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

+ **W.P.(C) 9949/2023 & CM APPL. 38337/2023**

NISHANT SINGH

..... Petitioner

Through: Mr. J. K. Sharma and Mr. Deepak
Jonia, Advocates with Petitioner-in-
person.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Chetan Sharma, ASG with Mr.
Ripu Daman Bhardwaj, CGSC for
UOI.
Mr. Santosh Kumar Tripathi,
Standing Counsel with Mr. Arun
Panwar and Mr. Rishabh Srivastava,
Advocates for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.07.2023

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1. The Petitioner, a self-proclaimed “hard-core fan” of some film actresses, has approached this Court by way of this Public Interest Litigation [“PIL”] under Article 226 of the Constitution of India, 1950. The core of his grievance lies in certain letters written to the actresses by an undertrial, currently facing charges of cheating and extortion and incarcerated in Mandoli Jail. The Petitioner contends that these letters contain derogatory and obscene remarks, amounting to an offence under Section 354 of the

Indian Penal Code, 1860, and have been extensively circulated on social media platforms and news channels. He further alleges that the widespread and uncontrolled dissemination of false information adversely affects the image and reputation of the featured actresses. Therefore, the Petitioner is seeking the following reliefs:

*“a. To take immediate action against the respondents who had connived with each other in outraging the modesty of some of the women film artists who are looked up by the Nation and people at large in the whole world.
b. To pass appropriate order to stop XXXX from releasing derogatory so-called love letters from the jail to the media.”*

2. The Petitioner [Mr. Nishant Singh] is present before this Court, accompanied by two esteemed counsel representing him – Mr. J. K. Sharma and Mr. Deepak Jonia. Mr. Nishant Singh is a government officer, holding the crucial post of a fingerprint expert in the Central Finger Print Bureau. It is noteworthy that he chose to attend the court proceedings on a working day, perhaps to demonstrate his sincerity and commitment to the cause. However, upon careful examination, the Court finds the petition lacking in substance and merit, rendering it a regrettable waste of valuable judicial time. Despite Mr. Singh’s professed commitment to what he perceives as a cause of public interest, the Court is disappointed with the frivolous nature of the petition.

3. Mr. Singh has urged that these actresses are beloved celebrities, with an immense fan-following, particularly among young girls, who deeply admire and adore them. In the subject letters, the undertrial has openly acknowledged and discussed his relationships with the film actresses, purportedly in a lewd and disrespectful manner. Petitioner submits that

undertrial's public antics should be restrained immediately as they are aimed at insulting the actresses' dignity and also misguide young minds, who idolise them.

4. The PIL is replete with vague and reckless allegations, portraying it as nothing more than a misguided attempt to garner cheap publicity. After a careful examination of the content of the letters written by the undertrial, the Court finds it perplexing as to how they can be construed as outraging the modesty of the celebrities. The Petitioner's affidavit also contains unsubstantiated allegations against the State authorities, accusing them of conniving with the undertrial. However, upon an extensive review of the evidence presented, no substantiated proof is manifest to even remotely support such grave allegations.

5. A PIL is designed to address issues that have a significant impact on the public at large and it must involve matters of genuine public interest. Indeed, PILs serve as a representative tool to address matters of public concern and uphold collective rights. However, in this case, the Petitioner's grievance seems to stem from personal feelings as a fan of certain celebrities, rather than any legitimate public concern. Being a self-proclaimed third-party fan, the Petitioner lacks the necessary *locus standi* to maintain the PIL. His perceived status of a 'fan' does not grant him the authority to seek relief on behalf of the actresses or the public at large. It is essential to recognize that the rights allegedly infringed in the instant case are of a personal nature, which impact the targeted celebrities alone. The act of making derogatory and obscene remarks directly affects their personal dignity and reputation. Consequently, they have the right to seek appropriate legal recourse against such offenses through existing civil and criminal

remedies. The actresses involved are well-equipped to protect their interests and uphold their personal rights, without the necessity of a third-party representative like the Petitioner. We must also note that the Indian Penal Code already contains provisions specifically addressing offences relating to obscenity and derogatory remarks, pertinently Section 354. The existence of such well-defined criminal remedies reinforces the principle that personal grievances warrant direct legal action by the affected individuals themselves. As such, the involvement of an unrelated third party, like the Petitioner, who has no direct personal stake in the matter, is not appropriate.¹

