



HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(Crl.) No.16 of 2026

1. Shri Manik Sarkar, son of late Amulya Sarkar, resident of officer's quarter lane,
Krishnanagar, Agartala, P.S. West Agartala, District: West Tripura, PIN-799001

.....Petitioner

_V_E_R_S_U_S_

1. The State of Tripura.
2. The Officer-in-Charge, West Agartala Police Station, District: West Tripura.
3. Sri Prabir Roy, son of late Manindra Ch. Roy, resident of Abhoynagar, P.S. East
Agartala, District: West Tripura (De-facto complainant)

.....Respondents

B_E_F_O_R_E

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

For Petitioner(s)	:	Mr. B. R. Bhattacharjee, Sr. Advocate. Mr. D. Singha, Advocate. Mr. S. Ganguly, Advocate.
For Respondent(s)	:	Mr. R. Datta, P.P. Mr. S. Saha, Add. P.P.
Date of hearing	:	07.10.2026
Date of judgment and order:	:	13.10.2026
Whether fit for reporting	:	YES

_F_I_N_A_L_O_R_D_E_R_

Heard Mr. B. R. Bhattacharjee, learned senior counsel assisted by Mr. D. Singha, learned counsel appearing for the petitioner also heard Mr. R. Datta, learned P.P. assisted by Mr. S. Saha, learned Addl. P.P. appearing for the respondents.

[2] The present petition has been filed under Article-226 of the Constitution of India for quashing of the impugned FIR being West Agartala P.S. case No.2026WAG 109 dated 16.08.2026 under Sections-192/353(1)(b)/61(1) of BNS, 2023 and all consequential proceedings arising therefrom.

[3] The petitioner has prayed for the following reliefs:

“a. Admit this petition.

b. Call for the lower court records.

c. Notify the respondents, and

d. Direct the respondents to show cause as to why a writ in the nature of certiorari or any other appropriate writ, order, or direction should not be issued



quashing the impugned FIR in connection with West Agartala P.S. Case No.2026 WAG 109 dated 16.08.2026 U/S 192/353(1)(b)/61(1) of BNS, 2023 registered on the basis of complaint lodged by the respondent No.3/de-facto complainant against the petitioner (Annexure-1) and all consequential proceedings arising therefrom and/or,

e. Direct the respondents to show cause as to why a writ in the nature of mandamus or any other appropriate writ, order or direction should not be issued direction/commanding the respondent authorities to recall the impugned registration of FIR in connection with West Agartala P.S. Case No.2026 WAG 109 dated 16.08.2026 U/S 192/353(1)(b)/61(1) of BNS, 2023 .

AND

Pending hearing and final disposal of the case, in the interim, Your Lordships be pleased to stay the further proceedings/investigation arising out of the impugned FIR and to direct respondent No.2 not to take any coercive steps or arrest the petitioner for the interest of justice.”

[4] The facts in brief are that the petitioner herein before this Court for quashing and setting aside the impugned FIR in c/w West Agartala P.S. Case No.2026 WAG 109 dated 16.08.2026 under filed under Sections-192/353(1)(b)/61(1) of BNS, 2023, registered on the basis of complaint lodged by the respondent No.3/complainant against the petitioner alleging inter alia that on 10.08.2026 in between 12 pm to 1 pm, the petitioner made certain public statements during a political programme held at Agartala and while referring to the ongoing movement against the State and Central Government, he specifically stated in Bengali “Jongi Andoloner Pothe JETE Desh-Rajya” which translates to English “ the Country and the State will have to take the path of militant/aggressive movement” which, as per the respondent No.3, the complainant herein, amounts to open instigation and abatement to wage war against the Central and State governments and likely to incite citizens to resort to violence, disturb public order, peace and tranquility and encourage unlawful activities. The impugned FIR is totally baseless and not sustainable in law.

[5] Hence, the present petition is filed by the petitioner before this Court to quash the FIR.

[6] Mr. B. R. Bhattacharjee, learned senior counsel assisted by Mr. D. Singha, learned counsel appearing for the petitioner has submitted that the allegations made in the FIR against the petitioner are false and baseless and registration of the FIR against him is maliciously instituted with an ulterior motive of wreaking vengeance on the petitioner due to political grudge. The petitioner has



not committed any offences as alleged and no case is made out against the petitioner. Even if the allegations contained in the impugned FIR are taken at their face value and accepted in their entirety, the ingredients necessary to constitute the offences under Sections-192 and 353(1)(b)/61(1) of BNS are not disclosed and as such the impugned registration of FIR being highly perverse and is liable to be set aside and quashed.

[7] The respondent No.2, the Officer-in-Charge of the aforesaid P.S. registered the case under Sections-192/353(1)(b)/61(1) of BNS, 2023, without any basis in as much as the FIR even taken in its totality does not attract any of the ingredients of the aforesaid sections of BNS but the said Officer-in-charge without applying his mind has registered the case in a mechanical manner and started investigation in a case where there is no prima facie materials to make out any case under aforesaid sections thereby causing serious prejudice, annoyance and harassment to the petitioner, as such the said FIR is liable to be set aside and quashed by invoking writ jurisdiction of this Court as provided under Article-226 of Constitution of India.

