

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

WRIT PETITION (CRIMINAL) NO. _____ OF 2020

(Petition under Article 32 of the Constitution of India read with
Order XXXVIII of the Supreme Court Rules, 2013)

IN THE MATTER OF:

...PETITIONER

VERSUS

1. UNION OF INDIA,
Through the Secretary,
Ministry of Home Affairs
North Block
New Delhi - 110001
India
2. STATE OF MAHARASHTRA,
Through the Secretary,
Home Department,
New Administrative Building,
9TH floor, Opp. Mantralaya,
Mumbai-400032
3. STATE OF CHHATTISGARH,
Through the Secretary,
D.K.S. Bhawan, Mantralaya, Raipur,
Chhattisgarh – 492001

4. STATE OF MADHYA PRADESH,
Through the Secretary,
Home Department,
Government of Madhya Pradesh
3rd Floor, Vallabh Bhavan-II,
Govt. of Madhya Pradesh
4 th Floor, Mantralaya,
Vallabh Bhavan-I
Bhopal,
Madhya Pradesh – 462004
5. STATE OF RAJASTHAN
Through the Secretary,
C Scheme, Ashok Nagar, Jaipur,
Rajasthan 302007
6. STATE OF JAMMU AND KASHMIR
R. No. 3/21, 3rd, Floor Main Building,
Civil Secretariat,
Jammu - 180001
7. STATE OF TENLANGANA
Through the Secretary,
Tankbund, Basheer Bagh,
Near NTR Gardens,
Opposite Lumbini Park,
Telangana 500022

...All are Contesting Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA SEEKING QUASHING OF
FIRST INFORMATION REPORTS REGISTERED
AGAINST THE PETITIONER IN THE STATES OF
MAHARASHTRA AND CHHATTISGARH AND NO
COERCIVE STEPS IN RELATION TO ANY FIR
WHICH MAY BE REGISTERED IN CONNECTION
WITH THE BROADCASTS AIRED ON REPUBLIC
TV/R. BHARAT ON 16 APRIL 2020 AND 21 APRIL 2020
AND THE COMPLAINTS FILED AGAINST THE
PETITIONER IN RELATION TO SUCH BROADCASTS**

TO
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED.

MOST RESPECTFULLY SHEWETH:

1. The Petitioner is a citizen of India and is working for gain at the address mentioned above. The Petitioner is a journalist by profession and the Editor-in-Chief of Republic TV, one of the leading English news channels in India and the Managing Director of ARG Outlier Media Asianet News Private Limited (**ARG**). ARG also owns and operates a Hindi news channel in the name of R. Bharat on which the Petitioner anchors news shows.
2. The Petitioner is filing the present petition in extremely urgent circumstances as several FIRs have been registered against him in different parts of the country and has reasonable and tangible grounds to believe that other FIRs will also be registered at the behest of the Indian National Congress

(Congress) members in gross violation of his fundamental rights, including but not limited to the right of freedom of speech and expression as guaranteed under Article 19 (1) (a) and right to life and personal liberty guaranteed under Article 21 of the Constitution of India, 1950. The FIRs which have been already registered against the Petitioner and the ones which are anticipated are in relation to the broadcasts aired on Republic TV on 16 April 2020 and R. Bharat on 21 April 2020, which were in connection with the comments given by a member of Congress in relation to India's COVID-19 testing measures and the unfortunate lynching of 3 individuals (including 2 priests) in Palghar on 16 April 2020.

3. In relation to the broadcasts, multiple complaints have been filed and FIRs have been registered against the Petitioner all over the country. The details of the FIRs registered against the Petitioner are as follows:

Maharashtra

FIR No. 238 of 2020, dated 22 April 2020, registered at Police Station Sadar, District Nagpur City, Maharashtra, under sections sections 153, 153-A, 153-B, 295-A, 298, 500, 504 (2), 506, 120-B and 117 of the Indian Penal Code 1860.

