

2026 LiveLaw (SC) 113

IN THE SUPREME COURT OF INDIA

J.B. PARDIWALA; J., VIJAY BISHNOI; J.

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 71178/2025; 02-02-2026

STATE OF TELANGANA versus NALLA BALU @ DURGAM SHASHIDHAR GOUD & ANR.

Criminal Procedure – Social Media Posts & Political Speech – Guidelines for Registration of FIRs – Supreme Court refuses to interfere with the Telangana High Court’s judgment quashing criminal proceedings and issuing mandatory operational guidelines for police and Magistrates when dealing with complaints based on social media posts – Noted that the High Court’s guidelines (Para 29) aim to safeguard fundamental rights and prevent the mechanical or arbitrary invocation of the criminal process - Key Guidelines Upheld – i. Verification of Locus Standi - Police must verify if a complainant is a "person aggrieved" before registering FIRs for defamation or similar offences; ii. High Threshold for Media-Related Offences - Cases involving intentional insult, public mischief, or threat to public order shall not be registered unless there is prima facie material disclosing incitement to violence or hatred; iii. Protection of Political Speech: Constitutional protections under Article must be scrupulously enforced; mechanical registration of cases for harsh or critical political speech is prohibited; iv. Defamation Procedure - As a non-cognizable offence, police cannot directly register an FIR; complainants must be directed to a Magistrate, and action may only follow an order under Section 174(2) of the BNSS; v. Prior Legal Scrutiny: In sensitive cases involving expression, police must obtain a prior legal opinion from the Public Prosecutor before registration. [Relied on *Kedar Nath Singh v. State of Bihar*, 1962 Supp (2) SCR 769; *Shreya Singhal v. Union of India*, (2015) 5 SCC 1; *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273; Paras 6,7]

[Arising out of impugned final judgment and order dated 10-09-2025 in CRLP No. 4905/2025 10-09-2025 in CRLP No. 4903/2025 10-09-2025 in CRLP No. 8416/2025 passed by the High Court for The State of Telangana at Hyderabad]

For Petitioner(s): Mr. Sidharth Luthra, Sr. Adv. Mr. Kumar Vaibhaw, Adv. Ms. Devina Sehgal, AOR Ms. Somaya Gupta, Adv. Mr. Kushagra Raghuvanshi, Adv. Mr. Nav Prakash Singh Teji, Adv. Ms. Aditi Mishra, Adv.

ORDER

1. Delay condoned.
2. Exemption application is allowed.
3. These petitions at the instance of the State of Telangana are directed against the judgment and order passed by the High Court of Telangana dated 10.09.2025 by which the High Court disposed of a batch of criminal petitions, thereby, quashing the criminal proceedings instituted against the respondents herein for the offences enumerated in the FIRs in question.
4. The operative part of the order reads thus: -
“30. In light of the above directions, Criminal Petition Nos. 4905, 4903, and 8416 of 2025 are allowed. Consequently, the proceedings against the petitioner in (i) FIR No. 08 of 2025 registered at Police Station, CCPS Ramagundam, Telangana Cyber Security Bureau (TSCSB);(ii) FIR No. 13 of 2025 registered at Police Station, CCPS Karimnagar, TSCSB; and (iii) FIR No. 146 of 2025 registered at Police Station. GDK-I Town, Ramagundam, are hereby quashed.”
5. Mr. Sidharth Luthra, the learned senior counsel appearing for the State very fairly submitted that he has nothing to argue in so far as the merits of the matter is concerned.
6. However, the State has something to say as regards the broad guidelines laid down by the High Court as contained in para 29 of the impugned judgment is concerned. According to Mr. Luthra, the guidelines issued by the High Court are inconsistent with each other and in such

circumstances he urged that this Court should look into the guidelines and rectify the inconsistencies. Para 29 reads thus: -

“29. Before parting with this judgment, this Court considers it necessary to make certain observations. Having regard to the factual and legal position discussed herein, and with a view to safeguarding fundamental rights as well as preventing the criminal process from being invoked mechanically or arbitrarily, it is appropriate to prescribe a set of operational guidelines for police authorities and Judicial Magistrates when dealing with proceedings initiated on the basis of social media posts. These directions are particularly relevant in cases where the registration of First Information Reports (FIRs) is sought in connection with such posts. Accordingly, the police authorities are directed to adhere to the following guidelines:

i. Verification of locus standi: Before registering any FIR for alleged defamation or similar offences, the police must verify whether the complainant qualifies as the "person aggrieved" in terms of law. Complaints by unrelated third parties lacking standing are not maintainable, except where the report concerns a cognizable offence.

ii. Preliminary inquiry in cognizable offences: Where a representation/complaint discloses a cognizable offence, the police shall, prior to registration of crime, conduct a preliminary inquiry to ascertain whether the statutory ingredients of the alleged offence are, prima facie, made out.

iii. High threshold for media post/speech-related offences: No case alleging promotion of enmity, intentional insult, public mischief, threat to public order, or sedition shall be registered unless there exists prima facie material disclosing incitement to violence, hatred, or public disorder. This threshold must be applied in line with the principles laid down in Kedar Nath Singh v. State of Bihar, 1962 Supp (2) SCR 769, and Shreya Singhal v. Union of India, (2015) 5 SCC 1.

iv. Protection of political speech/post: The police shall not mechanically register cases concerning harsh, offensive, or critical political speech. Only when the speech amounts to incitement to violence or poses an imminent threat to public order may criminal law be invoked. Constitutional protections for free political criticism under Article 19(1)(a) of the Constitution must be scrupulously enforced.

v. Defamation as a non-cognizable offence: Since defamation is classified as a non-cognizable offence, the police cannot directly register an FIR or crime in such matters. The complainant must be directed to approach the jurisdictional Magistrate. Police action may follow only upon a specific order of the Magistrate under Section 174(2) of the BNSS.

vi. Compliance with arrest guidelines: In all cases, the police shall strictly comply with the principles laid down in Armesh Kumar v. State of Bihar, (2014) 8 SCC 273. Automatic or mechanical arrests are impermissible, and the principle of proportionality in the exercise of criminal process must be observed.

vii. Prior legal scrutiny in sensitive cases: In matters involving political speech/post or other sensitive forms of expression, the police shall obtain prior legal opinion from the Public Prosecutor before registering an FIR, to ensure that the proposed action is legally sustainable.

viii. Frivolous or motivated complaints: Where a complaint is found to be frivolous, vexatious, or politically motivated, the police shall close the matter under Section 176(1) of the BNSS, citing absence of sufficient grounds for investigation.”

7. We have looked into para 29 threadbare. We are of the view that we should not interfere with the impugned judgment and order passed by the High Court including the guidelines issued by the High Court.

8. With the aforesaid, the Special Leave Petitions stand dismissed.

9. Pending application(s), if any, shall stand disposed of.