IN THE COURT OF ASHWANI PANWAR: ACJM – 04
ROUSE AVENUE DISTRICT COURTS: NEW DELHI

DLCT120003692026

Ct Case No.19/2026
U/s 223 of BNSS, 2023
PS: Kashmere Gate
RAM NIWAS SHARMA VS. SMT. REKHA GUPTA

06.11.2026

Present: Sh. Sanjeet Kumar, Ld. counsel for the complainant along with complainant.
SI Mukesh Tomer, PS Kashmere Gate, in person.

ORDER

1. Vide this order, I shall decide the application under Section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) which corresponds to Section 156 (3) of the Code of Criminal Procedure, moved on behalf of the complainant Sh. Ram Niwas Sharma, seeking registration of F.I.R for offence u/s 299 of the Bharatiya Nyaya Sanhita 2023(BNS), against Smt. Rekha Gupta (who is the serving Chief Minister of Govt of NCT Delhi).

Brief Facts

2. It is disclosed by the complainant that on 23.09.2025, during an official government function organized at

Kashmere Gate ISBT, Delhi, for inaugurating DTC bus services from Delhi to Baraut (Uttar Pradesh), the proposed accused addressed the government officials and general public and deliberately made sarcastic and contemptuous remarks mocking Lord Hanuman Ji. It is further submitted that in public speech, while purportedly admonishing and threatening Delhi government officials for failing to work systematically, proposed accused equated them with Lord Hanuman, stating words to the effect: ***"Ye jo hamare Dilli sarkar ke adhikari he ye sare Hanuman he. In hanumano ki jabtak puch me aag lagti hai to sari appni power yaad aati hai us se pehle bhul Jate he, Hanuman jee mujhe Isliye yaad aye kyonki ham marghat bale Baba ke dwar par baithe Hai"***—asserting that like Hanuman, officials only remember their powers when their tail catches fire and forgets them otherwise, and that they only discharge duties under pressure from higher authorities. It is further submitted that the complainant, became deeply aggrieved after watching the broadcast of the speech the following day on Aaj-Tak associate channel "TAK" and thereafter, he extracted the video from YouTube accompanied by a certificate under Section 63 (4) (C) of the Bharatiya Sakshya Adhiniyam (BSA), 2023. It is asserted that these remarks constitute an intentional insult to the religious faith of crores of Hindu devotees. It is further submitted that the complainant approached the local police however, the latter failed to register an FIR against the serving Chief Minister of NCT of Delhi.

3. To establish the Supreme divinity and the sacred status of Lord Hanuman, the complainant relies heavily on the following foundational Hindu scriptures:

The *Sankshipt Shivpuran (Sat-Rudra Sanhita & Koti-Rudra Sanhita)*, which records at page 464 that Lord Hanuman is an Avatar of Lord Shiva accepted by Devrishi, as well as the *Shiv-Sahasranam Stotra* designating Him as "Ram-Sevak Hanuman" (page 543);

The *Srimad Bhagwat (Sudha-Sagar)*, wherein Lord Krishna mentions about Hanuman Ji to Uddhav Ji in the 16th chapter (page 885);

The *Valmiki Ramayana* (44th Sarga, page 591), portraying Hanuman Jee as *Kapi-Sreshtha* upon whose strength Lord Rama placed his reliance when sending him in search of Mata Sita;

The sacred *Ramcharitmanas* by Goswami Tulsidas (*Sundarkand*, Doha no. 3, page 714), venerating him as *Raghupati Priya Bhakta Batjatam Namami* as per which Lord Hanuman is the Bhakta of Lord Rama and discharged his self-imposed duties to Mata Sita and not as the servant.

4. Complainant has forwarded his complaint dated 26.09.2025 to the SHO, PS Kashmere Gate, the DCP Concerned as well as the Worthy Commissioner of Police, and also sent a reminder dated 09.10.2025 to the SHO PS Kashmere Gate. Complainant has also filed an application under the Right to

Information Act, 2005 seeking status of his complaint. However, till date no action has been taken by the concerned authorities.

5. After hearing the submissions, vide order dated 03.10.2026, ATR was called from the SHO PS Kashmere Gate and the same was received in the Court of the undersigned on 15.10.2026.

6. As per the Action Taken Report filed by the Police, the complete video shows that the serving Chief Minister was praising about the work, commitment and performance of Delhi Government employees and was appreciating their dedication and working spirit by comparing them positively with Lord Hanuman. That, the overall tenor of the speech is appreciative and the serving Chief Minister of Delhi was encouraging the government officials by showing utmost respect for Lord Hanuman and she even took blessing of Lord Hanuman by stating that they are standing at the *dwar* of Lord Hanuman near *marghat waale baba*. That, the words referred to in the complaint, when heard in the complete video and not in isolation, do not show that the serving Chief Minister was ridiculing Lord Hanuman, insulting the deity or the religious beliefs of devotees, or intending to hurt or outrage their religious feelings, in any manner. That, the complete video thus presents the statement as praise for the employees and their work, and no derogatory or insulting meaning to anyone, is evident from its full context.

That, after watching the entire video, it appears that the complainant has selectively omitted certain words and portions of the video at various places with the deliberate intention of distorting the context and presenting the facts in different manner but even then, the said lines or phrases are not insulting the deity or the religious beliefs of devotees, or intending to hurt or outrage their religious feelings, in any manner. That, the serving Chief Minister Smt. Rekha Gupta has also clearly said in the same speech that "*Hanuman ji ki kripa se saare kaam ho rahe hain"* which itself shows the respect and praise which was intended by her but all such lines or phrases have deliberately been omitted, from the said speech, by the complainant to give a different colour, contour and context, in his complaint. That, the serving Chief Minister Smt. Rekha Gupta, in her speech, had also sought the cabinet ministers to be motivated by Lord hanuman and has hailed the cabinet ministers present on stage, with the hard-working capacity of Lord Hanuman. That, the serving Chief Minister Smt. Rekha Gupta further stated that with the Blessings of Lord Hanuman, today, a new fleet of buses from Delhi to U.P is being inaugurated.

The ATR also states that, since the complainant Ram Niwas Sharma has described himself as chairman RTI department DPCC (Delhi Pradesh Congress Committee) and as National Vice president of All India Seemanchal Jan Vikash Parishad, this complaint appears to be an orchestrated political

vendetta. That, no cognizable offence is made out and no basis for registration of an FIR is disclosed.

7. Complainant has also placed on record his reply/written submissions to the status report filed by the Police, wherein, it is stated that the local police has failed to conduct an independent, honest and impartial enquiry. That, although the Enquiry Officer has expressly admitted the occurrence including the date, time, place, identity of the proposed accused and uttering of the impugned remarks, yet improperly substituted an impermissible subjective opinion that no offense is made out in place of registering a mandatory FIR. That, the remarks in question deliberately target and mock the revered Hindu deity Lord Hanuman, specifically ridiculing the sacred episode of his tail being set on fire, thereby severely outraging the religious feelings and beliefs of a distinct class of citizens, namely the devotees of Lord Hanuman, and prima facie attracting Section 299 of the Bharatiya Nyaya Sanhita (BNS), 2023. That the mandate of Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, fortified by settled law of the Hon'ble Supreme Court, makes the registration of an FIR strictly mandatory whenever information discloses the commission of a cognizable offence; the investigating officer possesses no authority to bypass this statutory duty through an administrative opinion. That, the ATR is merely an executive report and by no means is binding upon this Court, which must independently

apply its judicial mind. That, at this pre-cognizance stage, the settled legal test requires only an assessment of whether the alleged facts disclose a cognizable offence, not whether the allegations are proven or true. Finally, the requirement of prior sanction under Section 217 of the BNSS (corresponding to Section 196 of the CrPC) operates strictly as a legal bar to taking judicial cognizance and does not bar the registration of an FIR or the conduct of an investigation. Therefore, it is prayed on behalf of the complainant that direction be given for the registration of an FIR, and a thorough investigation be ordered under Section 175(3) of the BNSS.