Chhattisgarh

- (i) FIR No. 245 of 2020, dated 22 April 2020, registered at Police Station Supela, District Durg, Chhattisgarh, under sections 153-A, 295-A and 505 (2) of the Indian Penal Code 1860.
- (ii) FIR No. 180 of 2020, dated 23 April 2020, registered at Police Station Bhilai Nagar, District Durg, Chhattisgarh, under sections 153-B, 188, 290 and 505 (1) of the Indian Penal Code 1860.
- (iii) FIR No. 176 of 2020, dated 22 April 2020, registered at Police Station Civil Lines, District Raipur, Chhattisgarh, under sections 153-A, 295-A and 505 (2) of the Indian Penal Code 1860.

It may be noted that the FIRs which have been registered against the Petitioner are in states ruled by the Congress government or its alliances.

4. The Complaints and the FIRs are false, vindictive, frivolous, malicious, precipitated with malice, untenable in law and have been filed with *mala-fide* intent by the Congress activists to coerce, harass and intimidate the Petitioner in order to muzzle the media and in particular the Petitioner, from carrying these news reports and conducting investigative journalism to bring the truth before the public. The Complaints and FIRs are a part of well-coordinated and malicious campaign by the Congress and its members of instituting false and baseless complaints against the Petitioner before different police stations simultaneously in various parts of the country with request to register FIR and investigate the matter in relation to same set of facts. The present petition has been filed in the facts and circumstances mentioned below:

5. On 16 April 2020, three individuals which included two Hindu sadhus aged 70 years and 35 years, in the presence of 10 policemen and forest guards, were brutally lynched and killed by a mob in Gadchinchle village in Palghar district in Maharashtra. This lynching of the Hindu priests by a mob, while the priests were in the custody of policemen, has still not been investigated as to the actual cause and reason behind this killing. This unfortunate incident was widely reported by the print and electronic media including by the news channels of the Petitioner. In fact, a video recording of this actual lynching by the mob is in public domain and within the full knowledge of the investigating authorities, government and media personnel.
6. On 21 April 2020, the Petitioner hosted a debate on R. Bharat in relation to the Palghar incident in a news show called 'Poochta hai Bharat'. This show is popular among the masses and is known to raise questions warranting discourse on matters of public interest. The debate was attended by various panelists to put across their point of view in relation to the Palghar incident. Copy of the broadcast aired on R. Bharat on

21 April 2020 will be produced at the time of hearing and is available

at <https://www.youtube.com/watch?v=C2i4MMpKu9I>.

7. A review of the above debate would show that its thrust was to question the tardy investigation, inconsistent versions of the authorities and the administration and the State Government's silence on the Palghar incident given that the unfortunate incident happened in Maharashtra which is presently under rule of an alliance government jointly formed by Shiv Sena, the Congress and the Nationalist Congress Party. The debate highlighted the manner in which the incident was being portrayed by the authorities, including the glaring fact that the incident occurred in the presence of numerous police officials which fact was initially suppressed.
8. Following the above broadcast, there was a well-coordinated, widespread, vindictive and malicious campaign launched by the Congress and its activists against the Petitioner. This campaign was carried out online through news reports and tweets indicating that members of the Congress have filed

multiple complaints simultaneously, against the Petitioner before various police stations in the country, seeking registration of FIR and investigation into the offences allegedly committed by the Petitioner in connection with the reporting of the Palghar incident and the questions raised in the debate. Various members of the Indian National Congress demanded the immediate arrest of the Petitioner by using the **#ArrestAntiIndiaArnab**. Some of the news reports and tweets are annexed hereto and marked as **Annexure P-1**. These news reports and tweets clearly demonstrate the malicious, vindictive and sinister campaign by the Indian National Congress to muzzle the media and to stop the Petitioner from raising pertinent questions concerning a matter of public interest.

9. To the best of Petitioner's knowledge, complaints have also been filed against him by members of the Congress in different parts of the country (including multiple complaints in the same state) before different police stations in Chhattisgarh, Madhya Pradesh, Rajasthan, Jharkhand, Jammu and Kashmir and Telangana. Incidentally, all these states are presently

under the rule of the Congress and the Petitioner believes that the machinery of these State(s) have been set in motion with an oblique and ulterior motive and without due and proper application of mind. A list of the complaints filed by Congress activists against the Petitioner in different States is annexed hereto and marked as **Annexure P-2**.

