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

+ **CS(OS) 91/2023**

TARU PURI

..... Plaintiff

Through: Ms. Payal Balal, Mr. Gaurav Singh
and Mr. Rajan Rai, Advocates along
with the plaintiff in person

versus

ANMOL SHEIKH ALIAS MALAIKA & ORS.

..... Defendants

Through: Mr. Tejas Karia, Mr. Varun Pathak,
Mr. Shyamal Anand, Mr. Yash
Karunakaran and Ms. Adya Joshi,
Advocates for D-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

09.02.2023

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CS(OS) 91/2023

1. The instant plaint has been filed on behalf of the plaintiff seeking the following reliefs:

"A. Kindly be pleased to allow the present Civil Suit and award the Decree of Perpetual Injunction in favor of the Plaintiff and against the Defendant No. 1 i.e., Ms. Anmol Sheikh Alias Maliaka from permanently restraining from any acts of harassment and cyberbullying by making derogatory/defamatory statements against the Plaintiff and her family on any social/public media platform.

B. Kindly be pleased to Decree of Directions in favour of the

Plaintiff and against the Defendant No. 2 i.e., Instagram and Defendant No. 3 i.e., YouTube to permanently remove the derogatory and defamatory statements due to the acts of harassment and cyberbullying by the Defendant No. 1 i.e., Ms. Anmol Sheikh Alias Malaika against the Plaintiff. Details of the are as follows

i. Instagram ID @Malaika_s_98

ii. YouTube Channel "Insta King Panodi" vide title "Panodi Live..Malaika vs Balyan on live" | Link : <https://youtu.be/snK011829qQ>.

C. Kindly be pleased for the Decree for the Direction upon the Defendant No. 1 i.e., Ms. Anmol Sheikh Alias Malaika to issue a sincere Public Letter of Apology for the cause of distress as suffered by the Plaintiff due to harassment and cyberbullying.

D. Kindly be pleased for Decree for the grant of Damages for value of Rs. 2,01,00,000/- (Rupees Two Crores and One Lac Only) in favor of the Plaintiff citing the derogatory and defamatory statements due to the acts of harassment and cyberbullying as made by the Defendant No. 1 i.e., Ms. Anmol Sheikh Alias Malaika against the Plaintiff.

E. Any other order or directions including the costs of the Civil Suit (Court Fee/Litigation and Other Fees) as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favor of the Plaintiff."

2. The plaintiff is a Bollywood movie producer who has approached this Court seeking injunction and damages against defendant no.1, Ms. Anmol Sheikh alias Malaika. Learned counsel for the plaintiff submitted that the defendant no.1 has been continuously using abusive language against the plaintiff and her family members and has even called upon her followers to rape the plaintiff and her daughters. The defendant is said to have used the platforms, namely defendant no. 2/Instagram and defendant no. 3/YouTube

to hurl these abuses, threats and incitement against the plaintiff through live sessions as well as through recorded videos. It is submitted that the plaintiff is a victim of hate crime due to her success as a well-known celebrity and as a Producer in the Bollywood film industry.

3. It is further submitted that the plaintiff issued Legal Notice upon the defendant no. 1 to cease and desist from the malicious acts being perpetrated against the plaintiff and her family. Notices were also served upon the defendants no. 2 and 3 calling upon them to remove the hateful content and to restrain the defendant no.1 from continuing her hateful acts against the plaintiff.

4. It is stated that after receiving the said notice, the defendant no. 1 stepped up her hate speech against the plaintiff and her family. It is thus submitted that the plaintiff has no other legal remedy but to approach this Court praying for injunction and damages against the defendant no. 1.

5. Heard learned counsel for the plaintiff and perused the record.

6. Let the plaint be registered as a suit.

7. Learned counsels for defendant no. 2 have appeared before this Court, therefore, there is no need to issue formal summons to the defendant no. 2. Issue summons to defendants no. 1 and 3 through all permissible modes. The summons shall indicate that the written statement(s) be filed within thirty days by the defendants from the date of receipt of summons.

8. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

9. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Alongwith the

replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

10. List before the Joint Registrar on 24th February, 2023 for completion of service and pleadings.

11. List before the Court on 18th July, 2023.

I.A. 2485/2023 (Under Order XXXIX Rule 1 and 2)

1. The instant application under Order XXXIX Rules 1 and 2 read Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the plaintiff seeking the following reliefs:

"A. It is most humbly prayed that this Hon'ble court may be pleased to issue directions for Pendent Lite upon the Defendant No. 1 i.e., Ms. Anmol Sheikh Alias Maliaka to restrain her from using social media Platform such as Instagram, and YouTube or any other Social Media Platform / News Platform for the cause of Harassment and Cyberbullying the Plaintiff and her family.

B. Any other or further order(s) which this Hon'ble court deems fit and Proper may also be passed under the facts and circumstances of the case in favor of the applicant and against the respondents."

2. Learned counsel for the plaintiff submitted that there is a *prima facie* case in favor of the plaintiff due to the harassment and cyberbullying by the defendant no. 1 on using various social media platforms. It is submitted that the balance of convenience is in the favor of the plaintiff. It is submitted that the plaintiff would suffer an irreparable loss and injury if the injunction is not granted in the favor of plaintiff. It is, accordingly, prayed that an *ex-parte* and *ad-interim* injunction be granted against the defendant no.1 and directions be passed to restrain the defendant no.1 from accessing her social

media platforms, namely, Instagram and YouTube, for posting hateful content against the plaintiff.

