present stage, this Court is not required to meticulously evaluate the truthfulness of the allegations or record any conclusive finding regarding criminal liability of the proposed accused. The only question is whether the averments made in the complaint, read along with the supporting material, disclose circumstances warranting investigation by the police.

11. The complainant has placed on record screenshots, transcripts and links pertaining to various posts and video uploads allegedly made by the proposed accused through a social media account on platform 'X'. The allegations are not confined to an isolated statement. Rather, the complaint refers to a series of posts published over a period of time which, according to the complainant, contain derogatory remarks against Hindu religious beliefs, revered religious figures, historical personalities associated with the Hindu community and expressions tending to create communal disharmony.

12. Whether the impugned posts ultimately constitute protected political commentary, satire, criticism or historical opinion, or whether they cross the threshold of criminality under the provisions invoked by the complainant, is a matter requiring investigation. At this stage, the Court is only required to ascertain whether the complaint and accompanying material disclose cognizable offences warranting investigation.

13. In *Amish Devgan v. Union of India*, (2021) 1 SCC 1, the Hon'ble Supreme Court observed that while freedom of speech is constitutionally protected, expressions intended to promote disharmony or made with deliberate and malicious intent to outrage religious feelings may attract penal consequences. The determination is necessarily contextual and depends upon

the content of the speech, the circumstances in which it was made and its likely impact.

14. In the present case, the authorship and operation of the concerned social media account, the dynamics of the impugned uploaded videos and posts, their dissemination and other electronic records are matters requiring collection and preservation through investigative processes. Such evidence is not wholly within the reach of the complainant.

15. The status report filed by the State has been perused. However, at this stage, the Court is not concerned with recording a final conclusion on the culpability of the proposed accused. However having regard to the allegations made in the complaint, the material placed on record and the nature of evidence required to be collected, this Court is satisfied that the complaint discloses commission of cognizable offences requiring investigation. It is made clear that no opinion is being expressed on the merits of the allegations, at this stage.

16. As regards territorial jurisdiction, the complaint specifically avers that the complainant accessed and viewed the impugned posts in her chamber situated within the premises of the Hon'ble Supreme Court of India, New Delhi, which falls within the territorial jurisdiction of this Court.

17. Accordingly, the application under Section 175(3) BNSS is allowed. SHO, Cyber Police Station, New Delhi, is directed to register an FIR on the basis of the complaint and undertake investigation in accordance with law.

18. Compliance report be filed before this Court within one week from today.

19. Copy of this order be given dasti to the applicant and copy be also forwarded to the concerned SHO for compliance.

(Mridul Gupta)
CJM/NDD/PHC/ND
17.09.2026