

IN THE HIGH COURT OF JUDICATURE BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. \_\_\_\_ OF 2018

In the matter of Article  
14, 19 & 21 of the  
Constitution of India,  
1950

AND

In the matter of Article  
226 of the Constitution  
of India, 1950

AND

In the matter of Section  
482 of the Criminal  
Procedure Code, 1973

AND

In the matter of CR.NO.4  
of 2018, registered at  
Vishrambaug Police  
Station, Pune

AND

In the matter of quashing  
and setting aside  
proceedings initiated in  
pursuance of CR.No.4 of  
2018

Anand Teltumbde )  
Occupation- Senior Professor )  
Chair, Big Data Analytics, )  
Goa Institute of Management )  
Aged 68 Years )  
Residing at- Goa Institute of )  
Management, Sanquelim )  
Goa- 403 505 )...Petitioner

**Versus**

1. State of Maharashtra )  
Through its Secretary for )  
Ministry of Home Affairs )  
Maharashtra Mumbai )  
2. Vishrambaug Police Station )  
Through Senior Police Inspector )  
Having office at- Narayan Peth, )  
3. Maharashtra State Police )  
Through Commissioner of Police, )  
Pune )  
Having office at- Police Department )  
Sadhu Vaswani Chowk, Pune )...Respondents

TO

THE HON'BLE CHIEF JUSTICE AND

THE OTHER HON'BLE PUISNE JUDGES

OF THIS HON'BLE COURT OF

JUDICATURE AT BOMBAY

THIS HUMBLE PETITION OF

THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

**PARTIES**

1. The Petitioner is an adult citizen of India. The Petitioner is a senior Professor and Chair, Big Data Analytics at Goa Institute of Management. The Petitioner is one of the leading public intellectuals who writes and speaks on issues of caste, people's struggles, class, public policy and democratic policy in India.

2. The Respondent No.1 is the State of Maharashtra through its Ministry of Home Affairs. The Respondent No.1 is the body responsible for the overall administration of law and order in the State of Maharashtra.

3. The Respondent No.2 is the Vishrambaug Police Station, through the Senior Police Inspector. The Respondent No.2 is the Police Station where the impugned First Information Report (hereinafter referred to as 'FIR' for the sake of brevity and convenience) dated 08.01.2018 in CR.No.4/2018 has been registered.

4. The Respondent No.3 is the Commissioner of Police Pune. The Respondent No.3 is the authority which is responsible for the overall police administration in Pune.

All the parties are amenable to the writ jurisdiction of this Hon'ble High Court.

**ISSUE-**

5. The Petitioner is filing the present Petition seeking quashing and setting aside the criminal proceedings initiated against him in pursuance of the FIR dated 08.01.2018 in CR.No.4 of 2018. The Petitioner has been implicated in a false and fabricated case by acts of omissions, commissions and vengeance on part of the Respondents. It is submitted that the Petitioner is, on false and unreasonable grounds, accused of offences registered in the FIR dated 08.01.2018 in CR. NO. 4 of 2018. The Petitioner is charged for offences registered u/s 153-A, 505(1)(b), 117, 120(b), 34 of the Indian Penal Code, 1860, and u/s 13, 16, 17, 18, 21, 18 (b), 20, 38, 39, and 40 of the Unlawful Activities Prevention Act, 2012.

6. The Petitioner is also filing the present petition seeking relief that no coercive steps to be taken against the Petitioner in pursuance of the F.I.R dated 08.01.2018 in CR. NO. 4 of 2018 with Vishrambaug Police Station, Pune for alleged offences under the Indian Penal Code and Unlawful Activities Prevention Act, 2012.

7. The FIR in CR.NO.4 of 2018 came to be filed on 08.01.2018. The F.I.R. dated 08.01.2018 in the original Crime No. 4 of 2018 does not include the name of the

Petitioner as an accused, and the Petitioner's name has been added to the said FIR only as an afterthought to falsely accuse him. A copy of the FIR dated 08.01.2018 in CR.No.4 of 2018 has been marked and annexed hereto as **“Exhibit A”**

## **FACTS OF THE CASE**

### **Background of the Petitioner**

8. The Petitioner states and submits that, the Petitioner was born in a family of landless laborers' in Vidarbha region of Maharashtra. He was active in student politics and held several elected offices.

