

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition(s) (Criminal) No(s). 339/2026

ABHISHEK UPADHYAY

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 264130/2026 - APPLICATION FOR PERMISSION, IA No. 311443/2026 - APPLICATION FOR PERMISSION, IA No. 264131/2026 - DISPENSING WITH AUTHENTIC TRANSLATION, IA No. 264132/2026 - EX-PARTE STAY, IA No. 268753/2026 - EXEMPTION FROM FILING O.T., IA No. 257009/2026 - EXEMPTION FROM FILING O.T., IA No. 307336/2026 - EXEMPTION FROM FILING O.T., IA No. 257008/2026 - GRANT OF INTERIM RELIEF and IA No. 268524/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) : Mr. Pradeep Rai, Sr. Adv.
Mr. Anoop Prakash Awasthi, AOR
Mr. Shubham Dubey, Adv.
Ms. Jasleen Kaur, Adv.
Mr. Mukesh Kumar Tripathi, Adv.For Respondent(s) : Mr. Saran Dev Thakur, Sr. A.A.G.
Dr. Vijendra Singh- 3352, AOR
Mr. Kumar Abhinandan, Adv.
Ms. Apurva Singh, Adv.
Mr. Siddharth Thakur, Adv.
Mr. Harsh Pratap Shahi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The instant petition has been filed under Article 32 of the Constitution seeking quashing of FIR No. 678 of 2026 and sequential protection from arrest.

Signature Not Verified
Digitally signed by
NITIN TALWAR
Date: 2026.10.15
09:55:29 IST
Reason: 24

The petitioner is stated to be an investigative journalist operating the digital news platform "Top Secret". In the course of

his investigative journalism, he is stated to have published a series of reports in June 2026 concerning alleged misappropriation of offerings and other irregularities at the Shri Ram Janmabhoomi Temple, Ayodhya. Thereafter, the subject FIR has been registered against him at P.S. Indirapuram, Ghaziabad, *inter-alia*, highlighting an incident that took place near Shipra Mall, Ghaziabad, on 18.08.2026, when the petitioner, while returning after taking his minor daughter from school, is alleged to have struck his car in the complainant's motorcycle from behind. The petitioner also allegedly abused and threatened the complainant and made remarks after inquiring about his name and caste.

3. The petitioner has denied any such incident and alleges that the occurrence was staged only because of his reporting, a brief reference to which has already been made.

4. We may hasten to add that a copy of FIR No. 678 of 2026 was also not supplied to the petitioner.

5. It was in this backdrop that on 25.08.2026, when the matter came up for hearing, the following order was passed:

"1. Issue notice, returnable on 07.09.2026.

2. Dasti, in addition, is permitted. Liberty is granted to serve the State through the Standing Counsel as well.

3. Meanwhile, no coercive action shall be taken against the petitioner in the FIR No. 678/2026, registered at Police Station Indirapuram, Commissionerate Ghaziabad, or in any such subsequent FIR(s) that may be registered against him in relation to the subject-allegations.

4. Similarly, let a copy of FIR No.678/2026 be supplied to the petitioner, so as to enable him to avail the legal remedy against such in FIR, in accordance with law.

5. The Commissioner of Police, Ghaziabad, shall file a compliance affidavit in this regard.

6. As soon as a copy of the FIR is received by the petitioner, he shall be at liberty to approach the jurisdictional High Court for seeking the relevant relief(s)."

6. In deference to the above-stated order, a copy of the FIR has been supplied to the petitioner.

7. Meanwhile, the petitioner was able to lay his hands on a notice dated 22.08.2026, issued to X (formerly Twitter), asking the intermediary to furnish the digital information for a period of three months before the registration of the subject FIR. That notice prompted the petitioner to file IA No. 264132 of 2026, seeking some interim-cum-final directions:

"a. Ad-Interim, ex-parte Stay the operation, implementation and effect of the notice dated 22.08.2026 issued by the Crime Branch Investigation Unit, Ghaziabad, in connection with FIR No.0678/2026, and restrain the Respondents from seeking, obtaining, accessing, processing or disclosing any information pursuant thereto, including the digital/account information of the Petitioner's X account @upadhyayabhii; AND further be pleased to Quash the impugned notice dated 22.08.2026 issued by the Crime Branch Investigation Unit, Ghaziabad,

b. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

8. In the consequential affidavit, filed by the Commissioner of Police, Ghaziabad, it is stated that after the registration of the FIR on 20.08.2026, efforts were made to locate the petitioner on 20-22.08.2026, but he could not be traced. Thereafter, the

offending notice was issued to the nodal officer of 'X' for the limited purpose of tracing the petitioner's whereabouts and facilitating arrest/investigation.

9. It is also averred that in view of our interim order dated 25.08.2026, the purpose of tracing the petitioner has become irrelevant.

10. On the issue re: whether the investigating agencies could seek digital information/personal information of the petitioner, even for a period prior to three months of the registration of the FIR, the petitioner has disputed the clarification given by the Commissioner of Police, Ghaziabad and has prayed for a direction to the Respondents to file a fresh, specific compliance affidavit, addressing the issue on production of notice under Section 94 of the BNSS.

11. We find that the impugned notice dated 22.08.2026, commanding 'X' to furnish petitioner's account's log-in IP, log-out IP, alternative email ID, mobile number, location access (latitude and longitude), mobile device, IMEI number, name, address, phone number, registration IP logs, and IP access logs details from 01.06.2026 to 22.08.2026 pertain to a period that largely is prior to the date of the alleged road-rage incident.

12. It may thus be seen that the explanation given by the Commissioner of Police, Ghaziabad, in his affidavit that information was sought primarily to trace and arrest the petitioner is in contradiction with the contents of the notice dated 22.08.2026. Be that as it may and considering the circumstances of this case, no confidential or personal information of the

petitioner can be obtained for the period prior to the date of offence. Even information pertaining to the period after the registration of the FIR cannot be sought unless adequate measures are in place to preserve the privacy of personal data and ensure the principles of proportionality are applied, i.e., when alternative measures to take the investigation to a logical conclusion are found inadequate. No such plea has been raised on behalf of the respondents. The case being so, the notice dated 22.08.2026 issued by the local police to 'X' is hereby quashed. Any information taken pursuant thereto or otherwise, shall not be utilised against the petitioner.

13. This court, while issuing notice on 07.09.2026 has already directed that no coercive action shall be taken against the petitioner. In view of his voluntary statement, he will cooperate with the ongoing investigation. That being so, the order dated 25.08.2026, read with the order dated 07.09.2026, are made absolute. The arrest of the petitioner shall remain stayed until further orders.

14. Since a copy of the FIR has now been supplied to the petitioner, he shall be at liberty to challenge the same before the jurisdictional High Court in accordance with law.

15. The petitioner shall also be at liberty to approach the Court of competent jurisdiction, in appropriate proceedings, to lay down mandatory guidelines for the purpose of collection of personal data and provide digital data in the course of an investigation. Meanwhile, the restriction imposed in paragraph 12 of this order shall continue in force.

16. We are further informed that the petitioner's vehicle has been seized during the course of investigation. Let the same be released forthwith and not later than two days.

17. Since we have not expressed our opinion with respect to the contents of the FIR, all the grounds to challenge the same are available to the petitioner. The Writ Petition and the I.A.s are disposed of, in the above terms.

18. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR