

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

**CRIMINAL APPEAL No. 401 OF 2025
(Arising Out of Special Leave Petition (Crl.) No. 17859 of 2024)**

MANISH KUMAR SINGH AND ANR.

..... APPELLANTS

VERSUS

STATE OF CHHATTISGARH

.....RESPONDENT

ORDER

MANMOHAN, J.

1. Leave granted.
2. Present appeal has been filed challenging the order dated 26th June, 2024 dismissing the writ petition being CRMP No.1608 of 2024 filed by officers/employees of South Eastern Coalfields Limited, which is a Public Sector Undertaking, engaged in the mining (Underground as well as Open Cast) of coal. It is pertinent to mention that the aforesaid writ petition had been filed seeking quashing of FIR No.0403 of 2023, P.S. Chirmiri, District Manendragarh – Chirmiri – Bharatpur, Chhattisgarh under Section 295A of the Indian Penal Code, 1860 ('IPC').
3. The sole reason given by the High Court for dismissing the writ petition filed by the Appellants was, '*As the investigation is in progress, we are not inclined to interfere in the matter at this stage, the petition is accordingly dismissed.*'

RELEVANT FACTS

4. The brief facts of the present case are that a huge fire broke out in the underground mine in the area of Sati Mandir. As the fire in the galleries could not be controlled despite all efforts, the mining activity was stopped. Further, the Sati Temple which was standing on the pillars was depillared on the southern side. As a result of depillaring, subsidence on the ground surface occurred and due to subsidence, a fissured zone developed above coal seam which gave access to the air from the surface which facilitated underground gallery fire.

5. Some of the residents of the area filed a Public Interest Litigation being **WP PIL No.150 of 2022** before the High Court of Chhattisgarh. The said writ petition was disposed of by a detailed judgment and order dated 19th September, 2023. The relevant portion of the said judgment and order is reproduced hereinbelow:-

“Para 22. Thus, considering the entire facts and circumstances of the case and also looking to the advisory / suggestion/ recommendations given by the respondents No.3 & 4 and also bearing in mind serious threat to the life of general people on account of underground mining activities in the area/nearby vicinity of Sati Temple, we dispose of both the writ petitions with the following orders/directions;-

i. That, the District Administration shall protect the Monuments available on the subjected spot and keep/shift them in the District Museum, District, Manendragarh- Chirmiri-Bharatpur within a period of two months.

ii. That, during the relocation/shifting of the artifacts, monuments and Sati Temple the rules, regulations and the guidelines issued by the Department on the subject matter be strictly followed by the respondent authorities keeping in view the sentiments of the local villagers.

iii. That, Interim order passed by this court on 08.12.2022 shall remain in operation till final shifting/relocation of the artifacts and monuments are done by the respondent authorities with the help of District Administration in District Museum, District, Manendragarh- Chirmiri-Bharatpur.”

ARGUMENTS ON BEHALF OF THE APPELLANTS

6. Learned counsel for the Appellants states that as per the letter dated 27th October, 2023, the premises wherein artefacts and remnants of Sati Mandir were to be shifted was converted into temporary museum and the said temporary museum was duly inspected by Tehsildar of Chirmiri. He also states that a letter was written by Sub-Divisional Magistrate ('SDM') on 10th November, 2023, addressed to Station In-charge, PS Chirmiri with a direction to shift the artefacts and remnants of Sati Mandir which was copied to General Manager, South Eastern Coalfields Limited, to provide logistics support and '*adequate resources for transporting the remains of the Sati Temple*'.

7. He contends that on the instruction of the SDM of Chirmiri and with intent to comply with the directions passed by the High Court in **WP PIL No.150 of 2022**, the Appellants took action to ensure that the temple remains are handled with the utmost care and sensitivity. He states that the process of shifting of the temple commenced under the supervision of the SDM (Sh. B.S. Markam) of Chirmiri and the SDM took swift steps to address the situation by preparing a Panchnama on the spot, documenting the circumstances surrounding the removal and obstructions created by some residents. He points out that the Panchnama dated 11th November, 2023 was prepared in the presence of the complainant (Sh. B.S. Makram) and Sh. Depesh Saini, Police Station In-charge along with local authority ensuring transparency and accuracy in the process. He contends that this collaborative approach allowed for a thorough examination of the scene, with all parties contributing to a comprehensive account of the situation. Further, the involvement of the local police legitimized the process, reinforcing the integrity of the findings recorded in the Panchnama.

8. He, however, states that subsequent to the Panchnama dated 11th November, 2023, the SDM sent a show cause notice dated 12th November, 2023 regarding the complaint lodged by Harbhajan Singh (named in the list of obstructionist in the Panchnama) and directed the Appellants to reply within

forty-eight hours. He states that surprisingly on the same day i.e. 12th November, 2023 at 1230 Hrs., at the instance of SDM (Sh. B.S. Markam), Chirmiri, police lodged FIR under Section 295A of IPC against the Appellants, alleging that shifting of temple remains and artefacts had hurt the religious sentiments of public. He submits that the whole sequence of events from lodging of complaint, issuance of show cause notice and registering of FIR, even prior to timelines mentioned in the show cause notice evinces that the conduct of the complainant and SDM was induced by malice.

9. He states that the Appellants, who are employees of Public Sector Undertaking are in a transferable job and are suffering because of the FIR as it has an impact on their Annual Credential Reports, wherein it has to be specifically stated as to whether any criminal case is pending. He points out that because of the said FIR, the Appellants were compelled to file an application under Section 438 of Code of Criminal Procedure ('Cr.P.C.') seeking anticipatory bail which was allowed on 24th November, 2023. Thus, according to him, the appellants are seriously prejudiced because of the FIR.