9. The Petitioner states and submits that, on the academic front, the Petitioner has a brilliant record. The Petitioner holds the qualification of BE in Mechanical Engineering from VNIT, Nagpur; MBA from Indian Institute of Management, Ahmedabad; Doctorate in Management focusing on a pioneering area of cybernetic modeling for public systems. The Petitioner is also conferred upon D Litt. (honouris causa) by Karnataka State University, Mysore.

10. The Petitioner states and submits that, the Petitioner has reached the zenith of the corporate world as the Executive Director of Bharat Petroleum and the Managing Director & CEO of Petronet India Limited up to 2010. After his corporate stint, he was invited by the

prestigious Indian Institute of Technology, Kharagpur as Professor of Management, where he served up to June 2016.

11. The Petitioner states and submits that, the Petitioner is widely respected and well-known in his professional fields of Technology and Management in which he has published many research papers in international journals. He has been invitee speaker in many international conferences over last four decades.

12. The Petitioner submits that the Petitioner is widely respected and well-known for his original insights on various contemporary social, economic and political issues in academic circles all over the world. He is regularly invited by number of universities in the US, Canada and Europe for giving lectures over the last several years. The Petitioner has written extensively in all leading newspapers, magazines, organizational pamphlets and booklets as an aid to the struggling masses, and lectured widely in India. The Petitioner has authored 26 books and has pioneered a theoretical critique of neoliberal globalization vis-à-vis dalits and other oppressed masses.

13. The Petitioner states and submits that, the Petitioner was also associated with various people's struggle- significantly the struggles of construction workers and casual labour in West Bengal in late 1970s

and thereafter in Mumbai with the struggles of textile workers', slum dwellers' and contract labours' in 1980s. The Petitioner is associated with the Committee for Protection of Democratic Rights (CPDR), one of the earliest civil rights organizations in the country, of which he is the General Secretary. The Petitioner is also associated with the All India Forum of Rights to Education (AIFRE), which is a movement for common school system, as a member of Presidium. The said Petitioner had participated in numerous fact finding teams over the last three decades that have produced widely acclaimed reports on issues such as tsunami rehabilitation efforts, caste atrocities, communal conflagration etc. The Petitioner states and submits that, for several years the Petitioner worked on editorial boards of *Samaj Prabodhan Patrika*, *Vidrohi* and many other progressive publications. The Petitioner is a regular contributor to India's most respected social science journal, *Economic and Political Weekly*, wherein he writes a monthly column 'Margin Speak' and also contributes to other progressive journals such as *Mainstream*, *Frontier*, *Seminar*. Some of the Petitioner's recent books are *Radical in Ambedkar* (Ed) (Penguin Random House, 2018), *Republic of Caste* (Navayana, New Delhi 2018), *Dalits: Past, Present and Future*



(Rutledge, London 2016) and Persistence of Caste (Zed book, London, 2009).

14. The Petitioner states and submits, that the Petitioner has received prestigious awards and recognition from reputed public institution/ foundations all across the country, the notable being Vikas Ratna Award, Ambedkar Centenary Award (UK), Lohia Centenary Award, Maharashtra Foundation Awards and others. The Petitioner was the President of the last Vichar Vedh Sammelan, a prestigious forum for progressive intellectuals in Maharashtra in 2007.

**Nexus of Bhima Koregaon riot and involvement of the Petitioner**

15. The Petitioner states and submits that, the Petitioner has no nexus with the Bhima Koregaon incident. There have been systematic efforts to implicate the Petitioner by adding his name in the said FIR and by giving his name to the media, making allegations that he is associated with a Maoist party. It is stated that, the Petitioner is not associated with the Communist Party of India (Maoist) [hereinafter referred to as 'CPI (M)' for the sake of brevity and convenience] ideologically, politically or organizationally. He is an academician and a writer and is a person of high repute.

16. The Petitioner states and submits that as for the nexus with Bhima-Koregaon, the Petitioner had written an article on 31. 12.2017(published on 02.01.2018) in The Wire titled “The Myth of Bhima Koregaon Reinforces the Identities It Seeks to Transcend” which has been marked and annexed hereto as “**Exhibit B.**” It angered Dalits all over the country as can be seen from the scores of articles in newspapers and comments on social media. It clearly establishes his intellectual independence and disconnect with Elgar Parishad or Bhima-Koregaon. In any case it is nobody’s case that the Petitioner attended the Elgar Parishad.

