

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

Writ Petition(s)(Criminal) No(s).48/2021

HIMANSHU KISHAN MEHRA &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.10842/2021-EX-PARTE AD-INTERIM RELIEF and  
IA No.10843/2021-EXEMPTION FROM FILING O.T. )

WITH

W.P.(Cr1.) No. 50/2021 (X)

(FOR ADMISSION and IA No.11312/2021-GRANT OF INTERIM RELIEF and IA  
No.11313/2021-EXEMPTION FROM FILING O.T.)

W.P.(Cr1.) No. 49/2021 (PIL-W)

(FOR ADMISSION and IA No.10957/2021-EX-PARTE STAY and IA  
No.10958/2021-EXEMPTION FROM FILING O.T.)

Date : 27-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE R. SUBHASH REDDY  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Fali Nariman, Sr. Adv.  
Mr. Mukul Rohatgi, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Mr. Saikrishna Rajagopal, Adv.  
Mr. Sidharth Chopra, Adv.  
Ms. Deepti Sarin, Adv.  
Ms. Monica Datta, Adv.  
Ms. Swikriti Singhania, Adv.  
Mr. Vasu Singh, Adv.  
Ms. Sneha Jain, Adv.  
Mr. Thomas George, Adv.  
Mr. Nitin Sharma, Adv.  
Ms. Savni Endlaw, Adv.  
Mr. Sumant Narang, Adv.  
Mr. Vivek Ayyangari, Adv.  
Ms. Surabhi Pande, Adv.  
Mr. Abhishek Gurbani, Adv.  
Ms. Tanvi Sinha, Adv.  
M/S. Karanjawala & Co., AOR

Mr. Sidharth Luthra, Sr. Adv.

Mr. Sameer Chaudhary, Adv.  
Ms. Gitika Agarwal, Adv.  
Ms. Supriya Juneja, AOR  
Mr. Aditya Singla, Adv.  
Ms. Mridu, Adv.

Mr. Siddharth Aggarwal, Sr. Adv.  
Mr. Adit S. Pujari, Adv.  
Ms. Tusharika Mattoo, Adv.  
Mr. Vishwajeet Singh, Adv.  
Mrs. Pragya Baghel, AOR

For Respondent(s)

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

Writ Petition(Criminal) No(s).48/2021

Heard Shri Fali Nariman, learned senior counsel, Shri Mukul Rohatgi, learned senior counsel, Shri Sidharth Luthra, learned senior counsel and Shri Siddharth Aggarwal, learned senior counsel appearing for the petitioners.

In this writ petition filed under Article 32, following prayers have been made:

"a) Issuance of a Writ of certiorari quashing the complaints and FIR's filed against the petitioners being FIR No.31/2021, PS Hazratganj, FIR No.14/2021, PS Rabupura, Greater Noida, FIR No.34/2021, PS Katra, District Shahjahanpur, FIR No.45/2021, PS Omti, Jabalpur, FIR No.34/2021, PS Ghatkopar, Mumbai, complaint dated 20.01.2021 filed in Indore, Madhya Pradesh, complaint titled "*Vishnu Gupta v. Ali Abbas Zafar & Ors.*" dated 18.01.2021 filed at Patiala House Court, New Delhi or any other FIR/FIRs or any criminal complaint which has been filed or which may be filed hereafter, relating to the Web Series 'Tandav';

b) Issue a writ of mandamus to the effect that no cognizance of any complaint would be taken by any court or any forum nor any FIR be registered by the police or any criminal proceeding be initiated on the cause of action in the present Writ Petition;

c) Strictly in the alternative, transfer and club the FIR's [FIR No.31/2021, PS Hazratganj, FIR No.14/2021, PS Rabupura, Greater Noida, FIR No.34/2021, PS Katra,

District Shahjahanpur, FIR No.45/2021, PS Omti, Jabalpur, FIR No.34/2021, PS Ghatkopar, Mumbai] and any subsequent FIR in Respondent No.1 to 3 States or elsewhere in the country with the first FIR being FIR No.31/2021, PS Hazratganj, Lucknow and issue a writ of mandamus to the effect that all complaints and FIRs against the petitioners relating to subject matter of the instant Writ Petition be clubbed together and transferred to Mumbai;

d) Issue a writ of mandamus to the effect that no coercive process be taken against the petitioners in the Complaint and FIRs lodged or any other subsequent Complaint and FIRs relating to the Web Series Tandav during the pendency of the present writ petition;

e) Pass any other order(s) as this Hon'ble Court deems fit and proper."

In the facts of the present case, the prayers (a) and (b) in the writ petition for quashing the FIRs are not entertained and the writ petition is dismissed in so far as prayers (a) and (b) are concerned. We issue notice in the writ petition limited to transfer and clubbing of the FIRs with first FIR.

Let notice be issued, returnable within four weeks.

We make it clear that the issue of notice in this petition shall not preclude the petitioners to approach the concerned Courts for anticipatory bail/bail as per law.

Tag W.P.(Cr1.) No.50/2021 and W.P.(Cr1.) No.49/2021 alongwith W.P(Cr1.) No.48/2021.

(ARJUN BISHT)  
COURT MASTER (SH)

(RENU KAPOOR)  
BRANCH OFFICER