

HIGH COURT OF PUNJAB & HARYANA
Bench: JUSTICE MANJARI NEHRU KAUL
Date of Decision: 30.10.2023

CRM-M-12638-2023

Saint Gurmeet Ram Rahim Singh InsanPetitioner

Versus

State of Punjab and anotherRespondents

Legislation:

Section 295A of the Indian Penal Code (IPC)

Section 482 of the Criminal Procedure Code (Cr.P.C.)

Subject: Quashing of FIR under Section 295A IPC against the petitioner for a discourse involving religious figures Sant Kabir Das and Guru Ravidas, with an examination of the intent and context of the speech in light of historical texts and freedom of speech.

Headnotes:

Quashing of FIR – Freedom of Speech and Religion – Petitioner sought to quash FIR for alleged offence under Section 295A IPC involving religious figures – FIR based on petitioner’s discourse about Sant Kabir Das and Guru Ravidas – Examination of discourse and historical texts reveals no malice or intent to insult religious beliefs – FIR and consequential proceedings quashed. [Paras 1, 12-18]

Intent and Malice in Section 295A IPC – Section 295A IPC requires deliberate and malicious intent to outrage religious feelings – Mere criticism or unintentional acts not penalized – In this case, petitioner’s discourse aligned with historical texts without malicious distortion, negating the accusation of intentional insult. [Paras 7, 13-14]

Use of Historical Texts in Discourse – Discourse based on documented narratives in historical texts about Sant Kabir Das and Guru Ravidas – No evidence of petitioner’s distortion or misrepresentation of the texts – Intent of discourse was spiritual enlightenment, not to insult any religious community. [Paras 2.5, 12, 13]

Delayed FIR and Absence of Previous Complaints – FIR lodged seven years after the discourse without any previous complaints – Indicates lack of

malicious intent or impact on religious sentiments at the time of discourse.
[Paras 2.6, 15]

Inherent Powers under Section 482 CrPC – High Court exercised inherent powers under Section 482 CrPC to quash FIR – Emphasized on preventing abuse of legal process and unnecessary criminal proceedings in absence of clear offence. [Paras 16, 17]

Referred Cases:

- Ramji Lal Modi Vs. State of U.P. : AIR 1957 SC 620
- Jayamala Vs. State of Kerala : Crl. M.C. 3796 of 2011 decided on 13.07.2012
- CRM-M25233-2017 titled as Harbhajan Singh and another Vs. State of Punjab and another decided on 24.03.2023

Representing Advocates:

For the petitioner: Mr. Sonia Mathur, Sr. Advocate with Mr. Amit Tiwari, Advocate, Mr. Harish Chabra, Advocate, Mr. Abhishek Sanghi, Advocate, and Mr. Jitender Khurana, Advocate

For the State: Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab

For respondent No.2: Mr. Navraj Singh, Advocate

MANJARI NEHRU KAUL, J.

1.The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing of FIR No.17 dated 07.03.2023 registered at Police Station Patara, District Jalandhar Rural under Section 295A of the IPC and all consequential proceedings arising therefrom.

Submissions on behalf of the petitioner:-

2. Learned senior counsel for the petitioner, while praying for quashing of the FIR in question, submits as under:-

2.1 that a minute and comprehensive perusal of the FIR in question unequivocally reveals that the essential ingredient for attracting the mischief of an offence under Section 295A of the IPC is conspicuously absent in the case in hand;

2.2 that the petitioner is a religious preacher, who has been organising a number of “Satsangs” to address his followers, primarily aimed at delivering spiritual discourses to his congregation. On 28.02.2016, during one such “Satsang”, the petitioner had delivered a discourse, the central theme of which was the sacred and venerable relationship between a spiritual master and his disciples. In the course of the said discourse, the petitioner illuminated the significance of unwavering faith that a disciple must place in his spiritual master, drawing upon timeless wisdom and examples from various revered historical texts. Pertinently, while elucidating this spiritual tenet, the petitioner provided an illustrative incident involving Sant Kabir Das and Guru Ravidas, which forms the core of the FIR in question, and has distressed the complainant;