[8] The alleged statement of the petitioner has been misinterpreted and misrepresented in order to malign the petitioner with a *mala fide* intention. The original Bengali version of the alleged statement as quoted in the impugned FIR is "Jongi Andoloner Pothe Jete Desh-Rajya" which could be interpreted into English as "The Country and the State towards the path of vigorous or aggressive agitation" or "The Country and the State ahead the path of vigorous or aggressive agitation." However, the alleged statement is itself, an incomplete sentence as per grammatical structure i.e. grammatically incorrect rather, it is a vague and ambiguous sentence and does not denote any meaningful expression. On the contrary, the aforesaid sentence is misinterpreted in the impugned FIR by translating it as "The country and the state will have to take the path of militant/aggressive movement" which is totally incorrect, inaccurate and erroneous and misinterpreted which cannot be sustainable. Thus, the allegation made against the petitioner in the FIR on the basis of the aforesaid alleged statement of the petitioner is totally absurd, vague and meaningless and therefore, no offence is made out against the petitioner.

[9] The alleged statement of the petitioner which has been specifically mentioned in the impugned FIR must be required to be assessed in its entirety and in its actual context. Selective extraction of words from statement of the petitioner



in a political programme amounts to impermissible criminalization of political rhetoric. On 10.08.2026, as part of a nationwide movement called by the Central Trade Unions and Farmers Organizations and other civil organizations, the CPI(M) along with Left affiliated mass organizations staged a statewide "Jail Bharo" (court arrest) agitation across the different locations in Tripura to protest the anti-people and undemocratic policies of the BJP-led state and central governments. Prominent Left leaders including the instant petitioner joined the flagship demonstration in Agartala, where the petitioner along with other leaders was delivered speeches. In that movement, reportedly around 12,000 protesters courted arrest and were temporary detained across the state. The substance of the 8 minutes long speech of the petitioner delivered on 10.08.2026 is that firstly the petitioner supported the movement and its 11 point charter of demands for the people basically belonging to poor, farmers, workers, middle class, SC, ST, OBCs, women, students and youth and general public.

[10] He criticized the anti-people policies of the government and stated that such demonstration of people was a massive blow to both the state and central governments. He further stated that by the said demonstration of mass protest it conveys a clear message that if both the state and the central governments do not take necessary step to early solve the burning problems in near future people of both India and Tripura would be compelled to launch a greater movement with vigorous perspective on a wider scale. The anti-people policy of the government would compel the people to go for such movement. However, the petitioner in his concluding speech had categorically requested the agitators to peacefully co-operate the police in the event of arrest and detention as their civil disobedience movement was declared illegal and also requested them to return back in peacefully. It is stated that in the entire speech the petitioner did not utter the words as quoted in the FIR but the respondent No.3 has deliberately distorted and misrepresented the speech/statement of the petitioner, twisting its context solely for the purpose of fabricating a criminal offence which cannot be sustainable in law.

[11] Section-192 of BNS concerns wantonly giving provocation with intent to cause riot. The statutory requirement is not merely that the words were "militant", "strong", "aggressive" or politically provocative. There must be material showing provocation coupled with the requisite intention to cause a riot, and prima facie, it requires to establish the necessary nexus between the words and the alleged



riot or public disorder. But the impugned FIR even taken in its totality does not attract any of the ingredients of the aforesaid sections of BNS, as such the impugned FIR is liable to be set aside and quashed.

[12] The impugned FIR does not allege any actual riot pursuant to the alleged statement. No specific person is alleged to have committed violence pursuant to the alleged statement. No property damage, assault, arson or other overt act is attributed to the petitioner or his supporters. There is no allegation of any imminent likelihood of riot supported by objective facts. "Militant or aggressive agitation" is not synonymous with "riot". Even in the political context, "agitation", "mass movement", "struggle" or even "militant democratic agitation" may signify vigorous political protest rather than violence. As such the impugned FIR is liable to be set aside and quashed.

[13] Section-353(1)(b) of BNS requires a statement made with the intent to cause, or which is likely to cause, fear or alarm to the public, whereby any person may be induced to commit an offence against the State or public tranquility. But, the impugned FIR does not identify what was the false information, rumor, report or statement which was circulated to cause fear or alarm; nor does it identify any person who was induced, or was likely to be induced, to commit an offence. For an argument sake, if the petitioner merely called for political agitation against an allegedly anti-people governmental policy, corruption and demands for democratic rights of the people does not, by itself, satisfy Sections-353(1)(b) of BNS. Therefore, the allegation made against the petitioner in the FIR to the effect that the alleged statement made by the petitioner amounts to open instigation and abatement to wage war against the government of India and the government of Tripura which are likely to incite citizens to resort to violence, disturb public order, peace and tranquility and encourage unlawful activities are totally baseless and not sustainable in law.

