

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2020

IN

SPECIAL LEAVE PETITION (C) NO.2456 OF 2020

IN THE MATTER OF:

Amit Sahni

.....Petitioner

VERSUS

Commissioner of Police & Ors.

.....Respondents

AND IN THE MATTER OF:

1. CHANDRA SHEKHAR AAZAD,
S/O LATE GORDHAN DASS,
R/O HARIJAN COLONY, GALI NO.2,
CHHUTMALPUR, P.S. FATEHPUR,
DISTRICT SAHARANPUR, UTTAR PRADESH

2. WAJAHAT HABIBULLAH,
S/O LATE ENAITH HABIBULLAH,
R/O 529, MOUNT KAILASH,
TOWER NO.3, EAST OF KAILASH,
NEW DELHI-110065.

3. BAHADUR ABBAS NAQVI,
S/O SHRI ZAFAR ABBAS NAQVI,
R/O G-32/1, SHAHEEN BAGH,
ABUL FAZAL ENCLAVE,
OKHLA, NEW DELHI 110025.

...APPLICANTS
(INTERVENORS)

WITH

I.A. NO. _____ OF 2020

Application for direction

PAPER BOOK

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ADVOCATE FOR APPLICANTS/INTERVENORS: MANSOOR ALI

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...APPLICANTS
(INTERVENORS)

APPLICATION FOR DIRECTION

TO,

THE HON'BLE CHIEF JUSTICE OF
INDIA AND HIS COMPANION
JUSTICES OF THE SUPREME
COURT OF INDIA, NEW DELHI;

The humble Application of the Applicants above-named;

MOST RESPECTFULLY SHOWETH:-

1. That the Applicants have filed an intervention Application being I.A No.27282/2020 in the present Petition as they were concerned about the safety of the ladies protesting peacefully at Shaheen Bagh.
2. The said intervention Application was listed before this Hon'ble Court on 17.02.2020 when this Hon'ble Court passed certain directions and also appointed two interlocutors.
3. That the present intervenors have also filed an Affidavit in the present Petition which they have clearly adverted to the modus operandi of the party in power at the Centre, of resorting to violence through its cadres to forcibly crush peaceful protests.
4. That the above mentioned Petition was listed before this Hon'ble Court on 24.02.2020. On the night of 23.02.2020, a member of the party in power at the Centre, one Mr. Kapil Mishra, who is known for making speeches to instigate crowds into violence and vandalism, carried out a pro CAA rally next to the Maujpur-Babarpur Metro Station, which is 2 kms away from the peaceful protest that was going on at Jaffrabad. As per

the Indian Express, the modus operandi followed by the said Mr. Kapil Mishra, was as follows:-

- A. Mr. Kapil Mishra first gathered supporters through tweets near the Maujpur-Babarpur Metro Station, 2 kms away from the site peaceful protest being held by women at Jaffrabad.
 - B. After the crowd responding to his call had swelled to about 200, he started raising slogans and sought the standard response of "Desh ke gaddaron ko, goli maaron saalon ko", which he is famous for.
 - C. In an orchestrated move, he left the place after having incited the crowd, after which violence erupted in Jaffrabad and the peaceful protestors were forced to run for safety.
5. The fact that the said Kapil Mishra was responsible for inciting and orchestrating the attack, is evident from his own tweet as reported by the Indian Express. The said tweet read as under:-

"We have given a three-day ultimatum to the Delhi Police to get the road cleared. Get the Jaffrabad and Chandbagh (where another sit-in protest is underway) road cleared".

Hereto annexed and marked as **ANNEXURE A-1** is a copy of the online article in the Indian Express dated 24.02.2020.

