

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57632-2023 (O&M)

Date of decision 07.09.2026

RADHIKA RAO AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Tajeshwar Singh, Advocate
for the petitioners.

Mr. Hardeep Singh Wadhwa, DAG Punjab.

Sr. No.	Particulars	
1.	The date when the judgment is reserved	21.08.2026
2.	The date when the judgment is pronounced	07.09.2026
3.	The date when the judgment is uploaded on the website	08.09.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment and reasons thereof	Not applicable

SHALINI SINGH NAGPAL J.

1. Prayer in the petition under Section 482 Cr.P.C. is to quash FIR No. 85 dated 30.08.2023 under Section 295-A Indian Penal Code, Police Station Division 4, Police Commissionerate, Jalandhar, Punjab and all subsequent proceedings arising therefrom.

2. The FIR was registered on complaint of Harpreet Singh @ Neetu son of Mahinder Singh who reported that T Series Company released

named Neezaan Jaiji was wearing *Sri Sahib* against Sikh customs. *Sri Sahib* was a part of holy Five *Kakaars* of Sikh religion and it was mandatory for a person to be *Amritdhari*, as per Sikh customs, to wear the same. The song was filmed by Director Radhika Rao and Vinay Sapru deliberately, to hurt Sikh sentiments. The producer Bhushan Kumar was also responsible. By this act, his religious sentiments and those of the Sikh community were hurt. Legal action was prayed for.

3. Learned counsel for the petitioners submits that FIR No.108 dated 31.08.2023, P.S. Division E Police Commissionerate Amritsar under Section 295-A IPC was registered against the petitioner regarding the same incident, on identical allegations. Present FIR, on the same allegations was thus, not sustainable in view of law laid down by ***T.T. Antony Vs. State of Kerala, Criminal Appeal No.689 of 2001 arising out SLP (Crl.) No.1522 of 2000, date of decision 12.07.2001*** and ***Amitbhai Anilchandra Shah Vs. The Central Bureau of Investigation and Another, Writ Petition (Criminal) No.149 of 2012, date of decision 08.04.2013***. It was further canvassed that the facts alleged in the FIR did not make out ingredients of the offence under Section 295-A IPC as there was neither any deliberate or malicious intention of outraging the religious feelings of a class of citizens nor an attempt to insult the religious beliefs of any class. At best, act of the petitioners could be said to be done carelessly or unwittingly, without deliberate or malicious intention, as petitioners lacked motive to outrage religious sentiments of the Sikh community. The portrayal of a non-*Amritdhari* person wearing *Sri Sikh Sahib* was only on account of lack of knowledge of religious customs rather than an attempt to insult the religion or beliefs of any particular class. The

or disrespectful message towards the Sikh faith or its symbol.

4. It was further argued that portrayal in the song fell within the 4 corners of artistic expression and creative freedom rather than an act intended to insult religious beliefs. Last submission of learned counsel for the petitioners was that the visuals in question had been removed and petitioners had already apologized and acknowledged the inadvertent mistake, committed without intention to hurt religious sentiments. They also assured that no such mistake would be repeated in future. Thus, the subject FIR and all consequential proceedings arising therefrom were liable to be quashed, in the interest of justice, equity and good faith. To support his submissions, learned counsel for the petitioners refers to ***Ramji Lal Modi Vs. State of U.P., Petition No.252 of 1956, date of decision 05.04.1957, Mahendra Singh Dhoni Vs. Yerraguntla Shyamsundar, Transfer Petition (Criminal) No.23 of 2016, date of decision 20.04.2017, Priya Prakash Varrier and Others Vs. State of Telangana and Another, Writ Petition (Criminal) No.44 of 2018, date of decision 31.08.2018, Tilak Raj Vs. State of Punjab and Another, CRM-M-46173 of 2019, date of decision 28.02.2020, Gurnam Singh Vs. State of Punjab and Another, CRM-M-7975-2017, date of decision 05.09.2023, Aash Mohammad Vs. State of Haryana and Others, CWP No.9048 of 2017, date of decision 01.05.2017, Jai Ram Sharma Vs. State of Punjab, CRM-M-23808-1996, date of decision 22.05.1997, Manohar Lal Sharma Vs. Sanjay Leela Bhansali and Others, Writ Petition (Criminal) No.191 of 2017, date of decision 28.11.2017, State of Haryana and Others Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335 and Saint Gurmeet Ram Rahim Singh Insan Vs. State***