[14] Section-61(1) of BNS requires an agreement between two or more persons to do an illegal act, or to do a legal act by illegal means. But the impugned FIR even taken in its totality the alleged offence under Section-61(1) is wholly unsustainable in absence of an alleged meeting of minds. The petitioner being an opposition political leader delivering a speech and addressing the situation of the country and the state does not, without more, establish a criminal conspiracy. But the Officer-in-charge of the concerned PS has registered a case mechanically and



added Section-61(1) of BNS without identifying the alleged conspirators or agreement. As such the said impugned FIR is liable to be set aside and quashed.

[15] Article-19(1)(a) of the Constitution of India protects the freedom of speech and expression of the citizens including political expression. The impugned statements of the petitioner constitutes political expression and therefore lies at the very heart of Article-19(1)(a). Mere use of strong, rhetorical, metaphorical or politically charged language cannot transform protected political criticism into a criminal offence. The impugned FIR is a politically motivated, prosecution instituted to silence legitimate opposition and criticism of governmental policies and thereby constitutes an abuse of the criminal process, as such continuance of any such investigation on the basis of the impugned FIR is abuse in the process of law and hence the same is liable to be set aside and quashed.

[16] The impugned FIR is not only a politically motivated to harass the petitioner but also an afterthought act of the respondent No.3/complainant in as much as the alleged statement was allegedly made by the petitioner on 10.08.2026 but the instant FIR was lodged on 16.08.2026 i.e. unexplained delay of 6 days which is not sustainable in law. The petitioner is one amongst the most respectable and popular public leaders in the state as well as the country who served as the Chief Minister of Tripura for significantly long 20 years and also served as the Leader of the opposition in the Tripura Legislative Assembly. It is pertinent to mention that during his tenure of the Chief

[17] Minister Tripura successfully overcame its decades-long militancy problem through a combination of inclusive development, good governance, and political outreach rather than relying solely on state violence. Therefore, the allegation made in the FIR is so absurd that a prudent person cannot even believe that the petitioner was ever inciting for violence, disturb public order, peace and tranquility. The petitioner has not committed any offences as alleged and no case is made out against the petitioner.

[18] The action of the respondents in registering a case against the petitioner on the basis of impugned FIR where there is no prima facie materials to make out any case under aforesaid sections thereby causing serious prejudice, annoyance and harassment to the petitioner and it also amounts to violation of the fundamental, legal and constitutional rights of the petitioner specifically enshrined



under Articles 19 and 21 of the Constitution of India and hence the same is required to be interfered with.

[19] Mr. Bhattacharjee, learned senior counsel in support of his arguments, has placed reliance on some decisions of the Hon'ble Apex Court in ***State of Haryana and Others v. Bhajan Lal and Others***, reported in ***(1992) Supp. 1 SCC 335*** and in ***Asoke Kumar Chaudhury and Others v. Kunal Saha and Another***, reported in ***(2017) 11 SCC 561***.

[20] In ***State of Haryana and Others v. Bhajan Lal and Others***, reported in ***(1992) Supp. 1 SCC 335***, the Hon'ble Apex Court has observed as under:

“111. We have, so far, made a detailed and searching analysis on the legal issues with regard to the statutory duty of an officer incharge of a police station in registering the first information report and commencing the investigation thereon as well as principles relating to the exercise of the FIR or the entire criminal proceedings as the case may be, and bearing in mind the enunciation of law, we have given our anxious consideration and careful thought to all the contentions made by all the learned counsel with considerable force and emphasis. The resultant and inescapable logical conclusion which we unreservedly arrive at is that the order of the High Court quashing the first information report, viewed from any angle, cannot be sustained both on the question of law and facts. Consequently, we set aside that part of the judgment of the High Court quashing the first information report.”

[21] In ***Asoke Kumar Chaudhury and Others v. Kunal Saha and Another***, reported in ***(2017) 11 SCC 561***, the Hon'ble Apex Court has held thus:

“6. The Magistrate concerned took cognizance of the said complaint and issued process. On receipt of the notice, the appellants challenged the proceedings arising out of the said complaint by filing petition under Section 482 of the Code of Criminal Procedure (Cr.P.C.) in the High Court of Calcutta being C.R.R. No. 4243 of 2011 submitting that no case of conspiracy was made out in the complaint and the ‘complaint was malicious and untenable’ and it could not be said that any offence by the appellants was committed under Section 201 read with Section 120B of the IPC. The High Court, after hearing the parties, dismissed the said petition vide impugned judgment dated 01.07.2013 and it is this judgment which is impugned in the present proceedings.

12. As is clear from the bare reading of the provisions of the aforesaid Section, an offence under the said section would be treated to have been committed when a person, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear. What is relevant is that the evidence which is made to disappear relates to the commission of the offence. In the present case, the allegations against the delinquent doctors of their negligence were of a much prior date. The complainant had sought to make out a case that the opinions of the four experts which were taken by the Committee itself were not reflected in the report that was submitted and it is this ‘evidence’ which was made to disappear



by the members of the Inquiry Committee. Obviously, it is not a kind of evidence that is referred to under Section 201 IPC. Thus, on a plain reading of this provision, the allegations contained in the complaint do not make out any case of committing an offence under Section 201 IPC.

15. Faced with the aforesaid situation, Mr. M. N. Krishnamani, learned senior counsel appearing for the complainant, submitted that the allegations contained in the complaint would constitute an offence punishable under Section 219 IPC. Though no such provision is mentioned in the complaint, Mr. Krishnamani is right that the allegations made in the complaint may constitute an offence under the aforesaid provision and mere non-mentioning of the said provision in the complaint would not make any difference. For this reason, we have considered the argument predicated on this provision as well. We fail to understand as to how even the provisions of Section 219 IPC applies in the instant case.

17. The ingredients of the aforesaid section are: (1) the person charged is a public servant; (2) the said public servant corruptly or maliciously makes or pronounces any report, order, verdict, or decision which he knows to be contrary to law (3) such act is to be done in any stage of a judicial proceedings. Without going into the controversy whether the appellants would be treated as public servant or not, it is sufficient to state that the departmental proceedings into the report given by the Committee cannot be treated as 'judicial proceedings'.

21. Thus, even if, for the sake of argument, we presume that the Members of the Committee had side-tracked and deliberately ignored the report of the experts helping the delinquent doctors to go scot-free, it does not make out any criminal offence said to have been committed by these appellants under the provisions of IPC. If there was any other remedy available to the complainant, he could have availed the said remedy but insofar as the complaint filed by him for initiating proceedings against the appellants under Section 201 read with Section 120B IPC is concerned, it was not clearly maintainable."

[22] Mr. R. Datta, learned P.P. assisted by Mr. S. Saha, learned Addl. P.P. appearing for the respondents to establish their case has contended that the impugned FIR cannot be evaluated in an abstract or isolated factual vacuum. On 10.08.2026, a massive political civil-disobedience and "Jail Bharo" programme was convened at Agartala, involving gathering exceeding 5,000 participants advancing aggressively towards the vital administrative headquarters of the Sub-Divisional Magistrate (SDM), Sadar. To maintain public tranquillity, protect administrative infrastructure, and prevent obstruction of public servants, the State administration erected three successive tiers of security barricades and deployed an Executive Magistrate alongside adequate law enforcement personnel. The gathering breached and physically dismantled the first two barricades. Upon reaching the third barricade, further progress was contained by the police force, whereupon the Executive Magistrate formally declared the assembly to be under arrest, thereby halting the forward march. It was while this charged assembly of 5,000 persons



was halted at the spot in a volatile atmosphere that the Petitioner addressed the crowd, using the Bengali expression "Jongi Andoloner Pothe Jete Desh-Rajya", stating that the agitation would assume an intense and severe form.

[23] The State does not attribute the breach of the first two barricades to the subsequent speech delivered by the Petitioner, as those physical acts temporally preceded his address. However, those prior events established the contemporaneous, sensitive law-and-order environment in which the words were uttered. The volume of the gathering, its physical march, the defiance of barriers, the formal intervention of the Executive Magistrate, and the heightened public tension constitute the immediate objective setting required to assess intention, knowledge, and probable effect under the penal statute.

[24] The petitioner seeks to terminate the investigation on the strength of a unilaterally submitted pend drive and private transcripts under Section-63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023. Criminal culpability cannot be determined at the threshold on self-selected electronic recordings. The investigating agency is statutorily mandated to collect independent, unaltered, continuous audio-visual recordings, CCTV footage, and media coverage from neutral public sources to verify chain of custody, cadence, tone and full context. Freedom of speech and expression is protected under Article-19(1)(a) of the Constitution of India. However, this freedom is not absolute and is subject to reasonable restrictions under Article-19(2) in the interest of public order and incitement to an offence. Evaluating whether a political address made to an agitated crowd crossed into wanton provocation to riot or incitement to public mischief requires an evidentiary inquiry that cannot be foreclosed under Article-226 of the Constitution.

[25] The petitioner's identity, political stature, and past constitutional tenure as the former Chief Minister of Tripura are matters of public record. However, the legal deductions asserted therein are denied. Under Article-14 of the Constitution of India, all persons are equal before the law. High political office neither creates a presumption of culpability nor confers immunity from lawful criminal investigation when an FIR discloses cognizable offence. On 10.08.2026, the petitioner made an address stating the agitation would assume an intense and severe form, using the Bengali expression "Jongi Andoloner Pothe Jete Desh-Rajya". This raised apprehension of breaches of peace and disruption of public order, leading to the registration of West Agartala P.S. Case No. 2026 WAG 109



dated 16.08.2026 under Sections 192/353(1)(b)/61(1) of the BNS, 2023. The Petitioner's self-serving interpretations of his speech are denied, and the legal effect of the words used is currently under investigation.