6. It is submitted that persons hurt in the attack on the night of 23.02.2020 had filed complaints to the police, but no action has been taken by the police against the said perpetrators of violence.
7. That the violence has escalated through the day with horrific incidents of violence and arson. As per various reports, antisocial elements from the surrounding villages of UP have entered Delhi in buses and trucks and have been attacking the residents of Delhi and the peaceful protestors. The Police are refusing to register any FIRs against the attackers.
8. That open threats are now being given to the protestors at Shaheen Bagh that they will meet the same fate as that meted out to the peaceful women protestors at Jaffrabad, Chandbagh etc. It is therefore imperative that appropriate orders are passed to put a stop to this violence on peaceful protestors and the guilty are brought to book.

P R A Y E R:

It is therefore most humbly prayed that this Hon'ble Court may graciously be pleased to:

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- a) allow the present application and direct the Police to register FIRS on the complaints that have been made in respect of the attacks that started in the evening of 23.02.2020 and which was escalated throughout the day of 24.02.2020; and
- b) direct that adequate Security is provided to ensure the Safety of the ladies at Shaheen Bagh and other places in Delhi; and
- c) pass such other or further order/s as it may deem fit and proper.

AND FOR THIS ACT OF KINDNESS, THE APPLICANTS/
INTERVENORS SHALL, AS IN DUTY BOUND, EVER
PRAY

FILED BY:



(MANSOOR ALI)

Advocate on Record
for Applicants/Intervenors

DRAWN AND SETTLED BY:

MEHMOOD PRACHA

ADVOCATE

DRAWN ON: 24.02.2020

FILED ON: 25.02.2020

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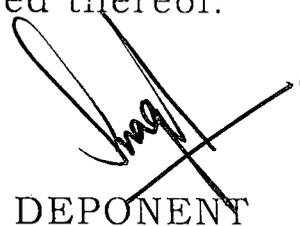
AFFIDAVIT

I, Bahadur Abbas Naqvi, S/o Shri Zafar Abbas Naqvi, aged 39 years R/o G-32/1, Shaheen Bagh, Abul Fazal Enclave, Okhla, New Delhi-110025, do hereby solemnly affirm and state as under:-

1. That I am Applicant/Intervenor No.3 in the instant application and being well conversant with the facts and circumstances of the case hence am competent and authorized to swear this affidavit before this Hon'ble Court on behalf of Intervenor No.1 as well.
2. The contents of accompanying Application(s) at pages (... to ..., have been drafted by my counsel under my instructions. I say that the contents thereof are true and correct to my knowledge and have been understood by me in vernacular and submissions of law are made therein are as per legal advice and believed to be true and correct.
3. The ANNEXURE A-1 annexed along with the application are true and correct copies of their respective originals.

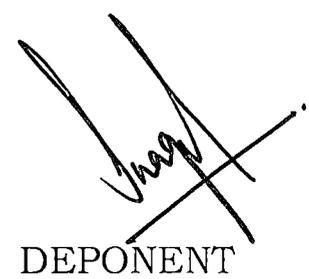


4. The averments of facts stated hereinabove are true to my knowledge and no part of it is false and nothing material has been concealed thereof.

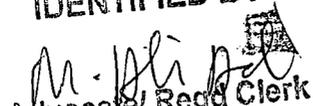

DEPONENT

VERIFICATION:-

Verified at New Delhi on this 25th day of February, 2020, I have read the above affidavit and having understood the contents thereof in vernacular. I say that the facts stated therein are true to my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.


DEPONENT



IDENTIFIED BY

Advocate/ Regd Clerk

ATTESTED

NOTARY DELHI

Annexure A-1

ENGLISH

தமிழ்

বাংলা

മലയാളം

हिंदी

मराठी

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Monday, February 24, 2020

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Clashes erupt in Delhi after BJP leader Kapil Mishra's rally near anti-CAA protest

In a video released by him after the violence, Kapil Mishra can be heard threatening the anti-CAA protesters. He told The Indian Express he had to make the statements to "release pressure" building among the crowd.

