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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 750/2022

AX

..... Plaintiff

Through: Mr. Ashish Dixit, Mr. Amit
Sharma, Ms. Vandana
Sachdeva, Advs.

versus

GOOGLE LLC & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

30.11.2022

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I.A. 20257/2022(Concealment of Identity)

This application has been filed seeking concealment of the identity of the plaintiff and to conduct the hearing of the present suit in camera/chamber.

Bearing in mind the disclosures made therein, the prayer to the extent of masking and pseudonymization of the name and other particulars of the plaintiff is allowed. The other prayers are kept open to be addressed at a later stage of these proceedings and independently.

Application stands disposed of.

I.A. 20258/2022 (for enhancement of time to file court fees)

This application has been filed seeking enlargement of time to furnish requisite court fee along with the present suit.

Bearing in mind the disclosures made in the application, the prayer as made is allowed.

The plaintiff shall take appropriate steps to furnish the court

fees before the next date of hearing.

Application stands disposed of.

CS(OS) 750/2022 & I.A. 20256/2022 (Interim Direction)

The Court takes on board the oral prayer made by learned counsel for the plaintiff for correction of the particulars of defendant No. 5 with the Union being permitted to be sued through the Secretary, Ministry of Electronics & Information Technology. The prayer as made is granted. Let an amended memo of parties be placed on the record within a period of 24 hours.

This suit has been taken on urgent mentioning and in light of the imminent and irreparable harm that is likely to be caused to the plaintiff. The suit seeks issuance of a permanent injunction restraining the defendants, their associates, sister concerns, agents and others from publishing/re-publishing/telecasting, in any manner, a purported video dated 09 March 2022 which is stated to be circulating on various social media platforms as well as web portals since 29 November 2022. Further prayers are made for disabling the users of the services provided by the defendant Nos. 1 to 4 from sharing or forwarding the video in question over their platforms.

The Court has had an occasion to view the content in respect of which the complaint is made. The Court bears in mind the provisions of Section 354C of the Indian Penal Code, 1860 as well as 67A of the Information and Technology Act, 2000 which laws, *prima facie*, would appear to be violated in case further circulation, sharing and distribution of the video were to be permitted. The content, if circulated amongst parties and users of the services provided by the defendant Nos. 1 to 4, would also appear to, *prima facie*, violate the Legally Acceptable Terms of Use as adopted by the said defendants.

The Court additionally notes that the Full Court itself had taken cognizance of the incident on its administrative side and pursuant to

the Resolution passed on 29 November 2022, the Registrar General of the Court has conveyed to the defendant No.5 the need to take appropriate action for blocking of the said video over all ISPs, messaging platforms as also social media platforms. The Registrar General has also in light of the directions issued by the competent authority requested defendant No. 5 to issue appropriate take-down orders.

Bearing in mind the sexually explicit nature of the contents of that video and taking into consideration the imminent, grave and irreparable harm that is likely to be caused to the privacy rights of the plaintiff an ad interim *ex parte* injunction is clearly warranted.

Consequently, notice shall issue to the defendants.

The defendants shall take all permissible steps to ensure that the further sharing, distribution, forwarding or posting of the offending video is restrained forthwith. The defendant No.5 will also ensure that all further steps as are warranted in terms of the communication of the Registrar General dated 29 November 2022 are taken and a compliance report submitted in these proceedings.

The pen drive which has been provided and filed in these proceedings be placed by the Registry in sealed cover.

List on 09.12.2022.

Copy of the order be given *dasti* under signatures of the Court Master.

YASHWANT VARMA, J.

NOVEMBER 30, 2022

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