[26] It has been contended that the police acted under the statutory obligation of Section-173 BNSS upon receiving a specific complaint setting forth dates, times, and specific utterances. Whether these allegations substantiated can only be determined through investigation.

[27] The complaint disclosed a large assembly of 5,000 persons, administrative barricades being challenged, and provocative statements made to the gathering. Registration of an FIR sets an inquiry into motion and is not a final indictment. The petitioner's claim of mistranslation constitutes a disputed question of fact. The petitioner offers an English interpretation of the phrase "Jongi Andoloner Pothe Jete Desh-Rajya", arguing it denotes an intense democratic movement rather than militancy or violence. The Investigating Agency cannot accept unilateral glosses from either the complainant or the accused.

[28] A speech must be evaluated as a whole rather than in isolated parts. However, the context includes both the surrounding sentences and the immediate physical environment specifically, the march towards the SDM Office, the breach of two tiers of barricades, and the formal arrest declared by the Executive Magistrate. All elements, including any subsequent appeals for cooperation, will be scrutinized by the Investigating Officer. Invocation of Section-192 BNS requires establishing that the speaker acted malignantly or wantonly with knowledge that rioting was likely to result. The State does not treat the prior breach of barricades as an act caused by the subsequent speech, but the impact of those words upon an agitated assembly remains subject to investigation.

[29] The petitioner's assertion that the absence of completed rioting after the address bars the application of Section-192 BNS is contrary to the statutory text. The second limb of Section-192 BNS expressly penalizes wanton provocation "if the offence of rioting be not committed", punishing the act of provocation done with the requisite knowledge regardless of whether a riot materializes. With respect to Section-353(1)(b) BNS, the investigation must evaluate whether the statements made were likely to cause public alarm leading to offences against public



tranquility. This requires empirical examination of the audience, the transmission of the speech, and contemporaneous field reports.

[30] Regarding Section-61(1) BNS, it has been contended that the criminal conspiracy requires *prima facie* proof of an agreement between two or more persons to commit an illegal act. The investigating agency is examining whether prior coordination existed among organizers to breach barricades. If the evidence collected does not disclose the ingredients of conspiracy, Section-61(1) BNS will be dropped in the final report submitted under Section 193 BNSS. The constitutional protection afforded to democratic dissent under Article 19(1) (a). The inquiry is strictly directed at determining whether the expressions used before an agitated assembly crossed statutory thresholds into penal offences. The police are discharging their duties impartially under the Code, irrespective of the political affiliation of any party.

[31] While the speech occurred on 10.08.2026 and the complaint was filed on 16.08.2026, the complaint notes that the address was broadcast on media and reported in the print daily "Dainik Sambad" on 11.08.2026. A six-day interval does not invalidate an FIR at the threshold, and the timeline is under active review by the Investigating Officer. The petitioner's clean public record and past constitutional service do not preclude investigation when a cognizable complaint has been registered. The FIR violates Articles-14, 19, and 21 of the Constitution and constitutes an abuse of process. The investigating agency is not acting on a predetermined finding of guilt, and the collection of digital and oral evidence must proceed in accordance with law.

[32] The extraordinary jurisdiction of the High Court to quash an FIR at its inception must be exercised sparingly and with circumspection. The impugned FIR and the underlying complaint disclose *prima facie* cognizable ingredients under Sections-192 and 353(1)(b) of the BNS, requiring completion of the statutory investigation. The statutory authority of police officers to investigate cognizable offences under Chapter-XIII of the BNSS cannot be curtailed where an FIR discloses cognizable offences. Courts generally exercise restraint at the inception of an investigation to allow the agency to collect relevant facts.

[33] The controversy involves the interpretation of the Bengali expression "Jongi Andoloner Pothe Jete Desh-Rajya". Disputed issues of translation,



contextual meaning, and local usage cannot be resolved on competing affidavits in writ proceedings, but must be examined through expert analysis and witness testimony collected under Section 175 BNSS. The contention of the petitioner that Section-192 BNS is inapplicable because no physical riot occurred is contradicted by the statute itself. The second limb of Section-192 BNS provides a specific punishment for wanton provocation where rioting is not committed, penalizing the act itself when done with knowledge of its likelihood to cause a riot. The speech was made immediately after a crowd of 5,000 persons breached two security barricades and was halted by law enforcement. Delivering an aggressive address to an assembly under such conditions constitutes an objective circumstance relevant to evaluating intention and wantonness.

[34] Criminal proceedings may not be quashed at the initial stage if the allegations in the FIR, taken at face value, disclose the ingredients of a cognizable offence. The complaint describes specific words uttered before an agitated gathering, satisfying the threshold requirement to commence an inquiry. Moreover, Section-353(1)(b) BNS penalizes statements likely to cause fear or alarm inducing offences against public tranquility. Determining whether the speech carried such likelihood requires examining media broadcasts, public reaction, and field reports, which are matters of investigation. The petitioner's submission of a private pen drive and transcripts under Section-63(4)(c) BSA cannot displace the statutory collection of evidence. The investigating agency must obtain primary footage from media organizations and surveillance records to establish authenticity and chain of custody.

[35] While political dissent is protected under Article-19(1)(a) of the Constitution, that right remains subject to public-order restrictions under Article 19(2). Investigating whether the speech crossed statutory thresholds does not infringe upon constitutional guarantees as the investigation is proceeding neutrally. The State has clarified that the prior breaching of barricades is treated as part of the physical context and not as an act caused by the subsequent speech, demonstrating an objective approach to the allegations. A charge under Section-61(1) BNS requires evidence of a prior agreement to commit an illegal act. The investigating agency is assessing whether preparatory coordination occurred to breach barriers; if the evidence does not substantiate this, the charge will be dropped in the final report. The interval between the speech on 10.08.2026 and the complaint on



16.08.2026 is explained by ongoing electronic broadcasts and print reporting in "Dainik Sambad" on 11.08.2026. This timeline is being examined by the investigating officer and does not warrant threshold quashing.

[36] Moreover, general assertions of political vendetta do not invalidate an FIR based on a specific complaint detailing an address made to a large public gathering. The police are statutorily bound to investigate cognizable complaints. BNSS provides procedural safeguards, including judicial review by the jurisdictional Magistrate upon submission of a police report under Section-193 of BNSS. The petitioner may raise all substantive defense before that Court at the appropriate stage. It is essential to public tranquility that public address made to large assemblies under volatile conditions be examined in accordance with law. Staying the investigation at this stage would create an undesirable precedent affecting the statutory role of law enforcement.

[37] Mr. Datta, learned P.P. in support of his arguments, has placed some decisions of the Hon'ble Apex Court viz. in **Pradip N. Sharma v. State of Gujarat and Another**, reported in (2025) SCC online SC 457, In **Neeharika Infrastructure Private Limited v. State of Maharashtra and Other**, reported in (2021) 19 SCC 401 and in **State of Chhattisgarh and Another v. Aman Kumar Singh and Others**, reported in (2023) 6 SCC 559 and argued that it is premature stage to quash FIR and proper investigation to be made and prayed to dismiss.

[38] In view of above submissions made by the learned counsel appearing for the parties and also perusal of various principle laid down by the Hon'ble Apex Court, we are of the opinion that the petitioner is a respected person belonging to communist party of the State and was the Chief Minister for nearly 20 years during March 1998-March-2018. Needless to say that, any citizen of India is governed by the law of the land and cannot go beyond this principle. A person of this stature in public and that too in the State of Tripura which is very sensitive and surrounded with States facing several challenges and the human peace and harmony is at stake. Statement of the petitioner in his speech calling for militant and aggressive action was unwarranted and since, being a senior political leader of the State, his words would carry weightage amongst his followers and also amongst the public at large. For better appreciation of the facts, the complaint is extracted as under:



“To

The Officer-in-Charge

To West Agartala Police Station Agartala, West Tripura

Subject: Prayer for registration of FIR regarding provocative public W statements made by Shri Manik Sarkar, Former Chief Minister of Tripura.

Sir,

With due respect, I beg to submit the following information for necessary legal action:

1. That on 10.08.2026, in between about 12 PM to 01 PM Shri Manik Sarkar, Former Chief Minister of Tripura, made certain public statements during a political programme held at Agartala. The said statements were telecast/broadcast by various electronic media channels and were also published in the local daily newspaper "DAINIK SAMBAD" dated 11.08.2026.
2. That during the said programme, while referring to the ongoing movement against the State and Central Governments, he stated that the movement would become more intense. He further stated that if the 11-point demands were not accepted by the Governments, the movement would take a more serious form.
3. That he specifically stated in Bengali: "জঙ্গি আন্দোলনের পথে যেতে দেশ-রাজ্য" which translates to "the country and the state will have to take the path of militant/aggressive movement"
4. That the aforesaid statement, made by a person of his stature and public influence, amounts to open instigation and abetment to wage war against the Government of India and the Government of Tripura. Such statements are likely to incite citizens to resort to violence, disturb public order, peace and tranquillity, and encourage unlawful activities.
5. That it is apprehended that anti-social elements may take advantage of such provocative statements and indulge in violence, obstruction of public servants, and other acts prejudicial to the maintenance of public peace and security.

In view of the above facts, I request that an FIR be registered and investigation be initiated against Shri Manik Sarkar under the following provisions of the Bharatiya Nyaya Sanhita, 2023.

Further, any other appropriate sections that may emerge during investigation may also be added.

The matter is urgent in nature considering its potential to disturb public peace and order, CCTV footage, newspaper clippings and electronic media recordings may be collected as evidence.