2.3 that the necessary ingredients to constitute an offence under Section 295A of the IPC, are: intent to outrage religious feelings and a deliberate malicious intent to insult the religious beliefs of a particular community. In the present case, however, on a careful examination of the discourse in question, delivered by the petitioner, and the example drawn by him from the lives of Sant Kabir Das and Guru Ravidas reveals that it was intended to foster spiritual understanding and deepen the faith of the disciples in their spiritual masters. Hence, there was no malice much less intent to outrage the religious feelings of any person, or any community in particular. Throughout the alleged discourse, no derogatory remarks were made by the petitioner regarding the revered names of Sant Kabir Das and Guru Ravidas. On the contrary, both these venerable figures were consistently addressed with utmost respect. Significantly the intention of the petitioner was solely directed towards upliftment and enlightenment of his followers as opposed to any form of religious insults;

2.4 that the contents of the discourse which have been reproduced along with transcript of discourse as well as video annexed by way of a Pen

Drive, as **Annexure P-2**, reveal that the underlying message conveyed at the conclusion of the narrative concerning the life of Sant Kabir Das was one of deep reverence and admiration; rather it depicted Sant Kabir Das as a visionary and the message implied that his disciples regretted not having placed full faith in their spiritual master. While further drawing the attention of this Court to **Annexure P-1**, it has been asserted that the complainant had intentionally omitted crucial facts from the discourse in question by distorting its context and meaning;

2.5 that the narrative provided by the petitioner with respect to the teachings of Sant Kabir Das was not a product of personal construction but had been documented in various historical texts. In support of the narrative being documented in historical texts, the attention of this Court has been drawn to **Annexure P-3** which is an extract from “Parmarathi Sakhiyan” published by Radha Swami Satsang Beas; **Annexure P-4** which is an extract from “Kabir Legends and Anantadas's Kabir Parachai” authored by David N. Lorenzen, State University of New York; **Annexure P-5**, which is an extract from “The Bijak (or The Complete Works) of Kabir” authored by Ahmad Shah; and **Annexure P-6** which is an extract from “Lord Kabir” authored by Sharan Malhotra. Thus, it has been urged that no mens rea, which is an essential ingredient of an offence under Section 295A of the IPC, could be imputed to the petitioner, in delivering a narrative, which was common knowledge among general populace and the discourse in question being a part of various historical texts could not reasonably be perceived as an affront to religious sentiments or beliefs of any particular group;

2.6 that the FIR in question has been lodged at a highly belated stage as the discourse in question was delivered by the petitioner on 28.02.2016, whereas the FIR in question was lodged in the year 2023 i.e. after a delay of 07 years. In the 07 years, following the discourse in question, no complaint was lodged or received against the petitioner, from any quarter whatsoever;

2.7 that it was a matter of record that the FIR had been registered even before the video clip of the discourse in question was provided to the police by the complainant. Still further, the petitioner and his organisation had no concern whatsoever with the YouTube channel “DR MSG TOPIC” which uploaded the contentious video. Till date, the investigating agency had been unable to trace the source of the video clip in question. Hence, the allegations levelled in the FIR in question were bereft of any merit; and clearly an abuse of the process of law. In support, learned senior counsel has placed reliance upon ***Ramji Lal Modi Vs. State of U.P. : AIR 1957 SC 620; Jayamala Vs. State of Kerala : Crl. M.C. 3796 of 2011 decided on 13.07.2012*** and ***CRM-M25233-2017 titled as Harbhajan Singh and another Vs. State of Punjab and another decided on 24.03.2023.***

Submissions on behalf of the respondent-State of Punjab and respondent No.2-complainant:-

3. Per contra, learned State counsel assisted by learned counsel for respondent No.2-complainant, while opposing the prayer and submissions made by the counsel opposite, has submitted as under:-

3.1 that the FIR in question is still pending investigation and hence, the statutory right of the investigating agency to investigate a matter should not be taken away in a routine manner;

3.2 that it is a matter of record that the petitioner is a man of criminal antecedents and is presently serving sentence for a heinous offence. Furthermore, numerous cases of similar nature are currently pending against the petitioner; therefore, it was all the more essential that the investigation be first completed in the present case;

3.3 that the act and utterances of the petitioner were blasphemous; by associating revered figures like Sant Kabir Das and Guru Ravidas with derogatory accusations, involving a prostitute and liquor, despite lack of any

historical evidence to the said effect, the petitioner had intentionally denigrated these revered Saints and hurt the religious sentiments of the entire community. Furthermore, the timing of the release of the offensive video of the petitioner was highly suspect as it was released during Guru Ravidas Jayanti which clearly reflected malice on his part i.e. to outrage the religious feelings of the complainant;

3.4 that there is no mention of this fabricated narrative in the highly esteemed Guru Granth Sahib, which contradicts the argument that the discourse carried out by the petitioner was part of the historical texts; had any such incident actually happened, as was being projected by the petitioner in his discourse, it was reasonable to expect that some reference to the same would have been made in the Guru Granth Sahib, which was, however, not the case. Consequently, the portrayal of Sant Kabir Das and Guru Ravidas by the petitioner, of being under the influence of liquor and being in the company of a prostitute, was nothing but a deliberate affront aimed at inflicting emotional distress upon their followers.

3.5 A prayer has, therefore, been made for dismissal of the instant petition.

4. Having heard the learned counsel appearing for the parties and having gone through the material on record, the only question that falls for consideration of this Court is whether the discourse in question pertaining to an incident involving Sant Kabir Das and Guru Ravidas would fall within the purview of Section 295A of the IPC, so as to term it as blasphemous?

5. Hence, before proceeding further, it would be apposite to reproduce Section 295A of the IPC and the FIR in question which has been annexed as **Annexure P-1**, which is as follows:-

“295A. 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.”

Contents of FIR

“Subject: Regarding taking strict legal action against a person namely Ram Rahim for using derogatory words about Sri Guru Ravidass Maharaj Ji and Satguru Kabir ji and for telling wrong history. Sir, I, Jassi Talhan, President, Sri Guru Ravidass ji Tiger Force, Punjab request you on the above subject that Baba Ram Rahim, Dera Sirsa, Haryana, on 05.02.2023 told a story about Sri Guru Ravi Dass Maharaj Ji and Satguru Kabir ji through his private channel DR MSG TOPIC Channel Youtube, whose whatsapp number is 8397830144, in a huge gathering of sangats, in which it was said by Ram Rahim that Satguru Kabir ji is going to Raja Veer Singh with one prostitute and Sri Guru Ravidass Maharaj Ji is also accompanying him. They are also carrying liquor bottles and are in the influence of liquor. When they reach Raja Veer Singh, then Raja Veer Singh was surprised that my Guru ji, to whom I get up from my throne and pay my obeisance to my Guru Satguru Kabir ji and upon seeing the liquor bottle in his hand and a bottle in the hands of Satguru Ravidass Ji, I was very surprised that my Gurus have come with a prostitute. Upon seeing all this, I did not think it appropriate that I would pay the obeisance to my Gurus and respect them like before. When Satguru Kabir Ji sees that Raja Veer Singh did not come to him then Satguru Kabir Ji, says to Guru Ravidass Maharaj Ji to go to Veer Singh and talk to him. When Satguru Ravidass Maharaj Ji goes to Raja Veer Singh and says that you idiot king, you did not know that your gurus have come to you. Upon this, Raja Veer Singh says that you and I have the Guru, but upon seeing his condition, I am feeling very ashamed that I have considered him as a Guru. By telling this story in the huge gathering, Ram Rahim has hurt the sentiments of the sangat. Ram Rahim by using derogatory words in respect of the history of Sri Guru Ravi Dass Maharaj Ji and Satguru Kabir Maharaj Ji, has tried to spoil the atmosphere of the country. Lot of anguish is being found in our S.C. society. Thus, legal action be taken against Ram Rahim and he may be suitably punished for insulting our Gurus through a story. If the Administration would not stop this person, then our S.C. society will be compelled to give him punishment of its own, for which the entire responsibility will be of the administration. Dated:

03.03.2023. Thanking you, Yours faithfully, Sd/- (Jassi Talhan), President, Sri Guru Ravidass ji Tiger Force, Punjab, Mobile No.9530936464. Action by police: Today, I ASI alongwith HC Barjinderpal 103 was present in the police station. MHC of the police station handed over an application No.39-BH dated 07.03.2023 from Jassi Talhan, President, Sri Guru Ravidass ji Tiger Force, Punjab through Station House Officer, police station Patara. From the contents of the application, it has been found that Baba Ram Rahim, Dera Sirsa has used derogatory words against Sri Guru Ravidass Ji and Satguru Kabir Ji and told wrong history and hurt the sentiments of Guru Ravidass maharaj ji community. Such act attracts the offence under Section 295-A IPC. Thus, the original application is handed over to Head Munshi of the police station for the registration of the case under the above section against Baba Ram Rahim, Dera Sirsa.”

6. Blasphemy is defined as showing irreverence towards sacred elements of religion, including God, religious beliefs, revered icons, or anything highly confidential. For instance, if an individual intentionally makes

certain derogatory remarks about a religious figure, like some Deity, with the deliberate intention of offending the religious sentiments of a particular sect or community, such an act would be considered blasphemous.

7. Section 295A of the IPC was introduced through the Criminal Law Amendment Act of 1927 with the purpose of punishing deliberate and malicious actions aimed at offending the religious sentiments or religious beliefs of any group. Section 295A of the IPC provides that anyone, who intentionally and maliciously seeks to offend the religious sentiments of a specific group of citizens, through spoken or written words, signs, visible representations or any other means, would have to face imprisonment as a penalty for his or her actions.

However, Section 295A of the IPC does not impose penalty for every act of insult; but only specifically penalizes deliberate and aggravated acts of insult aimed at outraging religious feelings of the community. For prosecution to be maintained under Section 295A of the IPC, two key ingredients must be present i.e.

- (i) the act of insult must be a deliberate one, which was not a result of any misunderstanding or accidental occurrence, rather it must be a purposeful act of insult; and
- (ii) the intention must spring from some malice i.e. the accused had a malicious intent when delivering the insult.

8. In crux, to bring a charge under Section 295A of the IPC, it needs to be demonstrated that the insult was intentional, meant solely to insult someone and was driven by a malicious motive. A mild criticism or some expression that does not grossly offend the religious sensibilities of a community, cannot be criminalized. The provisions of Section 295A of the IPC are intended to strike a balance between freedom of speech and the protection of religious sentiments.

9. Adverting to the instant case and considering the aforementioned interpretation of the provisions of Section 295A of the IPC, this Court would be obligated to meticulously examine the entirety of the discourse which was delivered by the petitioner. The key question before this Court would also be whether the petitioner while delivering the discourse, harboured a deliberate and malicious intent to incite outrage among any segment of the populace on account of their religious beliefs.

10. It would also be apposite to reproduce the discourse delivered by the petitioner, which has been reproduced as Annexure P-2 along with the Pen Drive:-

“Once, Kabir ji walked with a prostitute which was considered very bad at that time. He took her and perhaps may be also Ravidas Ji with him. Kabir ji walked towards the king, Bir Singh, who used to leave his throne just after seeing Kabir Ji. Kabir Ji was carrying colourful bottles, alcohol bottles, he kept drinking and pouring.