17. It is the case of the Prosecution that, an event being ‘Elgar Parishad’ was organised at Shanivarwada in Pune to commemorate the 200th anniversary of the battle of Bhima Koregaon which was fought on 1st of January 1818. The said event was attended by several well-known dignitaries such as sitting Gujarat Member of Legislative Assembly Jignesh Mevani, Justice (Retd.) B G Kolse Patil, Prakash Ambedkar, Ulka Mahajan among others.

18. It is the case of the Prosecution that, certain persons/presenters at the said event made statements that were hateful and incited hatred amongst the Dalit community. A complaint was filed by one Tushar Ramesh Damgude and the same was registered as an

FIR having CR. No. 4 of 2018 by the Respondent No. 2 police station. It was the case of the complainant that the statements made by the persons present at the said event promoted enmity against the State and that a large gathering of people was to be thus encouraged and organised on 01.01.2018 to create mischief. Thus the said FIR was lodged for offences registered under section - 153-A, 505(1)(b), 117 and 34 of the Indian Penal Code. Vide an Application dated 06.03.2018 an additional offence registered u/s 120-B Indian Penal Code, 1860 was added. It is pertinent to note that the Petitioner's name is nowhere to be found in the FIR. Later, the Respondent No. 3 moved Application dated 06.03.2018 adding offence registered u/s 120-B, and which has been marked and annexed hereto collectively as **Exhibit C**. It is nobody's case that the Petitioner participated in the Elgar Parishad of 31.12.2017.

19. It is the case of the prosecution that, on 17.05.2018 an application was made before the 9th Joint Civil Judge Junior Division and Learned J.M.F.C., Pune for adding sections 13, 16, 17, 18, 21, 18 (b), 20, 38, 39, and 40 of the Unlawful Activities Prevention Act, 2012 by the Respondent No.2.

20. The Petitioner states and submits that, the Petitioner resides at Flat 2102, at Goa Institute of Management, Sanquelim, Goa with his wife. On

28.08.2018, the Petitioner and his wife were not present at home. Police Inspector from Respondent No.2 along reached the Goa Institute of Management on 28.08.2018 to conduct a search of the Petitioner's house without any warrant. Despite being told by the neighbouring professors that there was no one in the house, the Inspector rang the door bell and obviously received no answer. The said Inspector opened the house with a key which he obtained from the security guard and conducted a raid without any warrant and in the absence of the Petitioner or/ and his wife. The house was later locked and the key was returned to the security guard. Nothing incriminating was or could have been found at the Petitioner's house. The entire event of the raid has been noted in the Panchnama. The copy of the Panchnama is hereto annexed and marked as **Exhibit D.**

21. The Petitioner states and submits, from the information given by the team of police, the Petitioner came to know that the said raid was conducted holding the Petitioner as an accused in the Bhima Korgaon Elgar Parishad event and in pursuance of the FIR dated 08.01.2018 in CR.No.4 of 2018.

22. The Petitioner states and submits, from the above mentioned facts that there is no prima facie evidence to

show the Petitioner's participation. The raid conducted by the team of police of Respondent No.2 was illegal.

23. The Petitioner states and submits that, no evidence has been produced by the Respondent Police which indicates the involvement of the Petitioner in the offence as has been made out in the said FIR. The Respondent Police are trying to falsely implicate the Petitioner through the said FIR. The Petitioner was not even present for the event of the Elgar Parishad and has no involvement whatsoever in the organizing of the said event. Rather he had written critically about it.

24. The Petitioner states and submits that, the Petitioner has been targeted by the Respondent Police due to the nature of the writings and prominence of the Petitioner. The writings/literature written by the Petitioner is, inter alia, about the class and caste struggles of the people in India. The Petitioner often writes about the violation of the democratic rights of the marginalized citizens of India. Through his literature, the Petitioner raises questions and holds the State authorities responsible for the injustice against the marginalized persons of the society. The Petitioner states that it is due to nature of this critical writings and democratic rights activism of the Petitioner that he is being falsely implicated in the said FIR.

