



*Sayali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1902 OF 2012**

Shekhar Suman ... Petitioners  
V/s.  
The State of Maharashtra and Others ... Respondents

**WITH  
WRIT PETITION NO.1906 OF 2012**

Bharati Singh ... Petitioner  
V/s.  
The State of Maharashtra and Others ... Respondents

Mr. Niteen Pradhan, Senior Advocate with P. D. Desai,  
for Petitioner.

Mrs. Megha Bajoria, APP for State.

Mr. N. T. More, PSI, Pydhonie Police Station Present.

**CORAM : AMIT BORKAR, J.**

**DATED : APRIL 29, 2026**

**ORDER:**

1. Inasmuch as both the present writ petitions emanate from an identical factual matrix and give rise to common questions of law, this Court considers it appropriate and expedient to dispose of the same by a common order.









police officer that the complaint lodged by Mr. Mohd. Imran Dadani Rasabi alleged that a programme telecast on 20 November 2010 at about 9.00 p.m. contained certain expressions, including the words “Ya Allah! Rasgulla! Dahi Bhalla!”, which were perceived to have offended the religious sentiments of members of the Muslim community. On the basis of such complaint, the matter was forwarded to Pydhonie Police Station, which resulted in the registration of the impugned FIR.

7. It is further submitted that each episode of the programme is based on a specific theme. In the present instance, Episode No. 18 was themed around presenting humorous depictions of various professions in a light-hearted manner, solely for entertainment and without any intention to offend sentiments of any individual or community. In the said episode, a well-known television artist, Ms. Bharti Singh, performed a character styled as “Umrao Jaan”, inspired by a character from an earlier Hindi motion picture. The portrayal involved costume, dialogue, and mannerisms corresponding to the historical setting of the character. Since the original character spoke in Urdu, similar linguistic elements were incorporated in the performance. The co-performer enacted a character of a police officer inspired by a role from the Hindi film “Dabangg”.

8. It is further contended that the performance in the said episode comprised light-hearted exchanges and humorous dialogue between the artists, intended solely for entertainment.









nor malicious in nature. It is also submitted that affidavits of service have been duly filed in both petitions; however, despite service, the original complainant has failed to appear before this Court. On these grounds, learned counsel prays for quashing and setting aside of the impugned FIR.

**14.** Per contra, Mrs. Megha Bajoria, learned Additional Public Prosecutor appearing on behalf of the State, submits that the allegations contained in the FIR, on a plain reading, disclose the commission of cognizable offences against the Petitioners. It is contended that having regard to the nature and seriousness of the allegations, the issue as to whether the Petitioners have committed the alleged offences ought to be examined during the course of trial, upon appreciation of evidence to be led by the prosecution. It is, therefore, submitted that the present petitions do not merit interference at this stage and are liable to be dismissed.

#### **Reasons And Analysis**

**15.** I have heard Mr. Niteen Pradhan, learned Advocate appearing for the Petitioners, and Mrs. Megha Bajoria, learned APP appearing for the State. I have also gone through the material placed on record and the complaint which has led to registration of C.R. No. 265 of 2010 at Pydhonie Police Station.

**16.** For proper appreciation, Section 295-A of the Indian Penal Code is reproduced hereinbelow:



"295-A. 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 attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

17. The relevant portion of Section 196 of the Code of Criminal Procedure is reproduced for ready reference:

"196. Prosecution for offences against the State and for criminal conspiracy to commit such offence.—(1) No Court shall take cognizance of—

(a) any offence punishable under Chapter VI or under section 153A, [section 295A or sub-section (1) of section 505] of the Indian Penal Code (45 of 1860), or

(b) a criminal conspiracy to commit such offence, or

(c) any such abetment, as is described in section 108A of the Indian Penal Code (45 of 1860),

except with the previous sanction of the Central Government or of the State Government.

(3) The Central Government or the State Government may, before according sanction under sub-section (1) or sub-





feelings of a class of citizens. Both elements are necessary. The intention must be deliberate, and it must also be malicious. If one of them is absent, the offence will not be fully made out. In the present case, from the complaint and from the episode as described, I do not find any material showing such deliberate or malicious intention on the part of either Petitioner. The performance appears to have been made in a theatrical manner, with the object of entertainment. That does not by itself create criminality.

**20.** The words which are said to be objectionable are “Ya Allah! Rasgulla! Dahi Bhalla!”. The Petitioners say that these are only words used in rhyme and comic effect. The submission is that “Dahi Bhalla” and “Rasgulla” are common food items, known and consumed by people across communities, and there is no religious colour in those expressions. This contention cannot be brushed aside. The words by themselves are neutral in ordinary social use. Mere mention of food items in a comic act cannot amount to insult of religion. Something more is required. There must be material to show that the words were selected as a weapon of offence.

**21.** Learned counsel has also relied upon the decision of the Supreme Court in *Ramji Lal Modi*. The principle emerging therefrom is well settled, namely, that the protection of Section 295A is confined to acts which are deliberate and malicious, and expressions which are lacking in the intention would not fall







