

IN THE SUPREME COURT OF INDIA

( CRIMINAL ORIGINAL JURISDICTION)

Writ Petition(s) (Crl.) No(s). /2021

IN THE MATTER OF

Manohar Lal Sharma Advocate

S.C.B.L.No.-1

Supreme court of India New Delhi-01

Resident of , 31, Gyangudery

Vrindaban- Mathura , U.P.

Petitioner

VERSUS

1. Union of India

Ministry of home affairs

Through Secretary

Shastri Bhawan, New Delhi-110001

2. Sambid Patra

( spoke persons of BJP)

BJP Office

Minto Road, Delhi

3. ABP NEWS CHANNEL

Through its Editor/ director

A-37, Maharaja Agrasen Marg,

Block A, Sector 60, Noida,

Uttar Pradesh 201307

([distribution@abpnews.in](mailto:distribution@abpnews.in))

([kishanr@abpnews.in](mailto:kishanr@abpnews.in))

4. NATIONAL Investigational agency

Through Directors

Opposite C.G.O. Complex

Lodhi Road. New Delhi

Respondents

Writ petition (PIL) U/Art. 32 of the constitution of India  
read with s. 182, 211 & 120-B of IPC

To,

The Hon'ble Chief Justice of India

And His Companion Judges

of The Supreme Court of India.

The Petitioner most respectfully

Showeth

- 1) That Petitioner, citizen of India & by profession an advocate practicing at above address, is filing the present writ petition (PIL) under Art. 32 & Art 21 invoking his fundamental right to protect fundamental right of the citizen of India as guaranteed under Art. 21 seeking appropriate writ directions prohibiting respondents to propagate false allegations and

actions declaring them terrorist without evidence in hand by using media comments couple with further direction directing them to release only news without resorting any comments about the incidents couple with further direction to register an F.I.R. against the respondent no.2 & 3 u/s 182 And 211 of IPC and to prosecute them in according to law in the interest of justice.

- 2) That the petitioner has not filed any representation to the respondent.
- 3) That cause of action arose to the petition on 26.01.2021 when respondent no.1to 3 hatched a planned conspiracy to abused farmers protest tractors rally for declaring them as terrorist while none of them were found/declared having any fire arms, arms to attack upon any one including police. It's a serious injury to the all citizen of India which is a violation of Art. 21 of the constitution of India.
- 4) That Petition is being filed to decide following constitutional questions;
  - a) Whether media News channels have right to release only news about the incidents or have right to release their comments upon the incidents in favour or against to news which effect mind of the citizen of India?
  - b) Whether without having arms/explosive in hand a farmer can be declared a terrorist?
- 5) That Terrorist and Disruptive Activities (Prevention) Act, commonly known as TADA, third paragraph gives a very thorough definition of "terrorism" as follow;

"Whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances (whether biological or otherwise) of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist." act."

6) That true facts reveals to the petitioner to file present PIL writ are as follow;

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- a) On 24.09.2020 two farm laws were enacted by the Union of India against the farmers and on 27.09.2020 another third commodity act law was also enacted.
- b) On 30.09.2020 Farmers gathered and started protest at various Delhi orders against the farm laws with demand to withdraw all three farm laws.
- c) In Jan 2021 Farmer declared to enter in Delhi for conducting trator rally

on 26.01.2021.

- d) On 6.01.2021 Petitioner writ petition (C.) No. 1139 of 2020 for quashing farm law was heard. Notice was issued and fixed for further hearing on 12.1.2021.
- e) On 12.01.2021 Hon'ble Supreme Court stayed all three farmer laws. Hon'ble Supreme court asked Attorney to file their affidavit in support of Delhi police application declaring farmers protest belong to Khalistan and terrorist. Matter was fixed for 18.01.2021 for direction.
- f) On 15.01.2021 on the behest of the Prime Minister NIA issued notice to various farmers sitting in protest declaring them terrorist and ask them to appear before the NIA office for investigations.
- g) On 18.01.2021 Hon'ble Supreme Court did not accept allegation of terrorist against farmers/ Protesting farmers and denied to issue any direction.
- h) On 25.01.2021 Delhi Police allowed / permitted Farmers to enter in Delhi to protest with their tractors as tractor rally at several routes.
- i) On 26.01.2021 when farmers started to enter in Delhi, under a planned conspiracy by the Respondents, neither Delhi police nor any other government agencies, including the NCT of Delhi, did marking, road map for the route of the Tractors rally. No signboard, flag or loudspeaker were imposed to declare route of the tractor rally so Farmer could move smoothly

from one point to another point on the fixed root. Farmers have been prohibited to enter in Delhi despite true facts that permission has been granted by the Delhi Police on 25.01.2021. There was a serious provocation upon stopping by the Delhi police but farmer did not attack upon Delhi Police as all farmers were armless. Empty hand farmer could not attack upon Delhi police who was armed with gun and others arms , releasing tear gas , water cannon and others upon farmers. It's a political false allegation declaring farmer in protest as terrorist by the respondent no. 1 to 3.

- j) Mr. Sambid Patra, authorised spoke person of BJP, tweeted as a section of protesting farmers broke the agreement with Delhi Police and indulged in hooliganism. "Those we had been calling annadata (food providers) for so many days have turned out to be extremists. Don't defame annadata, call an extremist an extremist only,"

True copy of the press release reported by deccan herald dt. 26.01.2021 is being filed as Annexure P-1

- k) There was no removal of national flag from Red Fort as can be seen from photo in reported by ANI published by "The Print".
- i) Farmers protesting against the three agriculture laws marched to the Red Fort Tuesday, where they climbed on to poles and waved flags from its ramparts. The farmers could also be seen hoisting the Nishan Sahib, a religious saffron flag, at the historical monument.

True copy reported by “The print” dt. 26.01.2021 is  
being filed as **Annexure P-2**

- l) There were no weapons in the hand of any farmers.
- m) There is no allegation till now that any farmer attack upon the government office, private shop, home and any public persons & premises. No public or private premises /properties have been destroyed or was under attack by the farmer.
- n) There were three lakhs farmers in Tractors rally around the Delhi from various borders having police permission to enter but only few group were seen at Red fort , Nangloi and I.T.O. which was organised plan and cannot be declared group of three lakhs farmers involved in planned violence.
- o) Prime Minister Mr. Modi and their BJP group planted one his closed persons, Mr. Deep sidhu, for waving flag at red fort. Now they are declaring him a man belong to Khalistani. How ever flagging is not offence and degraded any national flag because National Flag was not removed from Red Fort.
  - i) However religious flag was fixed & wave at different point other than national flag at red fort by the persons namely Deep Sidhu who is close to Narendra Modi as can be seen in the filed photo. True photo copy Mr. Sidhu with Mr. Modi is being filed as **Annexure P-3**
- p) Incident took place only at three-point ITO, Naggloi & Gajipur where all reporters have been planted in advance to abuse farmers and.

- q) ABP News who was shouting against farmers declaring them terrorist) repeatedly and their protest as Goondagardi while their footage discloses no such action by any farmer.
- r) No TV report disclosed/ released about the other part of Farmer tractors rally which was going on peacefully. Only three point has been declared /released Nagloi, Ito, Gazipur.
- s) ANI released which show that one police personal has been protected and rescued by the farmer. But it was not released by any other media released.
- t) No farmers were having any arms, explosive in their hand/ tractors.
- u) Delhi Police found no arms, weapon and explosive from any farmers. Till evening Delhi police did not claim so.
- v) Delhi Police declared;
  - i) In the morning at Ghazipur border, two police officers - Additional DCP East Manjeet and a probationer IPS Officer — received injuries as they tried to stop the farmers from breaking the barricades.
  - ii) Protesting farmer dies at Delhi's ITO as his tractor's overturns.
- w) Delhi Police knowing and deliberately did not fixed any root plan in Delhi for farmer protest.
- x) A planned conspiracy has been hatched by the Prime Minister Mr. Modi, Amit Shah and BJP others having hand with the Delhi Police the most dangerous conspiracy and machination the Government has done, to



sabotage the Farmers' protests. Government filed affidavit declaring that terrorist and khalistani has hijacked farmer protest. But supreme court denied to give any direction. They fixed group of various persons in the farmer protest rally. The live evidence is enclosed which show name and photo of a person's namely Deep Sidhu, stood in a photo with prime Minister Modi, Hosted flag at Lal Kila along with their group where a police person has been thrashed. Who thrashed him, not disclosed by the police himself? Other facts also circulating in social media disclosed as follow; -

- i) A faction of farmers, who are not part of 'Sanyukt Kisan Morcha' of 40 Farmer Unions, announce yesterday evening that they won't follow the Tractor Parade Route decided between the Government and Sanyukt Kisan Mocha . And that they will do their separate parade.
- ii) Deep Sidhu appears yesterday night at a stage and gives a provocative speech promoting separatism to sabotage farmer protests.
- iii) Sanyukt Kisan Morcha had decided to start their parade at 11 am today. But that faction of farmers (not part of Sanyukt Kisan Morcha) actually start their protests at 8 am today . And police puts DTC buses and other vehicles in their way- so that the 'Public Property' can be damaged conveniently and captured on Camera.
- iv) Whole media is showing this faction of farmers- which is not part of 40 Farmer Unions, negotiating with Government.