Kindly acknowledge receipt and take necessary action at the earliest.

Place: Agartala
Dated: 16.08.2026

Yours faithfully
Name: Prabir Roy (52)
S/o Lt. Manindra Ch. Roy,
Abhoynagar, Agartala.
Tripura (W),
Phone: 8575111023”

[39] Unless the investigation is completed, it cannot be said that under the influence of the petitioner’s speech, how many such incidents have occurred that too when the local body election were already scheduled in September, 2026. The



petitioner could be a role model instead of making such provocation or hate speech, the petitioner could have always motivated the public with his words for the progress, instead using his words like “MILITANT”. For the purpose of understanding, we may understand what this word means. A person or group that uses or is willing to use strong pressure, aggressive action or force to achieve a political or social goal.

[40] The word "militant" is a colloquial and administrative term primarily used by the media, security forces, and government agencies to describe a person resorting to aggressive or violent methods to support a socio-political or ideological cause. When individuals or groups engage in militancy, Indian law prosecutes them using other specific legal classifications, which are explicitly defined in statutory law. The apex court and various High Courts have laid down several key rulings concerning aggressive terminology, political speech, defamation, and the legal definition of a "militant." The Supreme Court has repeatedly observed that severe political imputations (such as calling a politician a turncoat or a radical) are often part of democratic friction and do not automatically warrant criminal defamation proceedings. However, if a political leader's speech directly incites public unrest or violence, it can be prosecuted under standard penal laws.

[41] A fair reading of the words “Jongi Andoloner pothe jete desh-rajya” gives an ignition for law and order and motivates the followers to disturb the harmony in the State. One call from renowned leader like the petitioner either for progress or for deterioration would change the scenario of the State. A person of such status, always it is desired that the petitioner motivates the people of Tripura towards progress. Though Articles-14 and 19 under Constitution provides for certain fundamental rights equally, it does not mean that any person can express his views from a platform provocative the public against the law and order. The Right to Speech is not an absolute right but it comes with responsibility.

[42] The invocation of Section-192 BNS requires establishing that the speaker acted malignantly or wantonly with knowledge that rioting was likely to result. The State does not treat the prior breach of barricades as an act caused by the subsequent speech, but the impact of those words upon an agitated assembly remains subject to investigation. The second limb of Section-192 of BNS expressly penalizes wanton provocation if the offence of rioting be not committed, punishing



the act of provocation done with the requisite knowledge regardless of whether a riot materializes.

[43] The legal boundaries surrounding highly charged rhetoric, such as calling someone a militant or using inflammatory political labels, are governed under the broader legal frameworks of hate speech, criminal defamation, and the limits of political expression. Provocative speech by political leaders often triggers severe public unrest societal and legal consequences. According to global studies on political communication highlighted by The Conversation, frequent inflammatory rhetoric significantly increases domestic tension and correlates directly with a higher frequency of public clashes and politically motivated attacks. Inflammatory remarks during campaigns frequently precede physical confrontations, pre-poll or post-poll riots, and targeted assaults on minority or rival groups. Regulatory bodies, such as the Election Commission of India, occasionally impose temporary campaign bans or public meeting restrictions on candidates who violate model code guidelines via inflammatory rhetoric, though critics often argue these measures are applied inconsistently.

[44] Amnesty International India said political leaders in India who are creating a violent environment by making hateful speeches must be immediately held accountable. In riots in north-eastern New Delhi, eight people were killed and more than 100 injured after protests against the controversial Citizenship Amendment Act. The riot along with the earlier instances of violence that took place in Jamia Milia University and Jawaharlal Nehru University were preceded by the hateful speeches made by political leaders. It is the ongoing impunity that the political leaders enjoy which encourages them and other non-state actors to stoke more violence. A prompt, independent and impartial investigation into such speeches leading to ongoing and past violence is also needed. This prolonged impunity must end now.

[45] For more clarity, the principle laid down by the Hon'ble Apex Court to the similar facts and circumstances, may be extracted for ready reference.

[46] In ***Pradip N. Sharma v. State of Gujarat and Another***, reported in (2025) SCC online SC 457, wherein, the Hon'ble Apex Court held thus:

“17. The prayer seeking quashing of the FIR and the criminal proceedings is refused, as the allegations against the applicant involve serious allegations of



misuse of official position, criminal breach of trust, and alleged corrupt practices in the discharge of public duties. The case against the applicant pertains to his passing an order that allegedly favoured private allottees despite their long absence from the country and despite his own transfer from the concerned jurisdiction. The contentions raised by the State, particularly regarding the lack of jurisdiction of the applicant at the time of passing the impugned order, the alleged collusion in disregarding the legal status of the land, and the purported misrepresentation involving deceased appellants, all indicate that the matter requires further and thorough investigation. The scope of allowing a prayer for quashing is limited and is to be exercised only in exceptional cases where it is manifestly clear that no offense is made out. However, in the present case, the FIR and the materials relied upon by the prosecution prima facie disclose the commission of cognizable offences, warranting a full-fledged investigation. Moreover, the allegations against the appellant cannot be adjudicated merely based on the pleadings and require scrutiny of official records and procedural compliance. At the stage of investigation, Courts should refrain from preemptively quashing criminal proceedings unless there is an evident abuse of process. Since the appellant's contentions relate to factual disputes that need verification through proper investigatory mechanisms, it would be inappropriate for this Court to exercise its inherent powers to quash the proceedings at this stage.

