

IN THE COURT OF METROPOLITAN MAGISTRATE
66TH COURT ANDHERI, MUMBAI

C.C. NO. 360/SW/2020

Mr. Ali Kaashif Khan Deshmukh ...Complainant
v/s.
Ms. Payal Rohatgi ...Accused

ORDER BELOW EXH.1

1. Perused complaint and documents filed alongwith it. Read the Verification Affidavit Exh. 4. Heard complainant in person at length. It is the case of complainant that he is advocate/lawyer by profession. Accused is bollywood actress. She is having social media giant "Instagram" and Twitter handle @ Payal_Rohatgi. She is having huge fan following on social media. On 04/06/2020 she posted a following tweet on her twitter handle @ Payal_Rohatgi -

"Ram Ram ji (emoji) Were Medical Shops not providing CONDOMS (emoji) Oops for # Muslim Women there is No concept of condom (emoji) So when they produce kids like a dozen what's big deal if one is born in jail (emoji) But this Kut!ya will do VICTIM drama (emoji)#PayalRohatgi# SafooraZargarisISISterrorist

On 07/06/2020, accused again posted a following tweet on her twitter handle -

Ram Ram Ji (emoji) U are a Muslim woman (emoji) Can U even TALK about SEX??? Is it even allowed in Quran? Ask#Zaira Wasim (Emojis) Do U even know what #foreplay is before sex? Oops sorry I forgot A lot of U undergo FGM – Female Genital Mutilation (Emoji) Hope u are ok down there to enjoy (emoji).

3. As per the story of complainant, above tweets of accused spread the hatred and disaffection towards the Muslim community publically. Thus, accused defamed Muslim women and entire Muslim community. She is making fun of the principle laid down in the Holy Quran. Complainant approached before Amboli Police Station. However,



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police failed to take cognizance. Therefore, he was constrained to file present complaint. He finally requested to take cognizance of his complaint.

4. Complainant filed his verification statement on affidavit at Exh.4. Every community has right to profess its religion. No individual has right to make a fun of any custom or rites of other community. Prima facie, above tweets show the disregards against the Muslim women and community. Complainant has not filed Certificate under section 65-B of Indian Evidence Act on record. Technical investigation about tweets is necessary to proceed against accused. Such investigation can be conducted through police only. Considering the allegations in the complaint, I am of humble opinion that inquiry under section 202 of Cr.PC. is necessary. Hence, the order:

ORDER

1. Call inquiry report under section 202 of Cr.PC. from concerned police station r/o 30/04/2021.
2. Issue Yadi accordingly.

Date : 30/03/2021


2013/2021
(Bhagawat T. Zirape)
Metropolitan Magistrate
66th Court, Andheri, Mumbai



TRUE COPY

Judicial Clerk
Metropolitan Magistrate
66th Court, Andheri, Mumbai