ARGUMENTS ON BEHALF OF THE RESPONDENT

10. Learned counsel for the Respondent states that the FIR in question should not be quashed as the investigation is at a nascent stage and is still in progress.

COURT'S REASONING

11. Recently, this Court in ***Criminal Appeal No.5475 of 2024*** titled ***State of Jharkhand vs. Dr. Nishkant Dubey & Ors.*** has held that it is settled law that in exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 of Cr.P.C., it is open to the High Court to quash an FIR either to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Though it is not possible to lay down any precise or rigidly defined formula, yet in ***State of Haryana & Ors. vs. Bhajan***

Lal & Ors., 1992 Suppl.(1) SCC 335, this Court has held that an FIR can be quashed if the allegations made in the FIR or the complaint, even if they are taken at their face value and accepted in their entirety, do not *prima facie* constitute any offence or make out a case against the accused or where there is an express legal bar engrafted in any of the provisions of the Cr.P.C. or the concerned Act (under which a criminal proceeding is instituted) or where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

12. This Court is also of the view that before proceeding further, it is essential to outline the intent and ingredients of Section 295A IPC. Section 295A IPC reads as under:-

“Section 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.”

13. The Statements of Objects and Reasons of Section 295A IPC is reproduced hereinbelow:-

“The prevalence of malicious writings intended to insult the religion or outrage the religious feelings of various classes of His Majesty's subjects has made it necessary to examine the existing provisions of the law with a view to seeing whether they require to be strengthened. Chapter XV of the Indian Penal Code, 1860, which deals with offences relating to religion, provides no penalty in respect of writing of the kind described above. Such writings can usually be dealt with under section 153A, IPC as it is seldom that they do not represent an attempt to promote feelings of enmity or hatred between different classes. It must be recognised, however, that this is only an indirect way of dealing with acts which may properly be made punishable themselves, apart from the question whether they have the further effect of promoting feelings of enmity or hatred between classes. Accordingly, it is proposed to insert a new section in chapter XV of the IPC, with the object of making it a specific offence intentionally to insult or attempt to insult the religion or outrage or attempt to outrage the religious feelings of any class of His Majesty's subjects.”

14. This Court is of the view that the essential ingredients of Section 295A IPC are:-

“(i) That an insult (or an attempt to insult the religion or religious belief) was done to outrage the religions feelings of any class of citizens of India;

(ii) That such an act was done by words (either spoken or written) or by signs or by visible representation or otherwise;

(iii) That such an act must be with deliberate and malicious intention.”

15. The opening words ‘with deliberate and malicious intention’ in Section 295A postulate requirement of *mens rea* of a deliberate and malicious intention of outraging the feelings of a community. Consequently, to invoke Section 295A IPC, the essential pre-requisite is *mens rea*. However, the said requirement is missing in the present case as the Appellants were merely complying with the directions of the High Court passed in **WP PIL No.150 of 2022** and direction of the SDM in the letter dated 10th November, 2023.

16. The allegation that the Appellants acted unauthorisedly in absence of the SDM is inherently improbable and absurd as district authorities would have been and should have been present on the site in view of the emergent situation and in view of the directions passed by the High Court. Further, if the SDM was of the view that the order of the High Court of Chhattisgarh in **WP PIL No.150 of 2022** had been disobeyed and/or violated, the SDM should have approached the High Court by filing an appropriate application instead of filing an FIR.

17. This Court is of the opinion that the Appellants, being employees of South Eastern Coalfields Limited, acted with the intent and object of preserving a natural resource which was burning in the coalmines and which fire posed a serious and recurring threat to Sati Mandir. None of the acts of the Appellants can be said to be consciously designed to provoke and incite or insult or attempt to insult any religion or religious belief. Consequently, the requirement of *mens rea* is not satisfied in the present case.

CONCLUSION

18. Keeping in view the aforesaid findings, the present appeal is allowed and FIR No.0403/2023 registered by the police station – Chirmiri, District – Manendragarh-Chirmiri-Bharatpur (CG) for the offence under Section 295A IPC is quashed. Pending application(s), if any, shall stand disposed of.

.....J.
[SANJAY KAROL]

.....J.
[MANMOHAN]

**New Delhi;
January 22, 2025**

ITEM NO.17

COURT NO.17

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.)No(s). 17859/2024
[Arising out of impugned final judgment and order dated
26-06-2024 in CRLMP No. 1608/2024 passed by the High Court of
Chhatisgarh at Bilaspur]

MANISH KUMAR SINGH & ANR.

Petitioner(s)

VERSUS

STATE OF CHHATTISGARH

Respondent(s)

(IA No.282046/2024-EXEMPTION FROM FILING O.T. and IA
No.282042/2024-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 22-01-2025 This petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Neeraj Kumar Gupta, AOR
Mr. Akshaya Agarwal, Adv.
Mr. Nitin Singh, Adv.
Mr. Anil Kumar, Adv.

For Respondent(s) :Mr. Ravi Sharma, D.A.G.
Mrs. Prerna Dhall, Adv.
Ms. Karishma Rajput, Adv.
Mr. Gopinadh Mr, Adv.
Mr. Rajyavarddhan Mall, Adv.
Mr. Prashant Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Leave granted.
2. The appeal is allowed in terms of signed order.
3. Pending application(s) shall stand disposed of.

(D. NAVEEN)
COURT MASTER (SH)

(ANU BHALLA)
COURT MASTER (NSH)

(Signed order is placed on the file)