10. On 22 April 2020, two FIRs were registered against the Petitioner in respect of the complaints filed by Congress activists in Raipur (FIR No. 176 of 2020 - Civil Lines police station) and Nagpur (FIR No. 238 of 2020 - Nagpur city police station) in relation to the Petitioner's reporting of the Palghar incident. Various other complaints alleging the similar offences have also been filed by other members of the Congress against the Petitioner in other states as well which the Petitioner undertakes to produce at the time of hearing. All of this was done to intimidate the Petitioner and to stop the Petitioner from asking pertinent factual questions to the Chief of the Indian National Congress and other members on his shows which are aired on Republic TV and R Bharat, and watched by the whole country.

11. Notwithstanding the multiple complaints and FIRs against him, the Petitioner continued to conduct his regular shows on Republic TV/R. Bharat. On 23 April 2020 at around 12:30 - 1 A.M., the Petitioner and his wife, while returning from their news studio in Worli by car, were attacked by two individuals on a motorcycle, who when confronted by Petitioner's security officials, claimed to be Congress members. Immediately thereafter, the Petitioner went to the NM Joshi police station in Mumbai to file a complaint, requesting the police to take appropriate action against the individuals who had attacked him and his wife. While the police initially refused to take Petitioner's complaint, after some persistence, a FIR was registered by the police on 23 April 2020 against unknown persons, a copy of which is annexed hereto and marked as **Annexure P-3**. In light of this attack which has compromised the safety and security of the Petitioner and his family members, the Petitioner strongly apprehends that similar attacks may be planned against hi, his family and his colleagues at Republic TV/R. Bharat. Accordingly, it is just and expedient that the Petitioner seeks appropriate protection

from the Central Government to the offices of the Petitioner in New Delhi and Mumbai.

12. Contrary to the tenor of allegations in the complaints filed against the Petitioner, the Petitioner has time and again encouraged and used the platform of its channel to foster communal harmony, especially in the present critical time of the COVID-19 pandemic. In fact, the Petitioner has been strongly opposed to any propagation of any communalization by various other political parties for their own vested interests. It is inconceivable that the broadcast aired on 21 April 2020 in relation to the Palghar incident could have incited any communal tension and it is apparent that only one political party is taking offence on the broadcast.

13. The above-mentioned facts clearly demonstrate that a prominent national level political party and its members harbor ill-will, hatred and personal vendetta against the Petitioner. The complaints have been filed and FIRs registered with the sole intention to wreak vengeance against the

Petitioner on account of personal animosity of the Chief of the Congress against the Petitioner for the following reasons:

- (i) The Petitioner's news channels have been at the forefront for seeking justice for the Palghar victims, including posing tough questions to the State Government in Maharashtra and its allies.
- (ii) The Petitioner has been instrumental in exposing fake news spread by the Indian National Congress in relation to the treatment of COVID-19 patients in Ahmedabad, number of COVID-19 tests conducted by India, availability of hydroxychloroquine in India etc.

14. Under these circumstances, the Petitioner begs to approach this Hon'ble Court for urgent relief of quashing of the FIRs, pending this petition, no coercive action against the Petitioner in respect of the FIRs, including any FIRs which may be registered pursuant to the present Complaints or which may be filed in the future on the basis of the same broadcasts, on the

following amongst other grounds, which are without prejudice to one another:

GROUND

- (a) FOR THAT various Complaints have been filed and FIRs registered on politically motivated grounds, precipitated with malice against the Petitioner. In particular, these complaints have been filed at the behest of a political party to muzzle the fundamental right to free speech and expression guaranteed under Article 19 (1) (a) of the Constitution of India, 1950 and to infringe upon his right to life and personal liberty guaranteed under Article 21 of the Constitution.
- (b) FOR THAT the Complaints and the FIRs are a part of a well-coordinated and orchestrated, widespread and malicious campaign against the Petitioner by a political party, which is evident from multiple complaints, filed within a short period of time, in the country predominantly in States where that very political party is in power either on its own or with allies, with requests to register FIR's and investigate the matter.

