

ITEM NO.1501

COURT NO.3
(HEARING THROUGH VIDEO CONFERENCING)

SECTION X

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

Writ Petition (Criminal) No.154/2020

VINOD DUA

Petitioner(s)

VERSUS

UNION OF INDIA & OTHERS

Respondent(s)

Date : 03-06-2021 This petition was called on for pronouncement of judgment today.

Counsel for the Parties:

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|---------------------------------------|---|
| For Petitioner(s) | Mr. Vikas Singh, Sr. Adv. Mr. Varun Singh, Adv. Mr. Nitin Saluja, AOR Ms. Deepeika Kalia, Adv. Mr. Kapish Seth, Adv. Ms. Shivani Luthra Lohiya, Adv. Mr. Mritunjay Singh, Adv. Mr. Akshay Dev, Adv. Ms. Sasha Maria Paul, Adv. Mr. Satwik Misra, Adv. |
| For Respondent(s) (Union of India) | Mr. Tushar Mehta, Solicitor General Mr. S.V. Raju, ASG Mr. Kanu Agrawal, Adv. Mr. B.V. Balaram Das, AOR |
| State of H.P. | Mr. Tushar Mehta, Solicitor General Mr. Vikas Mahajan, AAG Mr. Kanu Agrawal, Adv. Mr. Vinod Sharma, AOR |
| Respondent no.3/ Complainant | Mr. Mahesh Jethmalani, Sr. Adv. Mr. Vinay Navare, Sr. Adv. Mr. Surender Kumar Gupta, AOR Mr. Neeraj, Adv. Mr. Piyush Beriwal, Adv. Ms. Siya Chaudhary, Adv. Mr. Ravi Sharma, Adv. Mr. Satya Ranjan Swain, Adv. Mr. Shoumendu Mukherjee, Adv. Mr. Vijay Joshi, Adv. |

Mr. Himanshu Pathak, Adv.
 Ms. Priya Mishra, Adv.
 Ms. Damini Garg, Adv.
 Ms. Vandana Deewan, Adv.

Hon'ble Mr. Justice Uday Umesh Lalit pronounced the Reportable Judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Vineet Saran.

The operative portion of the judgment reads as under:

- “1. This petition under Article 32 of the Constitution of India prays for following principal reliefs:-
- “a. Quash FIR No.0053 dated 06.05.2020 registered at Police Station Kumarsain, District Shimla, Himachal Pradesh.
- b. Direct that henceforth FIRs against persons belonging to the media with at least 10 years standing be not registered unless cleared by a committee to be constituted by every State Government, the composition of which should comprise of the Chief Justice of the High Court or a Judge designated by him, the leader of the Opposition and the Home Minister of the State.”
53. Consequently, we accept the first prayer made by the petitioner in this Writ Petition and quash FIR No.0053 dated 6.5.2020 registered at Police Station Kumarsain, District Shimla, Himachal Pradesh and any proceedings arising therefrom. We must however clarify that the issues concerning ownership of HW News which had aired the talk show or the nature and effect of violation, if any, of the Norms of Journalistic conduct framed by the Press Council of India, have not been gone into by us as they do not strictly are of any concern for determining first prayer made in the writ petition.
66. ... Any relief granted in terms of second prayer would certainly, in our view, amount to encroachment upon the field reserved for the legislature. We have, therefore, no hesitation in rejecting the prayer and dismissing the Writ Petition to that extent.
67. It must however be clarified that every Journalist will be entitled to protection in terms of **Kedar Nath Singh**², as every prosecution under

Sections 124A and 505 of the IPC³ must be in strict conformity with the scope and ambit of said Sections as explained in, and completely in tune with the law laid down in *Kedar Nath Singh*².

68. In conclusion:
- i. We quash FIR No.0053 dated 6.5.2020, registered at Police Station Kumarsain, Distt. Shimla, Himachal Pradesh, against the petitioner;
 - ii. but reject the prayer that no FIR be registered against a person belonging to media with at least 10 years of standing unless cleared by the Committee as suggested.
69. Writ Petition is allowed to the aforesaid extent.”

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(Signed Reportable Judgment is placed on the File)

(VIRENDER SINGH)
BRANCH OFFICER