25. The Petitioner states and submits that the FIR in CR.No. 4 of 2018 was registered on 08.01.2018. The Petitioners name has been mentioned as a suspected accused for the first time only on 21.08.2018 in the Remand Application made by the Respondent Police. The Respondent Police have shown no prima-facie case against the Petitioner. This clearly indicates the malicious and wrongful intention of the Respondent Police to falsely implicate the Petitioner. Copy of the Remand Application dated 21.08.2018 has been marked and annexed hereto as **Exhibit E**. No case has been made out against the Petitioner and despite that the Petitioner has been named as a suspected accused.

**GROUND:**

26. Under such circumstances the Petitioner is seeking quashing of the F.I.R. dated 08.01.2018 in CR. NO. 4 of 2018 to the extent that he is sought to be involved in any offence by this Hon'ble Court on the following grounds listed below which are without prejudice to each other:

a. The Petitioner is a Senior Professor and Chair, Big Data Analyst at Goa Institute of Management, with exceptional academic credentials and record of scholarship. The Petitioner is well respected in the society as an alumnus of prestigious IIM Ahmedabad,

Executive Director of a Public sector company- Bharat Petroleum Corporation Limited, Managing Director and CEO of Petronet India Limited and ex-Professor of prestigious IIT, Kharagpur. He has a long standing reputation as an expert in his field as well as one of the leading intellectuals in the country.

b. The Petitioner is innocent and has been falsely implicated in the present case.

c. The raid at the Petitioner's house was wrongfully conducted in the absence of the Petitioner or/ and his wife and without a search warrant.

d. The Petitioner is not even remotely connected to the organizing or conducting of the said event. No prima facie case has been made out against the Petitioner.

e. The conclusions drawn by Respondent No. 2 are on mere suspicion and thereby conducting a raid at the Petitioner's house is completely vague and on baseless grounds. The raid conducted was completely illegal. There is no substantive evidence against the Petitioner.

f. That the search and seizure of the premises of the Petitioner was not conducted as per the procedure laid down in Cr.P.C.

g. That the Petitioner's name has been added in the said F.I.R. as an afterthought by the prosecution as his name is not to be found in the original F.I.R. dated 08.01.2018 in CR. NO. 4 of 2018

h. There is no evidence against the Petitioner for the offences mentioned under section mentioned in the said F.I.R.

i. The allegation of Petitioner being involved in the Elgaar Parishad or the ensuing violence at Bhima Koregaon is nothing but figment of imagination of the Respondent. There is absolutely nothing to show that the Petitioner either organized, or raised funds or helped in anyway in organizing the Elgaar Parishad. The Petitioner was in Goa Institute of Management, Goa in the last week of December 2017 and 1<sup>st</sup> week of January 2018.

j. The Petitioner is being prosecuted for his progressive views and writings which are also at times critical of the State. The Petitioner has been critical of the earlier governments also and its not the case that the Petitioner has been critical of the policies of the present government.

k. The targeting of the Petitioner in a completely false and fabricated case is to silence the Petitioner as he is a critic and also send a message to the other people who are critical of the government.

l. The false and fabricated case against the Petitioner is a complete violation of the Constitutional Rights of the Petitioner. It's a violation of Article 21 as it violates the dignity of the person. The illegal raid on the house of the



Petitioner is also violation of Right to Privacy of the Petitioner which is now part of Right to Life.

m. The continuance of the criminal case is nothing but to humiliate and harass the Petitioner. No evidence can ever come out against the Petitioner which can even remotely show that the Petitioner is connected with the alleged crime mentioned in the FIR No.4 of 2018 registered with Vishrambaug Police Station.

n. Because the present case pertaining to the Petitioner falls within the criterion of cases identified by the Hon'ble Supreme Court in *Bhajan Lal* and reiterated subsequently in several cases. In *State of Karnataka v. M. Devendrappa and Anr* (2002) 3 SCC 89, the Hon'ble Supreme Court declared that: *"Authority of the Court exists for advancement of justice and if any attempt is made to abuse that authority so as to produce injustice, the Court has power to prevent abuse. It would be an abuse of process of Court to allow any action, which would result in injustice and prevent promotion of justice. In exercise of the powers, Court would be justified to quash any proceeding if it finds initiation/continuance of it amounts to abuse of process of Court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the Court may*

*examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.”(emphasis supplied).*

o. The continuance of criminal proceedings against the Petitioners in Case Crime No. 4 of 2018 registered with the Vishrambaug Police Station, Pune would not serve any purpose, other than to cause unnecessary hardship to the Petitioner in the abovementioned matter. The complaint filed by the Respondent does not disclose the commission of any offence by the Petitioner, and does not make out a case against the Petitioner. No material/evidence can ever be adduced by the prosecution to arrive at a finding of guilt so far as the Petitioner is concerned. Even if the entire complaint of the Respondent is to be believed, it would not constitute an offence against the Petitioner. Thus, in the present case, there is a need to do real and substantial justice. To quash the criminal proceedings against the Petitioner would serve the ends of justice. If the criminal proceedings against the Petitioner are allowed to continue, it will cause them severe prejudice. The Court can reach no other conclusion other than the innocence of the Petitioner. In exercise of its inherent powers, the

High Court would be justified to quash any proceeding if it finds that continuance of it amounts to abuse of the process of Court or quashing of these proceedings would otherwise serve the ends of justice.

p. In the present case, it is necessary in the interest of justice that the FIR filed against the Petitioner dated 8.01.2018 be quashed and set aside as being wrong and bad in law.

27. That the Petitioners have not filed any such or similar petition earlier before this Hon'ble High Court or Hon'ble Supreme Court of India.

28. The Petition is filed bonafide and in the interest of justice.

29. The Petitioner highly and reasonably apprehends arrest by the hands of the police and therefore prefers this application that no coercive action is taken against the Petitioner.

30. The Petitioner submits that he has not filed any other Petition in respect of the present subject matter before this Hon'ble Court or Supreme Court of India.

31. The Petitioner states that the impugned FIR dated 08.01.2018 in CR. NO. 4 of 2018 has been filed in Pune and the Respondents also have their offices in Pune and Mumbai, therefore, the cause of action has arisen within the Appellate Side jurisdiction of this Hon'ble Court; hence, it can admit the petition and hear it.

32. The Petitioner states that he has no other alternative efficacious remedy but to approach this Hon'ble Court and the reliefs prayed for herein, if granted, shall be complete.

33. The Petitioner will rely on documents a list whereof is annexed hereto.

34. There is no delay or laches in filing this petition.

35. The Petitioner has affixed the required court fees of Rs. \_\_\_\_\_/- to this Petition.

36. No caveat with regard to the subject matter of this petition has been received by the Petitioners from the Respondents till date.

**PRAYER:**

**37.** The Petitioner therefore prays as follows:

a. That this Hon'ble Court be pleased to issue Writ of Certiorari or any other direction or order in nature of Certiorari or any other appropriate writ, direction or order, to quash and set aside the proceedings against the Petitioner- Dr. Anand Teltumbde, in connection with the F.I.R. dated 08.01.2018 in CR NO. 4 of 2018 registered at Vishrambaug Police Station.

b. That this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other direction or order in

nature of Mandamus or any other appropriate writ, direction or order, directing that no coercive steps will be taken against the Petitioner by the Respondent Police in pursuance of the FIR dated 08.01.2018 in CR.No.4 of 2018.

c. Pending hearing and final disposal of the present petition, this Hon'ble Court may be pleased to stay the criminal proceedings against the Petitioner- Dr. Anand Teltumbde in F.I.R. dated 08.01.2018 in CR. NO. 4 of 2018 registered at Vishrambaug Police Station.

d. Pending hearing and final disposal of the present petition this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other direction or order in nature of Mandamus or any other appropriate writ, direction or order, directing that no coercive steps will be taken against the Petitioner by the Respondent Police in pursuance of the FIR dated 08.01.2018 in CR.No.4 of 2018.

e. That this Hon'ble Court be pleased to grant interim protection/ relief pending hearing and final disposal of the present petition, on such terms and conditions as this Hon'ble Court may deem fit and proper.

f. For ad-interim reliefs in terms of prayer clause (c) to (e)

g. Any other just and proper order may be pleased be given in favor of the Petitioner in the interest of justice.

(Advocate for Petitioner)

### **VERIFICATION**

I, Anand Teltumbde, age- 68 years, Residing at Flat No. 2102, Goa Institute of Management, Sanquelim, Goa-403505\_\_\_\_\_, do hereby solemnly declare that what is stated in para no. \_\_\_\_ to \_\_\_\_ of the Application is true to my knowledge and belief, and what is stated in the remaining paras is based on information and belief and I believe the same to be true.

Solemnly affirmed at Mumbai )

On this day of September 2018 )

Identified by me

Before me

(Advocate for Petitioner)