5. State of Punjab has filed reply to the petition. Learned State counsel argues that the depiction of a clean shaven actor wearing *Sri Sahib* in his neck against Sikh customs without wearing turban, hurt the religious feelings of the complainant and members of Sikh community and petitioners being the director, producer and actor of the film, responsible for creating the song were liable to be prosecuted in the Court of law. In view of the specific allegations against the petitioners of hurting religious feelings, the FIR could not be quashed at the inception, when investigation was yet pending.

6. Respondent No.2 initially appeared to contest the petition but later, did not opt to contest.

7. Hon'ble Supreme Court of India, in ***State of Haryana Vs. Bhajan Lal AIR 195 SC 604***, has considered all earlier precedents and has laid down the principles, which the High Court must consider, while exercising its jurisdiction under Section 482 Cr.P.C. for quashing of proceedings. Following observations of Hon'ble Supreme Court need to be reproduced:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse

justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

(1) Where the allegations made in the first information report or the 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint

which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fides and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

8. Section 295-A of the IPC which criminalises and punishes deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs is reproduced as under for the facility of reference:-

"295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [citizens of India], [by words, either spoken or written, or by signs or by visible representations or otherwise], insults or

class, shall be punished with imprisonment of either description for a term which may extend to [three years], or with fine, or with both.”

9. From the above, following ingredients of the offence can be deduced:-

(i) the accused must insult or attempt to insult the religion or religious beliefs of any class of citizens of India;

(ii) the said insult must be with a deliberate and malicious intention of outraging the religious feelings of the said class of citizens; and

(iii) the said insult must be by words, either spoken or written, by signs or by visible representation or otherwise.

10. The petitioners, who are the director, actor and producer of the movie “*Yaarian 2*” are sought to be prosecuted for portraying a non-*Amritdhari* actor (petitioner No.3) wearing “*Sri Sahib/Kirpan*” one of the 5 religious ‘*Kakaars*’ of the Sikh religion, in a song released on Youtube. Complainant has claimed that the said portrayal hurt his religious sentiments as well as those of the Sikh community. To bring a charge under Section 295-A IPC, it needs to be demonstrated that the act complained of tantamounts to an insult or attempt to insult the religion or religious beliefs of a class of citizens and the act was driven by a deliberate and malicious motive. The act done must be such as would be regarded by an ordinary prudent mind as grossly offensive, provocative, malicious and deliberately intended to outrage feeling of any class of citizens of India. While upholding the constitutional validity of Section 295-A IPC, Hon’ble Supreme Court of

decision 05.04.1957 has observed as under:-

“Section 295A does not penalise any and every act of insult to or attempt to insult the religion or the religious beliefs of a class of citizens but it penalises only those acts of insults to or those varieties of attempts to insult the religion or the religious beliefs of a class of citizens, which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class. Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section. It only punishes the aggravated form of insult to religion when it is perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class.”

11. In ***Mahendra Singh Dhoni Vs. Yerraguntla Shyamsundar, Transfer Petition (Criminal) No.23 of 2016, date of decision 20.04.2017,*** complainant purchased monthly business magazine and was disappointed with the main page of the magazine carrying painting of petitioner with the caption *“God of Big Deals”*. There was a description underneath which had the characters of advertising. In the context of publication, Hon’ble Supreme Court held as under:-

“Section 295A does not stipulate everything to be penalised and any and every act would tantamount to insult or attempt to insult the religion or the religious beliefs of class of citizens. It penalises only those acts of insults to or those varieties of

citizens which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of that class of citizens. Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the Section.”

