

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) No. 155/2020

NUPUR J. SHARMA & ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

O R D E R

We had heard learned counsel in part yesterday and when the writ petition is taken up today, in view of what transpired in Court yesterday, learned senior counsel for the respondent/State, on instructions, submits that the FIRs forming subject matter of the present petition and the application shall stand withdrawn and may be quashed by the Court.

We are however, not inclined to let go off the opportunity of saying something which is troubling the society and the Court. It is undoubtedly the debasement in the dialogue which is taking place which needs introspection from the political class across the country. In a country which prides itself on its diversity, there are bound to be different perceptions and opinions which would include political opinions. That is very essence of a democracy. The present proceedings in a way emanate from the same.

We say so as what the petitioners have done is to reproduce what the political class has stated against each

other and which is already in public domain, an aspect pointed out eminently by learned senior counsel for the petitioners. No doubt by the very nature of the job required to be performed by the political class, at times their exchanges may get heated. But it should not explode. We are sure difference in perceptions can be expressed in better language.

State force should never be used to either browbeat a political opinion or the journalists suffer the consequences of what is already in public domain. We hasten to add that this does not take away the responsibility of the journalists in how they report the matters, more so in a "twitter age".

We must appreciate the stand taken by the State Government and allay any apprehension of the learned senior counsel for the respondent(s) that it may be perceived in a negative sense in public domain. If at all, the stand is to be appreciated of better late than never and should be a model for others to follow.

We consequently, quash the FIRs. Nos. (i) 155/2020, registered at police station Hare Street, (ii) 112/2020, registered at police station Phoolbagan, (iii) 223/2020, registered at police station Beniapakur and 140/2020, police station Bhadreswar and let the matter rests.

The writ petition is accordingly allowed, leaving the parties to bear their own costs.

We greatly appreciate the very constructive role played by Mr. Siddharth Dave, learned senior counsel in bringing this matter to an end and possibly avoiding any adverse observations from this Court.

..... J.

[SANJAY KISHAN KAUL]

..... J.

[M.M. SUNDRESH]

NEW DELHI;

DECEMBER 09, 2021.

ITEM NO.101

COURT NO.6

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 155/2020

NUPUR J. SHARMA & ORS.

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL & ORS.

Respondent(s)

([PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE M.M.
SUNDRESH ,JJ.]

IA NO. 55136/2020- EX-PARTE STAY

IA NO. 150685/2021- FILING ADDL. DOCUMENTS

Date : 09-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Ravi Sharma, AOR
Ms. Madhulika Rai Sharma, Adv.
Ms. Mugdha Pande, Adv.
Ms. Siya Chaudhry, Adv.
Mr. Mohit Mudgal, Adv.
Mr. Anjani Kr. Rai, Adv.
Mr. Wedo Khalo, Adv.

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Vikas Mehta, AOR
Mr. Apoorv K., Adv.
Mr. Soumya Gupta, Adv.
Mr. Aditya Singh, Adv.
Ms. Aarushi Singh, Adv.
Ms. Vidhi thaker, Adv.
Mr. Jemtiben AO., Adv.

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is allowed in terms of the
signed order, leaving the parties to bear their own
costs.

Pending applications stand disposed of.

[CHARANJEET KAUR]	[POONAM VAID]
ASTT. REGISTRAR-cum-PS	COURT MASTER (NSH)
[Signed order is placed on the file]	