6. Frivolous PILs such as the present one, lead to wastage of judicial time and resources. Courts should prioritize cases that genuinely impact the public interest and require urgent attention. The need to exercise caution and wariness when adjudicating a PIL has been repeatedly underscored by the Apex Court. In *Dr. B. Singh v. Union of India and Ors.*,² while deprecating the practice of filing frivolous PILs by ill-motivated persons, the Supreme Court remarked as under:

“4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes or vendetta to bring to terms a person, not of one's liking, or gain publicity or a facade for blackmail, the said petition has to be thrown out. Before we grapple with the issues involved in the present case, we feel it necessary to consider the issue regarding the “public interest” aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be “publicity interest litigation” or “private interest litigation” or “politics interest litigation” or the latest trend “paise income litigation”. If not properly and strictly regulated at least in certain vital areas or spheres and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well as to malign not only an incumbent-to-be in office but demoralise and deter reasonable or sensible and prudent people even agreeing to

¹ *S.P. Gupta v. Union of India and Anr.*, 1981 Supp. SCC 87 and *Machireddy Ravi Kumar Reddy v. State of Andhra Pradesh and Ors.*, 2019 SCC OnLine AP 241.

² (2004) 3 SCC 363.

accept highly sensitive and responsible offices for fear of being brought into disrepute with baseless allegations. There must be real and genuine public interest involved in the litigation and concrete or credible basis for maintaining a cause before court and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. The credibility of such claims or litigations should be adjudged on the creditworthiness of the materials averred and not even on the credentials claimed of the person moving the courts in such cases. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and Kazi Lhendup Dorji v. Central Bureau of Investigation [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20 : AIR 1993 SC 852] and K.R. Srinivas v. R.M. Premchand [(1994) 6 SCC 620] .)

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12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, courts must be careful to see that a body of persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

7. In ***Tehseen Poonawalla v. Union of India***,³ the Apex Court

³ (2018) 6 SCC 72.

emphasised the need to curb the menace of misuse of the PIL process as follows:

“98. The misuse of public interest litigation is a serious matter of concern for the judicial process. Both this Court and the High Courts are flooded with litigations and are burdened by arrears. Frivolous or motivated petitions, ostensibly invoking the public interest detract from the time and attention which courts must devote to genuine causes. This Court has a long list of pending cases where the personal liberty of citizens is involved. Those who await trial or the resolution of appeals against orders of conviction have a legitimate expectation of early justice. It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation. There is a grave danger that if this state of affairs is allowed to continue, it would seriously denude the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention. Worse still, such petitions pose a grave danger to the credibility of the judicial process. This has the propensity of endangering the credibility of other institutions and undermining public faith in democracy and the rule of law. This will happen when the agency of the court is utilised to settle extra-judicial scores. Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law. There is a danger that the judicial process will be reduced to a charade, if disputes beyond the ken of legal parameters occupy the judicial space.”

8. Thus, PILs are intended to foster *bonafide* public interest. They cannot be permitted to be used as a tool for gratification of an oblique, extraneous motive, or a private interest. Undeniably, the courts extend aid in genuine cases where fundamental rights are being violated, however, this is not the situation in the present case. Sans any credible material, allegations made in the petition are plainly vain and do not merit any judicial intervention. The instant PIL is a sheer abuse of the judicial process, which, in view of the afore-mentioned judgements and the contentions urged in the petition, deserves to be dismissed with costs. Accordingly, it is directed that the Petitioner shall deposit a cost of Rs. 25,000/- with the Army Battle

Casualties Welfare Fund, within a period of thirty days from today. In the event the same is not deposited, it shall be recovered as arrears of land revenue and transmitted to the Army Battle Casualties Welfare Fund.

9. Dismissed, along with pending application.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

JULY 28, 2023

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