12. Still further, in ***Priya Prakash Varrier and Others Vs. State of Telangana and Another, Writ Petition (Criminal) No.44 of 2018, date of decision 31.08.2018***, a version of a traditional Muslim song from the Malabar region of Kerala sung in various parts of the State of Kerala was picturized as a part of the movie on actress Priya Prakash Varrier with a wink. FIR was lodged alleging the same to be blasphemous and offending the sentiments of a particular community. Hon’ble Supreme Court held, relying upon Constitution Bench judgment in ***Ramji Lal Modi Vs. State of U.P. (supra)*** and ***Mahendra Singh Dhoni Vs. Yerraguntla Shyamsundar, (supra)*** held as under:

“..... the picturization of the said song solely because of the 'wink' would not tantamount to an insult or attempt to insult the religion or the religious beliefs of a class of citizens. The said song has been on Youtube since February, 2018. We do not perceive that any calculated tendency is adopted by the petitioners to insult or to disturb public order to invite the wrath of section 295A of the IPC. “

13. Three-Judge Bench of Hon’ble Supreme Court in ***Manohar Lal Sharma v. Sanjay Leela Bhansali and Others (2018) 1 SCC 770***, observed

A story told on celluloid or a play enacted on a stage or a novel articulated in a broad and large canvas or epic spoken with eloquence or a poem sung with passion or recited with rhythm has many a layer of freedom of expression of thought that requires innovation, skill, craftsmanship and, above all, individual originality founded on the gift of imagination or reality transformed into imagination or vice versa. The platform can be different and that is why, the creative instinct is respected and has the inherent protective right from within which is called artistic license."

14. Examining the contents of the FIR in the context of the provisions of Section 295-A IPC reproduced hereinabove, in the light of binding judicial precedents, the Court is of the considered opinion that the act attributed to the petitioners i.e. picturization of a song showing a non-*Amritdhari* Sikh wearing a 'Sri Sahib/Kirpan' cannot be termed as an insult to the Sikh religion. The song picturized in a movie is an expression of creative liberty, artistic instinct and the inadvertent portrayal of *Sri Sikh Sahib*, one of the 5 religious 'Kakaars' of the Sikh religion, cannot be construed as a deliberate, malicious act intended to hurt the religious feelings of the complainant or other members of the religious community. The act attributed cannot be regarded by an ordinary prudent mind as grossly offensive or provocative. Also a grievance expressed by an individual belonging to Sikh community cannot portray the sentiments of the entire community. *Mens rea* which is an essential element in the criminal offence is found lacking and the act complained of is clearly outside the purview of

15. An additional fact to be noticed is that the petitioners have already issued an apology that they had no intention to hurt any religious sentiments and had removed the objectionable visuals/scenes from the film which may hurt the sentiments of complainant and/or members of Sikh community.

16. During the course of arguments, learned counsel for the petitioners has also brought on record copy of order dated 28.10.2024 in CRM-M-57708-2023 titled '*Radhika Rao and Others Vs. State of Punjab and Another*' in a petition under Section 482 Cr.P.C. for quashing of FIR No. 108 dated 31.08.2023 under Section 295-A IPC, P.S. Division No. E, Police Commissionerate, Amritsar, Punjab and all consequential proceedings arising therefrom. He submits that present FIR too was registered with regard to same song in "*Yaarian 2*" against the director, producer and actor of the film.

16. Undoubtedly, there cannot be a second FIR in respect of the same offence. The FIR regarding which the other petition under Section 482 Cr.P.C. was instituted, was subsequent one, registered on 31.08.2025. FIR in the present case was registered on 30.08.2023, prior in time. Therefore, the argument that the police could not investigate the case with regard to same offence is not available to the petitioners.

17. Be that as it may, the present case squarely falls within the parameters of law laid down by Hon'ble Supreme Court of India in ***State of Haryana Vs. Bhajan Lal (supra)*** for quashing of an FIR as the allegations made in the FIR, accepted in their entirety, do not constitute any offence.

18. The petition is allowed. FIR No. 85 dated 30.08.2023 under

Commissionerate, Jalandhar, Punjab and all consequential proceedings arising therefrom, are quashed qua the petitioners.

19. Pending miscellaneous applications, if any, stand disposed of.

07.09.2026

Sumit Singla

(SHALINI SINGH NAGPAL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes