IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO(S). 132 OF 2022

RAHAMATHULLA ....PETITIONER(S)

VERSUS

THE STATE OF TAMIL NADU & ORS. ....RESPONDENT(S)

WITH

WRIT PETITION (CRL.) NO(S). 189 OF 2022

O R D E R

1. Heard.

2. The petitioners have filed the instant writ petitions under Article 32 of the Constitution of India seeking a direction for clubbing of the multiple FIRs/criminal

cases registered against the petitioners arising from the same set of facts and allegations.

3. The petitioner in Writ Petition (Crl.) No. 132 of 2022 seeks transfer of FIR No. 18 of 2022 registered at Vidhana Soudha Police Station, Bangalore City, Karnataka to Thallakulam Police Station, Madurai City, Tamil Nadu where another FIR bearing No. 223 of 2022 was registered in respect of the speech given by the petitioner on 17th March, 2022.

4. On the other hand, the petitioner in Writ Petition (Crl.) No. 189 of 2022 seeks transfer of FIR No. 18 of 2022 registered at Vidhana Soudha Police Station, Bangalore City, Karnataka to Adiramapattinam Police Station, Thanjavur, Tamil Nadu where another FIR bearing No. 189 of 2022 was registered in respect of the speech given by the petitioner on 17th March, 2022.

5. The factual matrix relevant for disposal of the writ petitions can be encompassed in a nutshell as below.

6. The petitioners herein being members of Tamil Nadu Thowheed Jamath made a public address in a protest/meeting held within the jurisdiction of the Thallakulam Police Station, Madurai City on 17th

March, 2022. It is alleged that the said meeting was convened without seeking any permission. The speeches which the petitioners made were inflammatory and tantamounted to hate speech, with the potential to incite hatred, violence, and riots amongst the people in the name of religion. The petitioners spoke praising Afzal Guru, a terrorist who was the mastermind behind the attack made on the Indian Parliament. They also made remarks against the legal issues considered in the Ayodhya Ram Temple Judgment; the dress being worn by Hon'ble Chief Minister of Uttar Pradesh; the festivals being celebrated by Christians; the practice of Hindus in applying holy-ash to their bodies; the religious practice followed by the Sikhs keeping a sword with them and tried to link the same with the Hijab being worn by Muslim women. The petitioners also condemned the verdict given by the Karnataka High Court in the Hijab case and used unparliamentary language towards the Judges of the Supreme Court of India as well as the High Courts. It is alleged that the language used by the petitioners in the public address was unparliamentary and tended to undermine the

dignity, honour and sanctity of the judiciary. It also had a propensity to undermine the democratic functioning of the Government of India. The speech incited hatred amongst the people as well as society at large. It is alleged that the petitioners spoke in a manner that created fear and also generated perception of life threat to the Judges.

7. Based on the above hate speech, Mr. Shanmuganathan, Sub-Inspector of Police, posted at Thallakulam Police Station, Madurai City, Tamil Nadu lodged a complaint at the said police station on which an FIR No. 223 of 2022 under Sections 153A, 505(1)(b), 505(1)(c), 505(2), 506(1) of the Indian Penal Code, 1860[1] read with Section 109 IPC, came to be registered on 18th March, 2022 against the petitioner in Writ Petition (Crl.) No. 132 of 2022.

8. On the same day, FIR No. 189 of 2022 came to be registered on 18th March, 2022 at Adiramapattinam Police Station, Thanjavur, Tamil Nadu under Sections

[1] For short, "IPC".

153, 153A, 504, 505(1)(b), and 505(2) of IPC against the petitioner in Writ Petition (Crl.) No. 189 of 2022.

9. A third FIR bearing Crime No. 18 of 2022 referring to the very same speech of the petitioners, came to be registered on 19th March, 2022 at the Vidhana Soudha Police Station, Bangalore City, Karnataka at the instance of one Sudha Katwa, a law practitioner for the offences punishable under Sections 506(1), 505(1)(c), 505(1)(B), 153A, 109, 504, and 505(2) IPC against both the petitioners.

10. The petitioners have filed the writ petitions under Article 32 of the Constitution of India asserting that it is impermissible in law to register multiple crimes/FIRs for the same set of allegations and offences as the same is in gross violation of the right against double jeopardy guaranteed by Article 20(2) of the Constitution of India.

11. Learned counsel for the petitioners relied upon the judgments in ***T.T. Antony v. State of Kerala and Others***[2]***; Arnab Ranjan Goswami v. Union of India and Others***[3] ***and Muhammed Zubair v. State of NCT***

[2] (2001) 6 SCC 181.
[3] (2020) 14 SCC 12.

of Delhi and Ors.[4] to assert that the subsequent FIR being Crime No. 18 of 2022 registered at the Vidhana Soudha Police Station, Bangalore City, at this stage, is nothing short of gross abuse of process of law and hence, the same deserves to be quashed.

12. Learned counsel representing the States of Tamil Nadu and Karnataka in both the petitions opposed the submissions advanced by the petitioners' counsel. They urged that on account of the inflammatory nature of the hate speech made by the petitioners, the sentiments of people at Madurai as well as Bangalore City were hurt and hence, the said speech gives rise to offences referred *supra* at each place wherever the same was heard and the police is obligated to register the FIRs at the respective police station where the reports disclosing commission of cognizable offences are received.

13. As per learned counsel for the respondents, there is no infirmity or illegality in the registration of separate

[4] (2023) 16 SCC 764.

FIRs with reference to the petitioner's speech because every communication/publication of the malevolent speech gives rise to a fresh cause of action for lodging of the FIR. They thus, implored the Court to dismiss the writ petitions.

14. We have given our thoughtful consideration to the submissions advanced at the bar and have gone through the impugned FIRs as well as the pleadings of the parties.

15. At the outset, we must note that the language used by the petitioners in their speeches is highly objectionable and definitely discloses the necessary ingredients of the offences alleged. Hence, there is no scope for the exercise of writ jurisdiction of this Court under Article 32 of the Constitution of India so as to quash the impugned FIRs.

16. There is no dispute on the fact that the FIRs *i.e.,* FIR No. 223 of 2022 registered at Thallakulam Police Station, Madurai City, Tamil Nadu; FIR No. 189 of 2022 registered at Adiramapattinam Police Station,

Thanjavur, Tamil Nadu; and FIR No. 18 of 2022 registered at Vidhana Soudha Police Station, Bangalore City, Karnataka emanate from the same hate speech attributed to the petitioners. The only justification for registration of the separate FIRs is that the complainants in the FIRs claim to have heard the speech at their respective locations where the FIRs came to be lodged.

17. It is not in dispute that the contents and language of the hate speech attributed to the petitioners are verbatim the same. Thus, we are of the view that allowing multiple prosecutions of the petitioners in different jurisdictions could lead to a serious anomaly with the possibility of conflicting decisions. Additionally, such a course of action would give rise to multiple trials for the same/similar set of allegations. Not for a moment, are we convinced by the submission advanced by learned counsel for the petitioners that the subsequent FIR should be quashed as the same tantamounts to a second FIR on the same facts, but in any event, we feel that allowing multiple trials before

Courts of different jurisdiction in reference to the speeches of the petitioners dated 17th March, 2022 is not expedient in the interest of justice and the trials deserve to be clubbed. In this regard, we may gainfully refer to the decision in ***Amish Devgan v. Union of India & Ors.***[5]**,** wherein this Court, while exercising its power under Article 142 of the Constitution of India, directed the transfer of all the similar FIRs State-wise, so that the statement of the complainant/informant forming the basis of the transferred FIRs would be considered as statement under Section 162 of the Criminal Procedure Code and be proceeded with. This was based on the opinion that multiplicity of proceedings would not serve the larger public interest.

18. Since, the speeches from which all the three subject FIRs emanate were delivered within the jurisdiction of Thallakulam Police Station, Madurai City, Tamil Nadu, it would be expedient in the interest of justice that the trial arising from the subject FIRs is

[5] (2021) 1 SCC 1.

conducted by the Court of the competent jurisdiction at Madurai, Tamil Nadu.

19. Hence, exercising powers under Article 32 read with Article 142 of the Constitution of India, we hereby direct that trial of the case arising from FIR No. 18 of 2022 registered at Vidhana Soudha Police Station, Bangalore City, Karnataka and FIR No. 189 of 2022 registered at Adiramapattinam Police Station, Thanjavur, Tamil Nadu shall be transferred to the Court of the competent jurisdiction at Madurai, Tamil Nadu for joint trials of both the petitioners by clubbing the three FIRs *i.e.,* FIR No. 223 of 2022 registered at Thallakulam Police Station, Madurai City, Tamil Nadu; FIR No. 189 of 2022 registered at Adiramapattinam Police Station, Thanjavur, Tamil Nadu; and FIR No. 18 of 2022 registered at Vidhana Soudha Police Station, Bangalore City, Karnataka.

20. The writ petitions are allowed accordingly.

21. The copy of this order shall forthwith be transferred to the Registrar General, Karnataka High

Court and the Registrar General, Madras High Court for compliance.

22. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
APRIL 22, 2025.