18. However, considering the nature of the allegations and the fact that the matter is to be investigated primarily based on documentary evidence, the Court is inclined to grant the relief of anticipatory bail to the appellant. The offences alleged pertain to the exercise of administrative discretion in the passing of an order rather than direct physical involvement in any overt criminal act requiring custodial interrogation. The prosecution has not demonstrated any necessity for the custodial interrogation of the appellant beyond scrutiny of official records, which can be done without placing him in detention. Additionally, the appellant has expressed his willingness to cooperate with the investigation, and no material has been placed before this Court to suggest that he has evaded or obstructed the investigation in any manner. Furthermore, it is well-settled that anticipatory bail can be granted where custodial interrogation is not essential, particularly in cases where the allegations hinge on official records and the presence of the accused can be secured without pre-trial detention. The Court also takes note of the fact that the FIR in question is part of a series of similar allegations against the appellant, and in the absence of any concrete material indicating a likelihood of tampering with evidence or influencing witnesses, the grant of anticipatory bail is justified. Accordingly, while the appellant shall cooperate with the investigation as and when required, he shall not be taken into custody, subject to conditions imposed hereinafter to ensure his participation in the inquiry process.

19. In light of the observations made above, we do not find any merit in the appeal warranting interference with the impugned order passed by the High Court declining to quash the FIR, in question, i.e. FIR I-C.R. No. 33/2011 registered with Tankara Police Station, Rajkot (Rural). Accordingly, the appeal arising out of SLP (Crl.) No. 354 of 2019 is dismissed.”



[47] In *Neeharika Infrastructure Private Limited v. State of Maharashtra* and Other, reported in (2021) 19 SCC 401, the Hon'ble Apex Court has observed that:

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the "rarest of rare case" (not to be confused with the formation in the context of death penalty).

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to trade over the other sphere.

33.10. Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the state of investigation of offences.

33.12. The first information report is not an encyclopedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in process, the Court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13. The power under Section-482 Cr. P.C. is very wide, but conferment of wide power requires the Court to be more cautious. It casts an onerous and more diligent duty on the Court.

33.14. However, at the same time, the Court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint.

33.15. When a prayer for quashing the FIR is made by the alleged accused and the Court when it exercise the power under Section-482 Cr. P.C. only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the Court has to permit the investigating agency/police to investigate the allegations in the FIR.

33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an



interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

33.18. Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

[48] In ***State of Chhattisgarh and Another v. Aman Kumar Singh*** and Others, reported in (2023) 6 SCC 559, the Hon’ble Apex Court has observed as under:

“80. Having regard to what we have observed above in paragraph 49 (supra) and to maintain probity in the system of governance as well as to ensure that societal pollutants are weeded out at the earliest, it would be eminently desirable if the high courts maintain a hands-off approach and not quash a first information report pertaining to “corruption” cases, especially at the stage of investigation, even though certain elements of strong-arm tactics of the ruling dispensation might be discernible. The considerations that could apply to quashing of first information reports pertaining to offences punishable under general penal statutes ex-proprio vigore may not be applicable to a P.C. Act offence. Majorly, the proper course for the high courts to follow, in cases under the P.C. Act, would be to permit the investigation to be taken to its logical conclusion and leave the aggrieved party to pursue the remedy made available by law at an appropriate stage. If at all interference in any case is considered necessary, the same should rest on the very special features of the case.

83. For the foregoing reasons, we have no option but to hold that there are no cogent grounds for quashing the FIR in the present case even on the ground of mala fide.”

[49] Considering the overall discussion and the based upon the principle laid down by the Hon’ble Apex Court. This Court is of the considered view that the present quash petition fails to get the FIR quashed and the petition is liable to be dismissed. A discreet investigation is required to be done.

[50] As well as considering the age of the petitioner and also being former Chief Minister of Tripura, we are of the considered view that he may



approach before the learned Court below by moving an appropriate bail application and on receipt of the same, the learned Court below shall consider the same with conditions. However, this Court desires and directs the petitioner to refrain in future from making any provocative or hate speeches. But rather motivate the people of Tripura towards its prosperous in true letter and spirit and with peace and harmony and to spread brotherhood.

[51] With the above observations and directions, the present writ seeking to quash the FIR stands dismissed. As a sequel, miscellaneous application, pending if any, shall stand closed.

B. PALIT, J

DR. T. AMARNATH GOUD, J

A. Ghosh

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