- (c) FOR THAT the members of the youth wing of the same political party brutally attacked the Petitioner and his wife, also an Editor of Republic TV, when they left the studio early morning on 23 April 2020 in their car and even though the Mumbai police personnel appointed as the security detail of the Petitioner confirmed to the officers of the NM Joshi Marg Police Station, who were witness to the attack, that the attackers stated that they were members of the same political party, the police refused to cooperate and diluted the allegations in the FIR, indicating pressure from the State Government.
- (d) FOR THAT it is respectfully submitted that Complaints / FIRs ought not to be lodged to gag the media and prevent freedom of the press, which is a fundamental right under the Constitution of India.
- (e) FOR THAT the Complaints and the FIRs contain baseless and unsubstantiated allegations which are not borne out from

the broadcasts aired on the Petitioner's news channels in relation to the Palghar incident.

- (f) FOR THAT the allegations in the Complaints and the FIRs are merely conjectures and surmises based on a complete and vindictive misreading of only a miniscule part of the broadcast.
- (g) FOR THAT the Complaints and FIRs have been filed in quick succession against the Petitioner in various parts of the country.
- (h) FOR THAT the Petitioner has every right to debate upon to the unfortunate Palghar incident, which is a matter of public importance involving murder of two priests and their driver by a frenzy mob in the presence of more than 10 police personnel .
- (i) FOR THAT none of the ingredients of the offences as mentioned in the complaint and the FIR are made out and the

present is a fit case for this Hon'ble Court to quash all such FIR's in the interests of justice.

(j) FOR THAT this Hon'ble Court has taken the view in Satinder Singh Bhasin Vs. Government (NCT of Delhi) & Others [2019 (10) SCC 800] that in cases where there are a group of cases in different States, this Hon'ble Court can exercise jurisdiction under Article 32 of the Constitution and grant necessary relief.

(k) FOR THAT multiple Complaints and FIRs have been filed/registered against the Petitioner before various police stations across the country. The Petitioner would not be in a position to individually approach each such court, apart from the fact that there may be conflicting orders of various courts.

15. No other application is filed by the Petitioner in this Hon'ble court or the Hon'ble Supreme court touching the subject matter of the present application.

16. The Petitioner craves leave to produce additional documents in support of this application as and when required.

This Hon'ble Court may be pleased to issue the following prayers:

PRAYERS

The Petitioner, therefore, prays that-

- (a) Issue a writ of certiorari quashing the following Complaints/FIRs filed against the Petitioner as mentioned in Annexure P-2.
- (b) Issue a writ of mandamus to the effect that no cognizance of any complaint would be taken by any court nor any FIR registered by the police on the cause of action in the present Writ Petition.
- (c) Issue a writ of mandamus directing the Union of India to provide adequate safety and security to the Petitioner and his family members and his family and his colleagues at Republic TV/R. Bharat at various locations in the country. Accordingly, it is just and expedient that the Petitioner seeks appropriate

protection from the Central Government to the offices of the
Petitioner in New Delhi and Mumbai.; AND/OR

- (d) Issue or pass any writ, direction or order which this Hon'ble
Court may deem fit and proper under the facts and
circumstances of the case.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL AS IN
DUTY BOUND EVER PRAY.**

Filed By:

PRAGYA BAGHEL

(Advocate for the Petitioner)

NEW DELHI

FILED ON: 23/04/2020



**IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)**

WRIT PETITION (CIVIL) NO. 2020

IN THE MATTER OF :

ARNAB GOSWAMI

...PETITIONER

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

1. That I am Petitioner in this case and as such I am well acquainted with the facts of the case. Hence, I am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Synopsis and List of Dates (Pgs. A to A) and the contents of the Writ Petition (Pgs. 1 to 19) and accompanying I.A.s. I say that the same are true and correct to my knowledge and best belief and nothing material has been concealed therefrom.
3. That the annexures are true copies of their respective originals.

DEPONENT

VERIFICATION:

Verified at _____ on this the 23 day of 2020, that the content of the above Affidavit are true to my knowledge and best belief. No part of it is false and nothing material has been concealed therefrom.



DEPONENT