

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

**WRIT PETITION(S)(CRIMINAL) NO(S). 349/2022**

**JITENDRA NARAYAN TYAGI**  
**ALIAS WASEEM RIZVI**

**PETITIONER(S)**

**VERSUS**

**UNION OF INDIA & ORS.**

**RESPONDENT(S)**

**ORDER**

The present petition has been filed with the following prayers:

“(a) Issue a writ of certiorari quashing the said complaints/FIRs filed against the petitioner being [FIR No. 849/2021, PS: Kotwali, Haridwar, Uttarakhand; FIR No. 08/2022, PS: Kotwali, Haridwar, Uttarakhand; FIR No. 69/2022, PS: Kotwali, Haridwar, Uttarakhand;] or any other FIR/FIRs or any criminal complaint which has been filed or which may be filed hereafter, relating to the speech of 19.12.2021 attributed to the petitioner at Haridwar;

(b) Strictly in the alternative, transfer and club the FIRs [FIR NO. 849/2021, PS: Kotwali, Haridwar, Uttarakhand; FIR No. 08/2022, PS Kotwali, Haridwar, Uttarakhand; FIR No. 69/2022, PS: Kotwali, Haridwar, Uttarakhand] and any subsequent FIR/complaint in respondent no. 2 State or elsewhere in the country.”

We have gone through the reply filed by the respondent-State of Uttarakhand.

Mr. Sidharath Luthra, learned senior counsel appearing on behalf of the petitioner, on instructions, does not want to press the relief in regard to FIR No. 69 of 2022.

Mr. Luthra, tried to persuade this Court that FIR No. 849 of 2021 dated 23.12.2021 is in reference to the same incident of which subsequent FIR No. 08 of 2022 dated 02.01.2022 came to be registered against the petitioner and at least the trial can proceed only in reference to the first FIR No. 849 of 2021 registered for the alleged incident against the petitioner and in support of his submission placed reliance on the judgment of this Court reported in 2001(6) SCC 181.

It is brought to our notice that after investigation charge sheet has been filed in reference to both the FIRs and in one of the FIR charge has been framed on 26.05.2022.

Since both the FIRs are pending in the same court we find no reason to grant indulgence to the petitioner. However, the petitioner is at liberty to file an application for consolidating the trial in reference to the FIRs of which reference has been made and if consolidation is not

possible, let the trial in both the FIRs may proceed simultaneously.

With the aforesaid liberty, the writ petition is disposed of.

.....J.  
[AJAY RASTOGI]

.....J.  
[BELA M. TRIVEDI]

**NEW DELHI;**  
**JANUARY 09, 2023.**

ITEM NO.41

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 349/2022

JITENDRA NARAYAN TYAGI ALIAS WASEEM RIZVI

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IA No.130351/2022-EX-PARTE AD-INTERIM RELIEF and IA  
No.130352/2022-EXEMPTION FROM FILING O.T.

IA No. 130351/2022 - EX-PARTE AD-INTERIM RELIEF

IA No. 130352/2022 - EXEMPTION FROM FILING O.T.)

Date : 09-01-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MS. JUSTICE BELA M. TRIVEDIFor Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.  
Mr. Sarad Kumar Singhania, AOR  
Mr. Pankaj Singhal, Adv.  
Ms. Rashmi Singhania, Adv.  
Mr. Khushal Khatri, Adv.For Respondent(s) Ms. Aishwarya Bhati, ASG  
Ms. Chitrangda Rashtravara, Adv.  
Ms. Manisha Chaya, Adv.  
Mr. Mayank Pandey, Adv.  
Ms. Deepabali Datta, Adv.Mr. Abhishek Atrey, AOR  
Mr. Jatinder Kumar Sethi, Adv.  
Dr. Abhishek Atrey, Adv.  
Mr. Ashutosh Sharma, Adv.  
Ms. Ambika Atrey, Adv.  
Mr. Akash Giri, Adv.Ms. K. V. Bharathi Upadhyaya, AOR  
Mr. Mehmood Pracha, Adv.  
Mr. Sanawar, Adv.  
Mr. Jatin Bhatt, Adv.  
Mr. Dhruv Yadav, Adv.  
Mr. Harshit Gahlot, Adv.

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

The writ petition stands disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(VIRENDER SINGH)  
BRANCH OFFICER

(ASHWANI KUMAR)  
ASTT. REGISTRAR-cum-PS  
(Signed order is placed on the file)