3. Learned counsel for the defendant no. 2 appeared and submitted that the answering defendant does not seek to oppose the case made by the plaintiff. It is, however, prayed that instead of a blanket order of taking down all the content against the plaintiff posted by defendant no.1, a specific order be passed containing the specific URLs of the videos that are abusive and hateful against the plaintiff/her family members, and the answering defendant would be more than willing to take them down.

4. Heard learned counsel for the parties.

5. Upon a bare perusal of the record before this Court, a *prima facie* case is made out against the defendant no. 1. Accordingly, in view of the *prima facie* case being made out as well as in the interests of justice, this Court is opinion that in the instant case, an *ad-interim ex-parte* injunction merits to be granted.

6. It is accordingly directed as under:

- a) The defendant no. 1 is forthwith restrained from using any platform/social media platforms, including that of the defendants no. 2 and 3, i.e. Instagram and YouTube, for making any comments/remarks in relation to the plaintiff herein or her family members till the next date of hearing.
- b) The plaintiff is directed to provide the URLs of any/all objectionable content made by the defendant no.1 against her person or her family members to the defendants no.2 and 3 for appropriate action by the intermediaries.
- c) The defendants no.2 and 3 are directed to take down the abusive,

hateful and any content posted by the defendant no. 1 on their respective platforms that incites any crime to be committed against the plaintiff or her family members.

7. Notice be issued to the remaining defendants/respondents through all permissible modes.
8. Reply(ies) be filed within four weeks.
9. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.
10. List before the Joint Registrar on 24th February, 2023 for completion of service and pleadings.
11. List before the Court on 18th July, 2023.

I.A. 2486/2023 (under Section 151 of the CPC)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the plaintiff seeking the following reliefs:

"A. It is most humbly prayed that this Hon'ble court may be pleased to allow for the In-Camera Proceedings of the present Civil Suit only to the extent of examination of the videos and allow CD/Pen Drive to be taken on record as annexed herewith as Document No. 2.

B. Any other or further order(s) which this Hon'ble court deems fit and Proper may also be passed under the facts and circumstances of the case in favor of the applicant and against the respondents."

2. Proceedings *in-camera* mean the proceedings behind the doors and not in an open court. It is a private proceeding in the absence of general public and media and meant to be conducted in sensitive cases to protect the privacy and dignity of the parties. The grounds for

invocation of *in-camera* proceedings are linked to the reputation of the parties, and are likely to be conducted in cases where the circumstances are of such a character that if allowed to be examined in public view might irreparably injure the reputation of the party in the eyes and perception of the general public.

3. It is incumbent upon the judiciary to not only see that justice is done but also to ensure that justice is also seen to be done. Depending upon the facts and circumstances of each case, this Court must do substantive justice. In any case, procedures are handmaids to the ends of justice and they can only supplement but not supplant the interests of justice. Therefore, merely because there is no express provision in the Code of Civil Procedure, it does not mean that *in-camera* proceedings cannot be allowed.

4. Section 151 of the Code empowers the court to pass orders necessary for the ends of justice or to prevent abuse of process of Court, and is quoted hereunder:

“151. Saving of inherent powers of Court.—Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.”

5. In the case of *Naresh Shridhar Mirajkar v. State of Maharashtra*, (1966) 3 SCR 744, the Hon'ble Supreme Court has held as under:

"31. Before we part with this topic, we would like to refer to certain statutory provisions which specifically deal with the topic of holding trials in camera.

32. Section 53 of Act 4 of 1869 which was passed to amend the law relating to Divorce and Matrimonial Causes in India provides that the whole or any part of any proceeding under this Act may be heard, if the court thinks fit, with closed doors.

33. Similarly, Section 14 of the Indian Official Secrets Act, 1923 (19 of 1923) provides that in addition and without prejudice to any powers which a court may possess to order the exclusion of the public from any proceedings if, in the course of proceedings before a court against any person for an offence under this Act or the proceedings on appeal, or in the course of the trial of a person under this Act, application is made by the prosecution, on the ground that the publication of any evidence to be given or of any statement to be made in the course of the proceedings would be prejudicial to the safety of the State, that all or any portion of the public shall be excluded during any part of the hearing, the court may make an order to that effect, but the passing of sentence shall in any case take place in public. It would be noticed that while making a specific provision authorising the court to exclude all or any portion of the public from a trial, Section 14 in terms recognises the existence of such inherent powers by its opening clause.

34. Section 22(1) of the Hindu Marriage Act, 1955 (25 of 1955) likewise lays down that a proceeding under this Act shall be conducted in camera if either party so desires or if the court so thinks fit to do, and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except with the previous permission of the court.

35. The proviso to Section 352 of the Code of Criminal Procedure, 1898, prescribes that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in the room or building used by the court.

36. The last provision to which we may refer in this connection is Section 151 of the Code of Civil Procedure, 1908. This

section provides that nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court. These statutory provisions merely illustrate how the power of the court to hold certain trials in camera, either fully or partially, is inevitably associated with the administration of justice itself."

6. Therefore, in appropriate cases, this Court may under Section 151 of the Code pass any order for carrying out the proceedings *in camera* if warranted by the facts and circumstances of the case.

7. In the instant case, where the plaintiff has continuously been receiving vile abuses and threats from the defendant no. 1 not only to her person, but also to her family members including rape threats to her daughter, it is pertinent that this Court invokes its inherent powers in the interests of justice and to protect the dignity and reputation of women. Therefore, this Court is of the opinion that the prayers made in the instant petition merits to be allowed.

8. It is accordingly directed that the proceedings before the Joint Registrar shall be held *in-camera*. The application is allowed and stands disposed of.

CHANDRA DHARI SINGH, J

FEBRUARY 9, 2023
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Click here to check corrigendum, if any