Several devotees were also going along but they kept on decreasing and by the time, they reached the palace, not a single one remained. They started criticising their Guru (Kabir ji) and his actions- he is doing like this, he is doing like that. Bir Singh was sitting, royal Court was in order. They saw Kabir ji, the prostitute, Ravidas Ji and the bottles of alcohol. Kabir ji was drinking and pouring out some. Bir Singh looked continuously. Earlier, Raja Bir Singh used to welcome Kabir ji whole heartedly and used to make Kabir ji sit on his throne while he used to sit at his feet. But today, the same Bir Singh did not move at all from his throne. He even started wondering “Oh, I have made him my Guru. Arey, he is drinking wine, has a prostitute along with Ravidas who mend shoes.” Kabir Ji understood all this and kept walking towards him. He was hesitantly sitting and was confused about what he should do as everyone knew that earlier he used to leave the throne whenever Kabir ji used to come. But the thoughts and the negative mind were overwhelming and they did not let him get up. So, Kabir Ji signalled and whispered to Ravidasji, "Go, son!" Ravidas Ji Maharaj, who also became a great enlightened Saint later, went and said to Bir Singh, "Fool! What are you thinking?" He (The king) replied, "Friend, he is your as well as my Guru but he is drinking wine and a prostitute is with him. You are also hand-in-hand with him; what is this?" Ravidas Ji said, "Fool! Ask the Guru." The king asked "Guru ji, What's this?"

Kabir Ji replied, “At a particular place, especially in Puri, Orissa, the idols are on fire and we are extinguishing that fire. Arey, It's just sweet drink, not wine. Bir Singh tasted it and found it was just a sweet drink. He saw that the prostitute was a supreme devotee. He realised his mistake but his ego wasn't satisfied as he was a king. He somewhat honoured the Guru and as soon as Kabir Ji went back, he noted the time as per the position of the sun and sent his horsemen. They checked and came back. They told, "O King. At the particular when the Kabir ji came and when he was spreading water from bottles, at the same time there was a fire in the temples of the God". And after I explained them the description of Kabir ji, Ravidas Ji and the woman, they said that these are the three people who extinguished the fire. They were at both places at the same time. They extinguished the fire and they did not know how Kabir ji extinguished the fire in few moments. King got goosebumps. He felt extremely ashamed of himself, that he had jeopardised all of his spiritual growth and destroyed everything due to his negative thoughts (mann). He remembered his earlier level of devotion to Kabir ji that whenever Kabirji used to come, he used to rush and welcome him wholeheartedly. Whenever my Guru used to come I used to leave the throne

for Kabir ji and used to sit on the side. He repented "And how have I disrespected him? What have I done?" But there is no point crying over spilt milk? With Kabir Ji's blessing, he realised that no one can understand the true vision of a Guru."

11. Furthermore, it would also be relevant to reproduce the relevant extracts from "Parmarathi Sakhiyan" published by Radha Swami Satsang Beas annexed as **Annexure P-3**; extracts from "Kabir Legends and Anantadas's Kabir Parachai" authored by David N. Lorenzen, State University of New York annexed as **Annexure P-4**; extracts from "The Bijak (or The Complete Works) of Kabir" authored by Ahmad Shah annexed as **Annexure P-5** and extracts from "Lord Kabir" authored by Sharan Malhotra annexed as **Annexure P-6**, wherein also the incident pertaining to Sant Kabir Das and Guru Ravidas, which has distressed and hurt the feelings of the complainant, finds mention:-

"Parmarathi Sakhiyan"

Kabir Sahib was a weaver. King Vir Singh Rajput was his servant. He had great love for him. When Kabir Sahib used to come to him, he would leave the throne, let Kabir Sahib sit on it and himself sit down. Once, they wanted to test the king. There was a prostitute who had taken refuge in Kabir Sahib after leaving her profession. Took her on one side, and Ravidas Ji on the other. Held the water bottles of similar colors to liquor in both hands and walked through the markets of Kashi swingingly reciting hymns. Since both the Hindu-Muslim castes were against him, there was an uproar. People started to say, there's a prostitute on one side and Ravidas who mends shoes, on the other, there are liquor bottles in the hands. They arrived in the king's court like this. When the king saw, there was a lack of reverence, he did not get up from the throne. Kabir Sahib thought that the king had fallen. Now let's support, otherwise it will be difficult. He poured out both the bottles at his feet. The king saw. The king thought that a drunkard never spills the liquor, it is not liquor, it is something else. Descended from the throne and asked Ravidas, "King, what play is this?" They said that you're blind, you don't even know. There has been a fire in the temple of Jagannath. Kabir Sahib is extinguishing that. The king noted the date and time and sent riders to find out, go and find. After reaching there, they found out. People said, "It is right, there was a fire and Kabir Sahib was extinguishing it." The king's confidence got stronger. Now on such occasions, many great practitioners leave behind due to social modesty. Only some admirers meet the conditions, it is not easy."

"Kabir Legends and Ananta-das's KabirParachai"

"Ananta-das states that as Kabir's fame grows, more and more people flock to his place. In order to rid himself of this fame and the the crowds of visitors, Kabir goes early one day to the house of a prostitute. He puts his arm around her neck and grabs a vessel filled with holy water (charanodak). Pretending that this water is liquor, he and the prostitute go to the market "as if all his wisdom had been forgotten " (4.9-4.11]. All the town begins to laugh at Kabir. The devotees of Hari can say nothing to defend him, while the Brahmans and

Baniyas revile him. Saying: "Everyone wants to perform bhakti, but how can low-caste persons do it? Kabir performed bhakti for about ten days. Now look! He has taken up with a prostitute."

Kabir then goes to where the "king of the town was sitting" [4.14] Formerly the king always got up from his throne to greet Kabir, but now he pays him no respect. Everyone is astonished that Kabir has so degraded himself. At this moment, Kabir pours the water he had been pretending to be liquor on his own feet. When the king asks Kabir why he has done this. Kabir explains that he has just saved from being burned the feet of a panda (priest) of the temple of Jagannath in far away Puri (Orissa). Everyone is astonished. The king sends two men to Jagannath Puri to verify the miracle. After ten days they arrive at Puri and ask the panda what had happened. The panda explains that he had broken a pot of boiling rice over his feet, and Kabir, a visiting weaver from Kashi, had come running up and poured (cool) water on the panda 's burning feet. Ten days later, the two men arrive again in Kashi and tell the king what they had seen and been told.

This confirmation of the truth of Kabir's miraculous story greatly worries the king. He asks the queen what they should do. She tells him: "Don't delay! Run and fall at Kabir's feet!" The king puts an axe on his shoulder and a load of straw on his head and goes with his family to Kabir [5. doha) At this point in the story [6.1], the king is named as Virasimhadev) Baghel (above, pp. 14-18). Kabir gets up to greet the king and tells him: "Throw down the bundle on your head. There is no anger in my heart. For me there is no question of either hatred or love, nor any differences between king and commoner. " [6.2]. The king prostrates himself before Kabir, and Kabir embraces him. Kabir Says: "You have done something good. Your coming here has honored me. Whoever gives greatness to others is himself great. A great person is one who consumes wealth by sharing it with others," [6.5]. The king and queen happily return home."

The Bijak

.....He decided that this steady stream must be curtailed, so he thought of a way out. This scheme also provided an opportunity for Him to test the level of faith of one of His disciples.

Sant Kabir took along with Him a highly evolved Soul by the name of Ravi Das and another close devotee, woman by the name of Ganekha (who later became known as a great Mahatma). Wandering through the streets, Sant Kabir bran- dished a flask of coloured water, pretending it was wine. This naturally created a scandal throughout the town. People began to laugh and shake their heads, saying that Kabir Sahib could not live the difficult and rigorous life of a Saint! The Brahmins and Mullahs started pointing Him out, "See! He is such a low caste person calling himself as 'pious', but the real thing has now come out!" They could only see from their own angle of vision, such narrowmindedness they had! Sant Kabir went to visit Raja Bir Singh, the local King who was also His disciple. This King had always shown great respect whenever Sant Kabir would visit him. In fact, the King was so devoted that he used to get up from his throne, and let Sant Kabir sit there whenever He would visit the Court, However, today the King was totally shocked about this strange behaviour of Kabir Sahib. The scene in the Court to- day disturbing, with brandishing a bottle of 'whiskey' in one hand, and a woman on the other arm! It appeared as though Kabir Sahib was drunk!

The King was wonderstruck! What had happened to Kabir Sahib! Filled with despair and convinced that his Master was deceiving him, he was immediately filled with doubt and suspicion. In a voice that was both alarmed and annoyed, he thundered, " What is this?"

Suddenly Kabir Sahib began to pour coloured water from the bottle on the ground. When asked why He did this, Ravi Das spoke up and explained that

there was a fire in a certain Temple, called Jagannath Mandir, at some distance away in a city called Puri, and that Sant Kabir was at that Temple not only putting out the fire, but also saving the life of a certain Priest. The King, in total disbelief, secretly noted down the time of this occurrence, and right away dispatched some messengers on horseback to that very Temple to find out the truth of this matter.

In the meantime, Sant Kabir quietly went home, and the King was left to think over what had happened. When the King's inquiry ultimately revealed that indeed there had been a fire at that particular time, and that Kabir Sahib was there to put out the fire, as well as save the life of that Priest, the King was suddenly overcome with shame. Realizing the rudeness he had shown to Sant Kabir, he decided there was nothing to do but to seek His forgiveness, as was the custom of the time. However, it was known that Kabir Sahib would accept no gift from anyone. Therefore, in humbleness and remorse, the King took his whole family and started out on foot for Sant Kabir's house. The King realized that a devotee must have absolute faith in his Master. By surrendering his ego in a thus manner, the King became an example for others to develop intense devotion.”

Lord Kabir

But Raja Bir Singh, as a disciple, failed to satisfy Kabir, and he thought to test and at the same time to strengthen his devotion. Supported on the one side by Rui Das, the Chamar, and on the other by Ganga, the prostitute, both approved sants but a sore scandal to the orthodox, carrying a bottle of liquor in his hand, Kabir presented himself at the court of Bir Singh. The Raja, disgusted and affronted, ignored him; but when he saw Kabir deliberately pour the contents of the liquor bottle, which was really filled with water, upon his foot, drenching the palace carpet, loudly demanded an explanation of this behaviour. Kabir replied, "At Jagannath a Brahman has burnt his foot while cooking-I have poured this out to ease him." At the request of his favourite, Bir Singh, Sikandar Lodi despatched a messenger mounted on a swift camel who returned with the news that it was as Kabir had said. There is at Jagannath a temple called after Kabir and pilgrims to the place visit this shrine and receive Kabir's taranei.”

12. Thus, it would be essential that the analysis of the discourse delivered by the petitioner is undertaken in conjunction with various historical texts including **Annexure P-3** (extract from “Parmarathi Sakhiyan” published by Radha Swami Satsang Beas), **Annexure P-4** (extract from “Kabir Legends and Anantadas's Kabir Parachai” authored by David N. Lorenzen, State University of New York), **Annexure P-5** (extract from “The Bijak (or The Complete Works) of Kabir” authored by Ahmad Shah) and **Annexure P-6** (extract from 'Lord Kabir'-authored Sharan Malhotra) where the incident regarding Sant Kabir Das is detailed. It would also be crucial to examine whether the petitioner while delivering the discourse in question, distorted or twisted the historical texts to intentionally hurt the sentiments of the followers of Sant Kabir Das and Guru Ravidas.

13. Upon careful scrutiny, this Court finds no evidence of any distortion or misrepresentation within the incident relating to the life of Sant Kabir Das. The narrative does not seem to insult the religious sentiments or beliefs of any specific group, as it is deeply rooted in historical resources. The gist of the stories given out by the petitioner during his discourse and the various historical texts which have been annexed with the petition is the same. They all describe an instance where Sant Kabir Das is seen walking with a prostitute and carrying colourful bottles, that are mistaken for alcohol. People around Sant Kabir Das and Guru Ravi Das criticise Sant Kabir Das for his actions, and even a King, who previously respected Sant Kabir Das, is hesitant and does not leave his throne to welcome him. Later, it is revealed that Sant Kabir Das's actions were meant to extinguish a fire at a temple at Jagannath Puri, Orissa, not related to alcohol and the prostitute is revealed to be a supreme devotee. The King regrets his earlier judgment and realises his mistake. In all the stories the underlying focus is on misunderstanding and eventual redemption. No evidence of malice or deliberate intent to harm any individual or community while delivering the discourse is discernible. On the contrary, the discourse of the petitioner, as already observed earlier, aligns with the various historical texts annexed with the petition. The only key distinction, if any, is that the petitioner has used local colloquial terms while delivering the discourse. However, this in no way would imply any disrespect, malice or intentional affront to the followers of Sant Kabir Das and Guru Ravidas.

14. It also would be most pertinent to point out that the discourse of the petitioner has to be analyzed comprehensively and the alleged malicious intent on his part shall have to be inferred from a broader context rather than isolated excerpts, which purportedly caused offence to the complainant. The entire discourse, including its theme and context would have to be thus considered and not just selective excerpts. The complainant while lodging the

FIR has selectively extracted disconnected segments of the discourse and presented them without proper context. Moreover, neither the State nor the complainant, who is respondent No.2 in the present petition, have contested the contents of the historical texts annexed with the petition. Since the narrative is not a product of the petitioner's imagination and does not contain any exaggerated elements, it cannot be said to have been delivered with any malicious intent.

15. Furthermore, the petitioner claims himself to be a self professed spiritual Guru and had delivered this discourse to his congregation of devotees 07 years prior to the registration of the FIR in question. It remains unchallenged by the respondents that in the preceding 07 years, following the discourse in the year 2016, no complaint was received from any quarter whatsoever. It has also not been disputed by the learned counsel for the respondents during the course of arguments, that no complaint from any quarter had ever been received with respect to the various historical texts and writings annexed as **Annexures P-3 to P-6**.

16. Coming to the next submission of the learned counsel for the respondents that the inherent powers of this Court under Section 482 of the Cr.P.C. should not be exercised in a routine manner, since the FIR is still pending investigation, is bereft of any merit. No doubt, the powers vested in this Court under Section 482 of the Cr.P.C. have to be exercised with a great deal of circumspection, however, the Hon'ble Supreme Court has consistently emphasized that if, upon a thorough examination of the allegations levelled in the FIR, no discernible offence, whether cognizable or non-cognizable, is made out, this Court should not hesitate to quash criminal proceedings arising out of an FIR or a criminal complaint, as the case may be. This Court can certainly exercise its inherent powers under Section 482 of the Cr.P.C. to prevent the continuation of frivolous or unjustified criminal proceedings. The discretion and the powers vested in this Court under Section 482 of the

Cr.P.C. have been designed to safeguard against the misuse of legal process. When people file false and frivolous complaints, it seriously amounts to abuse of the process of law. It is also crucial to emphasize that groundless and trivial criminal cases severely damage the credibility of the criminal justice system. Hence, when on an examination of the allegations levelled in the FIR, the Court does not find any apparent ingredient of the offence alleged, it is incumbent upon this Court to step in and put a lid on the ongoing criminal proceedings against an accused.

17. As a sequel to the above, this Court has no hesitation in holding that the discourse in question, which has allegedly offended the complainant-respondent No.2, does not upon careful examination, in the context of various historical texts and other writings, support the accusation of an offence under Section 295A against the petitioner. On a comparison with various books and historical texts, particularly the discourse in question, it is evident that neither is there any mens rea on part of the petitioner nor any distortion or exaggeration of the incident pertaining to Sant Kabir Das and Guru Ravidas, to such an extent, that it could have offended their followers.

18. Accordingly, the instant petition is allowed and FIR No.17 dated 07.03.2023 registered at Police Station Patara, District Jalandhar Rural under Section 295A of the IPC along with all consequential proceedings arising therefrom, is quashed.

© All Rights Reserved @ LAWYER E NEWS

*Disclaimer: Always compare with the original copy of judgment from the official website.