8. I have carefully considered the submissions made, perused the material on record and also gone through the following judgments relied upon by the complainant i.e. ***Ramji Lal Modi v. State of Uttar Pradesh AIR 1957 SC 620,*** **Lalita Kumari v. Govt. of U.P (2013) & Ors, WP. no. 68 of 2008 and the judgment passed by Hon'ble High Court of Delhi i.e. Dr. Ratan Lal vs. State Govt. of NCT of Delhi & Anr CRL. M.C 7336/2023.**

9. It is duly noted that the order directing registration of an FIR need to be passed only if the **Magistrate** is satisfied that the information reveals commission of cognizable offence as also about the **necessity of police investigation for digging out of evidence neither in possession of the complainant nor could be**

procured without the assistance of the police. Such orders need not be passed if the evidence to be led by the complainant is in his possession or can be produced by summoning witnesses, may be with the assistance of the court or otherwise.

10. Thus, the test while deciding to exercise power under Section 175 (3) BNSS, 2023 (erstwhile u/s 156 (3) of the Code of Criminal Procedure) is not only whether any cognizable offence is made out or not but whether matter needs investigation for collection of evidence or not. Hence, the power under Section 156(3) Cr.PC ought to be exercised by the Magistrate primarily in those cases where the allegations are quite serious or evidence is beyond the reach of the complainant or custodial interrogation appears to be necessary for some recovery of article or discovery of fact. *(Ref M/s Skipper Beverages Pvt. Ltd. Vs. State (92 (2001) DLT 217).*

11. Before proceeding any further, first and foremost, the speech/sentence/wordings in question which have allegedly hurt the religious feelings of the complainant as stated by him in the present complaint, are being reproduced verbatim- ***"Ye jo hamare Dilli sarkar ke adhikari he ye sare Hanuman he. In hanumano ki jabtak puch me aag lagti hai to sari appni power yaad aati hai us se pehle bhul Jate he, Hanuman jee mujhe Isliye yaad aye kyonki ham marghat bale Baba ke dwar par baithe Hai".*** The complainant states that the above said statement has hurt his

religious feelings and sentiments as well as the same constitutes an intentional insult to the religious faith of crores of Hindu devotees. The speech delivered by the serving CM of the GNCTD on 23.09.2025, during an official government function organized at Kashmere Gate ISBT, Delhi, for inaugurating DTC bus services from Delhi to Baraut (Uttar Pradesh), which is the genesis of the present complaint, was also procured by the police from the directorate of information and publicity, old secretariat, Vidhan Sabha and its transcript along with the certificate under section 63(4) (C) of the BSA, 2023 has been filed on record along with the Action Taken Report. Meaning thereby, the evidence which has allegedly hurt the religious feelings of the complainant is already on record and as such no investigation is required for digging out the same. The identity of the speaker, date, venue and words complained of are ascertainable from the material already collected and placed on record. No specific evidence which is beyond the reach of the complainant or which necessarily requires police investigation has been identified/highlighted by the complainant. The recording and relevant witnesses may be produced or summoned in the complaint proceedings. Further, the comparison between the officials of the Delhi Government and Lord Hanuman by the speaker appears to be directed towards the officials and their performance and at this stage it can be said that the material does not prima facie disclose the deliberate and malicious intention to

insult religion or religious beliefs, an essential ingredient of Section 299 BNS.

12. In view of the foregoing discussion, this Court is not satisfied that a direction for investigation is warranted under Section 175(3) BNSS. The application is accordingly dismissed and disposed of.

13. The complainant is at liberty to lead evidence in accordance with Section 223 of the BNSS. The aspect of cognizance and issuance of process shall be dealt with thereafter in accordance with law.

14. List for examination of the Complainant and witnesses, if any, on 19.11.2026 at 11.30 A.M.

Ashwani Panwar

Digitally signed by Ashwani Panwar
Date: 2026.11.06 03:03:01 +0530

(Ashwani Panwar)
ACJM-04, RADC, New Delhi
06.11.2026