Written by Amil Bhatnagar | New Delhi | Updated: February 24, 2020 10:07:57 am



Violence started in Maujpur, Babarpur soon after ex-MLA Kapil Mishra left. (Express photo by Gajendra Yadav)

Soon after a rally was taken out by BJP leader Kapil Mishra near a demonstration against the Citizenship (Amendment) Act in northeast Delhi's Jaffrabad on Sunday, **clashes erupted between pro- and anti-CAA protesters** in the area. Security officials at the spot admitted the violence, including stone-pelting, threatened to take a communal turn, but was controlled.

READ | North East Delhi on boil after day of clashes

Mishra, a former MLA who had been in the news during the recent Assembly polls campaign for provocative slogans, earlier in the day called people, via Twitter, to gather to protest against an anti-CAA demonstration that had moved to a road near the Jaffrabad Metro Station on Saturday night from a nearby sit-in.



Delhi BJP leader Kapil Mishra at a pro-CAA rally in Maujpur on Sunday. (Source: Twitter/Kapil Mishra)

In a video released by him after the violence, Mishra can be heard threatening the anti-CAA protesters. He told The Indian Express he had to make the statements to “release pressure” building among the crowd.

The BJP leader gathered along with supporters next to the Maujpur-Babarpur Metro Station, 2 km from the Jaffrabad anti-CAA protest, in the afternoon. As the crowd swelled to more than 200, he could be heard raising slogans of “Bharat Mata Ki Jai” and “Jai Shri Ram”. People responded with slogans of “Desh ke gaddaron ko, goli maaro saalon ko”.

According to locals, the former MLA left between 4-4.30 pm. an hour and a half after he had arrived. The violence began almost immediately after, with a group of people seen running from the Jaffrabad side towards Babarpur. As stone-pelting

erupted from both sides, more locals gathered and violence spread towards the interiors of Babarpur. Teargas shells were used by police to disperse the crowd, whose numbers rose to more than 500.

Mishra later tweeted, "We have given a three-day ultimatum to the Delhi Police to get the road cleared. Get the Jafraabad and Chandbagh (where another sit-in protest is underway) road cleared". He also put out a video of his speech at the pro-CAA gathering, where he said, "They (the protesters) want to create trouble in Delhi. That's why they have closed the roads. That's why they have created a riot-like situation here. We have not pelted any stones. Till the US President is in India, we are leaving the area peacefully. After that we won't listen to you (police) if the roads are not vacated." DCP (North East) Ved Prakash Surya is standing next to him as he makes the speech.

People broke portions of boundary walls to use stones for pelting. A supporter of the anti-CAA protest was dragged and beaten up close to a barricade before he was rescued by police.

Security personnel were seen pelting stones along with CAA supporters at the other side. Police refused to respond to questions regarding this.

While around 5.40 pm, the stone-pelting halted, it again began 10 minutes later, underneath the Maujpur-Babarpur Metro Station and lasted another half-an-hour. The situation was finally brought under control around 6.30 pm.

For security reasons, the entry and exit gates of the Maujpur-Babarpur Metro Station as well as the Jaffraabad Metro Station were closed through the day. Police continue to be deployed in the area in strength.

Alok Kumar, Joint Commissioner of Police, Eastern Range, said, "There was stone-pelting. We brought the situation under control and are in constant talks with locals to bring peace. We are in the process of ascertaining the number of injured."

He added, "It is possible that miscreants who wanted to create a law and order situation entered the area. We will identify them and take appropriate action."

Late in the evening, heavy barricades were set up on the road leading to the Jaffraabad anti-CAA protest site. Demonstrators, mostly women, have been sitting there to mark their protest against the Act. On Saturday evening, around 500 of

them took their protest to a road near the Jaffrabad Metro Station, blocking it, responding to Bhim Army Chief Chandrashekhar Azad's call for Bharat bandh on Sunday.

No violence was seen at this site.

During the recent election campaign, Mishra was penalised by the Election Commission for his tweets, in which he likened the polls to a contest between India and Pakistan. In December, Mishra had led a pro-CAA rally where he had raised the slogan "Desh ke gaddaron ko, goli maaro saalon ko".

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