- v) And this faction of farmers leads by Deep Sidhu, get access to Red Fort Building!!! On Republic Day!!!! Shouldn't the Home Minister resign? Can you imagine, this can happen without the involvement of Agencies.
- vi) And then a religious flag is tied on a pole in Red Fort!!! To prove that all the farmers are Khalistan Supporters!!! A narrative Government is trying so hard to push from the very beginning.
- vii) However, it is evident that national flag was not removed from the Red Fort. Persons who Flaged his flag belongs to Modi as per his photo evident.
- viii) And then farmers of Sanyukt Kisan Morcha , of all 40 Kisan Unions, start their Tractor Parade- On the route agreed between them and Government. A very peaceful Tractor Parade is going. I was watching Live on the Channel of Sanyukt Kisan Morcha. People of Delhi were showering flowers on them.
- ix) Not a single National Channel Covered these leaders- not any one of these leaders who were present in all rounds of negotiation with Ministers. Instead they are asking again and again, where are the leaders now?
- x) And then internet is blocked so that the live from the Sanyukt Kisan Morcha's channel is stopped!!! And farmers in the protests are cut off from the rest of country.

- y) At 8 a.m. when rally started from all point of boarders at two point specially Nagloi and Gazipur-Akchardham they were prohibited to enter in Delhi. They were being prohibited to go further direction less as how to go and whereto go. Its was a clear case of provocation. One they were permitted to enter and to conduct tractor rally they have been prohibited and did not disclose clear root of the tractor rally.
- z) Fixing some of the unsocial elements in the rally cannot be ruled out.
- aa) Several News reporters were present on spot. However specially ABP News had been shouting against the farmers declaring that farmers have been destroying public properties and attacking upon police on the other hand their Tv footage itself showing that Police has been attacking upon farmers, tear gas & lathi charge was going on upon farmers. Farmers were in large quantity but they did not revert attack upon Police. On the other hand, ANI display that farmer rescued one of the police persons at spot. It is pertinent o say that ABP news belong to Reliance.
- bb) There were more than 8 points of starting of Farmers tractor rally but so called farmers attack were declared at two point only repeatedly since morning till evening abusing farmers. Thu sis also a one-sided TV reporting to provoke farmers and abusing them in the words.
- cc) There is not a single display by any TV or CCTV camera recording which disclose that farmers have attacked upon Delhi Police persons.

dd) That despite agreement and allowing Farmers rally Delhi Police and central & state government provoked farmer but farmers did not attack in return upon Delhi Police. According to the Tv footage and CCTV footage no attack is there upon Delhi police . some of the farmer group upon two points were removing road block and even for that they were not attacking upon Police persons. They were removing road block by using their tractors.

ee) A planned game, abusive language has been used by the ABV News and other media reporters declaring farmers not farmers but as terrorist and Goondas (henchmen) and defamed farmers in the word under pre-fixed planned conspiracy.

ff) Releasing a statement on the violence spiralling on the Delhi streets, Samyukta Kisan Morcha said that anti-social elements infiltrated farmers' 'peaceful movement'. Here's what the statement read:

"We thank farmers for the unprecedented participation in today's Farmers Republic Day Parade. We also condemn and regret the undesirable and unacceptable events that have taken place today and dissociate ourselves from those indulging in such acts.

Despite all our efforts, some organisations and individuals have violated the route and indulged in condemnable acts. Anti-social elements had infiltrated the otherwise peaceful movement. We have

always held that peace is our biggest strength, and that any violation would hurt the movement.

The long struggle for more than 6 months now, and more than 60 days of protest at Delhi borders also seemed to have led to this situation.

We dissociate ourselves from all such elements that have violated our discipline. We appeal strongly to everyone to stick to the route and norms of the Parade, and not indulge in any violent action or anything that taints national symbols and dignity. We appeal to everyone to desist from any such acts.

SKM has been trying to get a full picture of all the events with regard to the several Kisan Parades that were planned today and will share a fuller statement soon."

- 7) That on 26.01.2021 during protests time TV ABP news reported abusing farmers reflects that Respondents have been maligning farmers protest by inserting their henchmen, provoking farmers, declaring attack upon public properties which is not true.
- 8) That Several video post at social media disclose true facts that police have been throwing tear gas, did lathi charge but reported as farmers attack upon public properties. Police cannot produce even a single Tv recording in which

farmer have been attacking upon police personals by any arms. Removing barricades by tractors cannot be counted as attack upon Delhi police.

- 9) That incident has been released repeatedly with comments by AVP News declaring farmers protest as Goondagardi as terrorist since morning till evening.
- 10) That as released by ANI recording report Security personnel resort to lathi charge to push back the protesting farmers, in Nangloi area of Delhi. Tear gas shells also used.
- 11) That there is no release by nay agency any recording of farmers who attacked upon Delhi police to kill them by arms & explosive or even by hands too.
- 12) It's a planned game what government tried to prove farmers as terrorist. It is important to say these farmers sons are in Military in Punjab regiments, navy and Air forces who protect these countries. Such false allegation will lead a serious national threat and division in coming future what are being seeding by the respondents for their political object.
- 13) It is evident that NIA has already filed F.I.R. and issued notice to various farmers declaring them as Terrorist without having any evidence in hand against them to derail their farmer protest.
- 14) That for the above & other reasons petition is being filed on the following amongst other

## GROUNDNS

- a) Because a person cannot be alleged as a terrorist out of the defemination as provided under the law. Empty hand farmer cannot be alleged as terrorist. Allegation is false and all action based under so called allegation is illegal and persons alleged said allegation are liable to be prosecuted u/s 182 and 211 of IPC.
- b) Because within the photo it is proved that no one removed national flag at Red fort. (As can be seen in P-2) A false concocted criminal allegation has been imposed upon the farmer. However, person who wave religious flag at Red fort at different point other than National flag is closed to Mr. Prime Minister as can be seen on P-3.
- c) Because farmers conducted tractor rally at various fixed roots but was not displayed in any Tv. No farmers were having any weapon/ arm explosive. Delhi police till now did not alleged such allegation. How an empty hand farmer can be called as terrorist what reporters/ BJP spoke persons has been shouting on each Tv Channel and press that these are not farmers they are terrorist.
- d) Because Delhi Police respondent, knowingly and deliberately, misled farmers and did not adopt legal systems to guide their tractor rally root and despite given police permission prohibited them to enter in Delhi as per

prescribed route which compelled some of the farmers to remove barricades from the route to enter in Delhi.

- e) Because there was no attack by any farmers upon Delhi police but ABP News and other pro-BJP media had been shouting declaring farmers protest as Goondagardi and terrorist.
- f) Because ABP news is a news reporting TV. News reporting does not include comments and their own view about the incidents. They cannot manipulate their wording either in favour of the news or opposing it in abusive language against the persons or peoples what they ABP News did yesterday i.e. on 26.01.2021 declaring entire farmer tractor rally as Goongardi , destruction of public properties and attack upon police persons. Some of the unsocial elements what have been inserted at two three places have been used to damages police personals. If the all farmers belong to farmers rally, about 3 lakhs, have attack upon Delhi police, there will be no police personals safe and alive. In facts respondent no.1 planned a criminal conspiracy, inserted unsocial elements at two three points and News were roaming surrounding them only. It's a planned political game to defame farmer protest what they are trying to malign since beginning.
- g) Because respondents used Delhi police and unsocial elements and released only that news but did not release news about others all three lakhs farmers who were running tractors rally peacefully. It's a media game and for that



media must be held answerable. All have been done to protect three farm laws what have been notified in the interest of the Reliance Industries Ltd.

- h) Because declaring farmer as terrorist by the BJP spoke person Samvid Patra, itself is a criminal offence for which they are liable to be prosecuted under IPC and an F.I.R must be lodge against them.
- i) Because The person who files a false FIR against someone can be held guilty under Sec 182 & 211 of IPC. In the present case false allegation and F.I.R have been registered against the Farmers declaring them terrorist since several days and now they are in process to arrest them in the name of investigation. On the other hand there is no F.I.R against Sambid Patra who has been declaring all farmers as terrorist without any iota of evidence in hand.
- j) Because in State of Haryana and Ors. v. Bhajan Lal and Ors. the Supreme Court observed, that though it may not be possible to lay down any precise, clearly defined and sufficiently channelized and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised;
  - i) No Prima Facie Case: Where the allegations made in the first information report 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.

- ii) **Absence of Cognizable Offence:** Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
- iii) **Commission of Crime not disclosed:** Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
- iv) **Investigation begun without the order of Magistrate in Non-cognizable offence:** Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.
- v) **Lack of Evidence:** 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.
- vi) **Vexatious Proceeding:** Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the

Accused and with a view to spite him due to private and personal grudge.

- k) Because it's an admitted fact that no farmers were holding any arms /explosive with them to attack Delhi Police, public office, properties and building or looted any shops, police station etc how can you alleged them as terrorist repeatedly for political objects.
- l) Because under Section 211 of I.P.C: if a person with intent to cause injury to any person, institutes a criminal proceedings or falsely charges any person if an offence, knowing that there is no sufficient ground for such criminal proceedings or charges, such person shall be punished with imprisonment upto 2 years, or with fine, or both;
- i) If such criminal proceeding be instituted on a false charge of a offence which is punishable with death, imprisonment for life or for seven years or more, than the person making such false charges shall be punished with imprisonment which may extend to seven years and shall also liable for fine.
- m)Because BJP leaders spoke persons without having any evidence in hand are charging these farmers as terrorist, so they are liable to be prosecuted u/s 211 IPC r.w. 182 of IPC.
- 15) That the petitioner has not filed any other petition/ similar petition in any High court or before this Hon'ble Supreme court for the relief as prayed for.

- 16) That due to corona scenario unattested affidavit is being filed in support of the present writ petition and attested affidavit will be filed after corona scenario will be over.

### PRAYERS

Therefore, within the foresaid facts and circumstances and in the interest of justice and fair play & for the protection of the life and liberty of the citizens of India this Hon'ble Court: -

- a) Be pleased to issue writ of mandamus to NIA or to any other proper agency as deem fit and proper, to register an F.I.R. against respondents (no.2 & 3) and others u/s 211 and 182 of IPC r.w. 120-b & 107 of IPC and to prosecute them in accordance of law for declaring false allegation & charge, filing false F.I.R. with NIA against innocent farmers under false concocted conspiracy hatched by them to fix them under criminal conspiracy to abuse them as terrorist to for their political object i.e. de-railed farmer protest against farmer bills. AND
- b) Be further please to issue appropriate writ direction to the Respondents and media not to declare any farmer as terrorist without having any evince in hand. AND
- c) Be further please to issue appropriate writ direction to media /journalist to release news and incident as it is without any personal comments about its legality/ offence to affect mind of the viewers/readers.

- d) Be pleased to issue proper writ direction that media have right to release only news not their comments about the news, facts and incidents and be please to issue specific penalties/ Action upon ABP news.
- e) Pass such other order or further orders, as this Hon'ble court may deem fit and proper under the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS ARE DUTY BOUND SHALL EVER PRAYS.



Drawn & settled by:

Filed by: Manohar Lal Sharma Advocate

Manohar Lal Sharma Advocate

Petitioner –in-Person

Drawn on : 26.01.2021

Filed on : 27.01.2021

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

Writ Petition (CRL) no. OF 2021

*IN THE MATTER OF*

Manohar Lal Sharma Advocate

Petitioner

Versus

Union of India & Others

Respondents

AFFIDAVIT

I, Manohar Lal Sharma S/O Late Shri P.L. Sharma, practicing advocate

presently practicing in Supreme Court at S.C.B.A.Lib. No.-1 Supreme Court of India, New Delhi, Petitioner do hereby solemnly affirm, state and declares as under

1. That I am the petitioner in the above writ petition and as such I am aware of the facts of this case and I am competent to swear this affidavit.
2. That contents of this accompanied writ & contents of the date of events (page B-D) writ petition (para 1- 16) and (pages 1-21) and contents of the accompanied applications are true and correct to the best of my knowledge based on the information derived from the records of the case, and filed annexures in the case.
3. That filed copy of the annexure P-1 to P-3 are true and correct to its original.
4. That petitioner has no personal interest, gain motive or oblique reasons, any civil /criminal/ revenue litigation involving directly/indirectly to the petitioner in filing the present public interest litigation.



Deponent

#### Verification

I , the above named deponent do hereby declare and verify on oath that the contents of this affidavit are true to my knowledge ,nothing material has been concealed therefrom and no part of it is false. Verified at New Delhi on this 27.01.2021

A handwritten signature in blue ink, consisting of several fluid, connected strokes. The signature is positioned above the word 'DEPONENT'.

DEPONENT

IN THE SUPREME COURT OF INDIA  
ORIGINAL CRIMINAL JURISDICTION

Writ Petition (Crl.) no.        of 2021

*IN THE MATTER OF*

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WITH

I.A. no.                    of 2021    Application to appear and argue in person

WITH

PAPER BOOK

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Petitioner in –person

Manohar Lal Sharma Advocate

Mob:9810279220