

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 17913 of 2025
(COURT ON ITS OWN MOTIONVs THE STATE OF MADHYA PRADESH)

Dated : 14-05-2025

Shri Prashant Singh - Advocate General with Shri H.S. Ruprah and Shri Amit Seth - Additional Advocate Generals for the respondent/State.

This court has been compelled to take up this matter *suo motu* on account of an incident published in various news-papers (Patrika dated 14.05.2025, Dainik Bhaskar Jabalpur Edition dated 14.05.2025, Nayi Duniya Jabalpur Edition dated 14.05.2025) and digital media (<https://www.youtube.com/watch?v=fmYw2XBAdic>) that has taken place at a public function at village Raikunda in Ambedkar Nagar at Mhow on Monday. A sitting minister of the Madhya Pradesh Government, whose name is Mr. Vijay Shah, has used scurrilous language, against a senior official of the Indian Army.

2. The armed forces, perhaps the last institution existing in this country, reflecting integrity, industry, discipline, sacrifice, selflessness, character, honour and indomitable courage with which any citizen of this country who values the same can identify themselves with, has been targeted by Mr. Vijay Shah who has used the language of the gutters against Col. Sofia Quraishi. It must be mentioned here that Col. Sofia Quraishi, along with Wing Commander Vyomika Singh, were the face of

the armed forces briefing the media and the nation of the progress of operation “Sindoor” launched by our armed forces against Pakistan.

3. At the function that was held at village Raikunda in Dr. Ambedkar Nagar, the minister made nauseating remark against Col. Sofia Quraishi by way of an innuendo which can refer to none other than her alone, as there is no one else who would fit the description of the comment made by the minister. At that public function, he has referred to Col. Sofia Quraishi as the sister of the terrorists who carried out the killings of 26 innocent Indians at Pahalgam. Further, the newspaper reports and a plethora of digital material available on the internet in which the speech of the minister is clear and unequivocal, where he has referred to the Prime Minister of India, Mr. Narendra Modi, for having sent the sister of the terrorists to sort them out. His comments are disparaging and dangerous, not just to the officer in question but to the armed forces itself. This court also examined the various provisions B.N.S..

4. The first provision that this court came across was Section 152 of the Bhartiya Nyaya Sanhita, 2023, (for brevity, “the B.N.S.”) which is an act endangering sovereignty, unity and integrity of India. It reads as under:

“152. Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic

communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine. Explanation.— Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section do not constitute an offence under this section.”

5. The said section clearly criminalizes any act made by words, either spoken or written, or by visible representation, or by electronic communication or by financial means, or otherwise, exciting or attempting to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; to be made punishable with imprisonment for life or imprisonment which may extend to seven years.

6. Prima facie, the statement of the minister that Col. Sofia

Quraishi is the sister of the terrorist who carried out the attack at Pahalgam encourages feelings of separatist activities by imputing separatist feeling to anyone who is Muslim, which thereby endangers the sovereignty or unity and integrity of India. Thus, this court is, prima facie, satisfied that the first offence made out against the minister was under Section 152 of the B.N.S.

7. Thereafter, the second section under which the minister, prima facie, is bound to be tried is under Section 196 of IPC, which is promoting enmity between different on grounds of religion, race, place of birth, residence, language, etc. and doing such acts prejudicial to maintenance of harmony. It reads as under:

“(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(b) commits any act which is prejudicial to the maintenance of harmony between different

religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity; or

(c) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in

sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

8. In this Section 196(1) Clause (b) specifically criminalizes an act which is prejudicial to maintenance of harmony between different religious, racial, language or regional groups or castes or communities and which disturbs or is likely to disturb public tranquillity. Prima facie, this section would be applicable as Col. Sofia Quraishi is an adherent of the Muslim faith and deriding her by referring to her as the sister of terrorists may be prejudicial to the maintenance of harmony between different religions groups as it has the propensity to fuel an impression that irrespective of the selfless duties of a person towards India, such a person could still be derided only because that person belongs to the Muslim faith. Therefore, prima facie, this Court is satisfied that the offence under Section 196(1)(b) is also committed.

9. Section 197 makes punishable imputations, assertions prejudicial to national integration. It reads as under:

197. (1) Whoever, by words either spoken or written or by signs or by visible representations or through electronic communication or otherwise,—
(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true

faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India; or (b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India; or (c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons; or (d) makes or publishes false or misleading information, jeopardizing the sovereignty, unity and integrity or security of India, shall be punished with imprisonment which may extend to three years, or with fine, or with both. (2)Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

10. Clause C of sub-section (1) of Section 197 criminalizes the act of publishing any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of them being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons. The statement made by Minister Vijay Shah prima facie has the propensity to cause disharmony and feelings of

enmity or hatred or ill-will between the members of the Muslim faith and other persons who do not belong to the same religion.

11. On the basis of what has been observed herein above this Court directs the Director General of Police of Madhya Pradesh to register forthwith an FIR against Minister Vijay Shah for offences under Sections 152, 196(1)(b) and 197(1)(c) of the B.N.S. The same must be done by today evening, failing which tomorrow, when the matter is listed, the Court may contemplate proceeding against the Director General of Police of the State for contempt of this Order. The AG Office is directed that this order shall be transmitted forthwith to the Office of Director General of Police of State and ensure that it is done.

List this case on the top of the list tomorrow (15.5.2025).

The Registrar I.T. of the Court is requested to collect all the links relating to the video of the disparaging speech made by Mr. Vijay Shah in addition to the link mentioned in para 1 supra.

(ATUL SREEDHARAN)
JUDGE

(ANURADHA SHUKLA)
JUDGE

sjk