
CASE ANALYSIS:

IMRAN PRATAPGADHI V. STATE OF GUJARAT

BY C. SRI LAKSHMI KAUMUDI¹

Justices: Justice Abhay S. Oka and Justice Ujjal Bhuyan.

Citation: 2025 INSC 410

Case no: Crl. Appeal No.1545 of 2025.

Overview of the case: Even after 75 years of our constitution's existence, the legal system and the state's law enforcement are still unaware of the importance of fundamental rights or choose to disregard or ignore them. The main issue in this case is sharing a poem promoting nonviolence. It was treated as an injustice in response to the publication. It revealed a sense of awareness among citizens with respect to basic fundamental rights guaranteed by the Constitution of India.

Laws interpreted:

•Freedom of Expression (Article 19(1)(a)):

The Court reminded us that poetry, art, and even critical opinions are protected forms of speech. As long as they don't cross legal boundaries.

•Reasonable Limits (Article 19(2)):

While freedom of speech isn't unlimited, it can only be restricted for valid reasons like protecting public order or national security. In this case, the poem didn't violate any of those limits.

•Criminal Charges under the BNS (Sections 196, 197, 299, 302, and 57):

The Court looked closely at the poem and found it didn't promote hate, violence, or religious disharmony—so none of these criminal charges applied.

¹ Author is a law student at Mahindra University

•Police Procedure (Section 173(3) of BNSS, 2023):

Before filing an FIR for certain serious offences, police must first do a basic check (a preliminary inquiry). That step was skipped here, which was a serious mistake.

•Right to live a life (article-21): The Court highlighted that freedom of expression is a fundamental aspect of the right to live with dignity and must be protected from undue interference.

Facts: The appellant, a Rajya Sabha MP of Gujarat, posted a video on X (Twitter app) from his verified account. It was at a mass marriage ceremony in Jamnagar, at which a poem was recited in Urdu. As the poem was in Urdu, it is about facing injustice with love and sacrificing personal losses for truth. Usually, Poetic language is about love and sacrifice, and it is non-violent.

An FIR was filed at the Jamnagar police station. A complaint alleged that the poem incites people in our surroundings to promote the information in a wrong way, in the sense of one community against another- blood, sweat- and it hurts the other community's religious and social sentiments. The video posted by the appellant created enmity between the two communities at the national level, and it was meant to provoke hatred and disturb religious and social harmony.

The FIR included charges section 196, 197(1), 299,302,57 and 3(5) of the Bhartiya Nyaya Sanhita (BNS), 2023.

Legal issues:

1. Whether the registration of the FIR against the appellant was violation of his fundamental rights under article-19(1)(a) [freedom of speech and expression] of the Constitution of India?
2. Whether a preliminary inquiry was required before registration of the FIR under Section 173(3) of BNSS, given that the alleged offences (except Section 57 BNSS) were punishable with imprisonment between three to seven years?
3. Whether the poem posted by the appellant attracted any of the penal provisions under Sections 196, 197(1), 299, 302, and 57 of the Bhartiya Nyaya Sanhita, 2023?

Judgment:

The appellant filed a writ petition under Article 226 of the Constitution and section 528 (Saving of inherent power of high court) of the BNSS, seeking to set aside the FIR. The high court granted a stay on the FIR. Later, however, it dismissed the petition, citing that the investigation was still in its early stage under Section 175 (Police officer's power to investigate in cognizable case) of

the BNSS. Thus, it was not ready for court interference.

The appellant then filed a Special Leave Petition (SLP) before the Supreme Court of India under Article 136 (Special leave to appeal from any judgment), challenging the high court's order dismissing the quash petition. Hence, the matter came before the Supreme Court.

The appellant was required to disclose the poem's origin in the premise of the Supreme Court's consideration. Since the poem was recited in Urdu, the court provided a Solicitor General of India to review and provide an appropriate decision. The original Urdu language poem, translated into English, into a correct form of sentence with a meaning. The translation revealed that the poem did not promote any discrimination based on religion, community or caste. It also did not incite violence in the national unity of social harmony.

The true meaning of the poem is the fight to secure our rights; one often faces injustice. The poem is about love and sacrifice. It also stated, "We will use our tears as flames to light up all paths". It preaches NON-VIOLENCE. Highlighting that injustice should not be retaliated against with anger, but instead should be met with love.

This poem does not incite violence—it does the exact opposite. It urges people to step back from aggression and respond to injustice not with hatred, but with empathy and compassion. By choosing love over confrontation, the poem conveys that meaningful and lasting change is born not from force, but from the strength of the human spirit.

The court held that the appellant's rights under Article 19 (1) (a), (freedom of speech and expression) and under article-21 (right to live with dignity) were violated. It emphasised that free speech cannot be curtailed through FIRs, without proper investigations for a, sec-173(3) of the BNSS and constitutional safeguards, Article 19 (1)(a) exist.

The court recognized that under article 19(2), a Reasonable restriction on speech are only valid if the speech promotes under section 196 (1) (promotes enmity between communities), 197 (Impunities, assertions prejudicial to national integration), 299 (Outraging religious feeling) and 301 (Incitement to violence) of BNS. but the court held that in the context of the poem, they did not express violence; it was preaches non-violence and sacrifice and it was not contained in religious, community or caste. therefore, the restrictions under Article 19 (2) were not applicable in the case.

Whereas, under sec-173 of the BNSS speech-related cognizable offences punishable between 3-

7 years require a preliminary inquiry before FIR registration. Since the poem did not disclose any cognizable offence, and the preliminary inquiry step was skipped, both the police and the High Court failed to understand on poem's actual meaning and curtailed the appellant's constitutional rights.

The judgement concluded, there was no wrongful intent to posting the poem, and no offence was made under BNS. It is clearly stated the importance of protecting free expression, especially when there is **no valid reasonable restriction under Article 19 (2) is applicable.**

"Let the poet's voice be heard by the law — because our constitutional rights find strength in every word we speak."

