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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 483/2019

SUBODH GUPTA Plaintiff

Through: Mr. Sandeep Sethi, Sr. Adv. &
Mr. Kailash Vasdev, Sr. Adv. with
Ms. Neoma Vasdev, Mr. Siddharth
Garg & Mr. Samarth Khanna, Advts.

versus

HERDSCENEAND & ORS. Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **18.09.2019**

IA No.12911/2019(exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CS(OS) 483/2019, IA No.12910/2019(u/O.XXXIX R.1&2 CPC) &
IA No.12912(u/O.VII R-14(3) CPC)**

3. On request, the counsel for the plaintiff has been permitted to correct the typographical errors in the prayer paragraphs (c) and (f) of the plaint, under his signatures, in today's date.
4. The plaintiff is aggrieved from the defamatory content on a media handle / Instagram account 'Herdsceand@gmail.com' and contents whereof are available on the search engine of the defendant no.5 Google Incorporated, against the name of the plaintiff.
5. Issue summons of the suit and the notice of the application for interim relief to the defendants, electronically, returnable on 30th September, 2019.

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6. I have enquired from the senior counsel for the plaintiff, whether any of the alleged victims of the plaintiff has been named in the allegedly defamatory content and whether any such person has identified himself/herself and whether any legal or other proceedings have been initiated against the plaintiff or relating to the contents published.

7. The answer is in the negative.

8. *Prima facie*, it appears that the allegations as made in the allegedly defamatory contents, cannot be permitted to be made in public domain/published without being backed by legal recourse. The same if permitted, is capable of mischief.

9. The senior counsel for the plaintiff, on enquiry, under instructions states that the URLs/weblinks, list whereof is given, have no other context save pertaining to plaintiff.

10. Till the next date of hearing, the defendant no.1 'Herdsceand' is restrained from posting on its Instagram account any content pertaining to the plaintiff, and the defendants namely (i) Herdsceand; (ii) Instagram LLC; (iii) Facebook, Incorporated; (iv) Facebook Ireland Limited; (v) Google Incorporated; and, (vi) Google India Pvt. Ltd. are also directed to forthwith, on service of the copy of this order, remove/take down the defamatory posts/articles/all content pertaining to the plaintiff and block the following URLs/web links:

1.	https://www.instagram.com/p/BrUMo18nUp8/
2.	https://www.instagram.com/p/Bs3JBfVn1No/
3.	https://economictimes.indiatimes.com/magazines/panache/metoo-fallou...festival-a-day-after-denying-allegations/printarticle/67102009.cms

4.	https://www.nationalheraldindia.com/gender/metooindia-artist-subodh-gupta-accused-of-sexual-harassment-on-instagram-post
5.	https://economictimes.indiatimes.com/magazines/panache/metoo-subodh-gupta-accused-of-sexual-harassment-entirely-false-and-fabricated/printarticle/67090974.cm
6.	http://www.artnews.com/2018/12/13/artist-subodh-gupta-accused-sexual-harassment/
7.	https://www.artforum.com/news/-77979
8.	https://news.artnet.com/art-world/artist-subodh-gupta-metoo-allegations-1424590
9.	https://www.business-standard.com/article/pti-stories/metoo-subodh-gupta-is-serial-sexual-harasser-alleges-instagram-post-118121300675_1.html
10.	https://scroll.in/latest/905723/metoo-artist-subodh-gupta-quits-as-curator-of-arts-festival-after-sexual-harassment-allegations
11.	https://www.firstpost.com/india/subodh-gupta-named-in-anonymous-metoo-account-artist-calls-allegations-false-and-fabricated-5723811.html
12.	https://www.google.com/search?q=subodh+gupta+metoo&rlz=1C1SQJL_enIN788IN788&oq=subodh+gupta+metoo&aqs=chrome..69i57j69i60l3.3838j0j7&sourceid=chrome&ie=UTF-8
13.	https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&sxsrf=ACYBGNSp8XihIQ2EHLHSfX_-gz1u3qc10w%3A1568343269422&ei=5QR7XYSzGdjbrQGet5L4Dw&q=subodh+gupta+anonymous&oq=subodh+gupta+anonymous&gs_l=psy-ab.3...8969.11769..12016...0.0..0.301.1710.0j6j2j1.....0....1..gws-wiz.....35i39j0i8i67j0i22i30j38j33i160j33i21.DzDjOWZc_v4&ved=0ahUKEwjEudb75czkAhXYbSsKHZ6bBP8Q4dUDCAs&uact=5
14.	https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&sxsrf=ACYBGNQzP2Yrt3nKQslhC0EUT4k_xWgVnA%3A1568343359261&ei=PwV7XZfKD4j99QPlo5No&q=subodh+gupta+herdsceneand+&oq=subodh+gupta+herdsceneand+&gs_l=psy-ab.3...2046.2933..6339...0.0..1.541.1166.0j2j1j5-1.....0....1..gws-wiz.....35i39.krVYn9NcP3s&ved=0ahUKEwjX5cGm5szkAhWIfn0KHeXRBA0Q4dUDCAs&uact=5
15.	https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&sxsrf=ACYBGNTxC2LYgj9bCDvO_E5AMUiMYv1BrA%3A1568343432185&ei=iAV7Xcz7CteA9QOa74CIDw&q=subodh+gupta+sexual+facebook&oq=subodh+gupta+sexual+facebook&gs_l=psy-ab.3...2241.2241..2666...0.0..0.187.187.0j1.....0....1..gws-wiz.XYJr_H5r9gU&ved=0ahUKEwjM36TJ5szkAhVXQH0KHZ03APEQ4dUDCAs&uact=5
16.	https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&sxsrf=ACYBGNSYEOHaq8HANRwRSatA7beaBa72Tw%3A1568343497930&ei=yQV7XYXBOMSo9QOf7KToCg&q=instagram+subodh+gupta+herdsceneand+&oq=instagram+subodh+gupta+herdsceneand+&gs_l=psy-ab.3...3662.12965..13174...0.0..0.298.4672.0j26j3.....0....1..gws-wiz.....35i39j0i131j0j0i20i263j0i22i30j0i13i30j0i8i13i30.AhBWv29dDW8&ved=0ahUKEwjFydHo5szkAhVEVH0KHR82Ca0Q4dUDCAs&uact=5

17.	https://www.google.com/search?rlz=1C1SQJL_enIN788IN788&sxsrf=ACYBGNRc-bHjoRi6WLoCD0xo7CJ3q_QNoA%3A1568343531489&ei=6wV7XZnCHZb49QPq9IvwDw&q=subodh+gupta+sexual+harasser&oq=subodh+gupta+sexual+harasser&gs_l=psy-ab.3...84259.95207..95603...2.0..0.232.4972.0j30j3.....0....1..gws-wiz.....10..35i362i39j35i39j0i67j0j0i20i263j0i131i67j0i8i67j0i22i30j38j0i22i10i30.kjdLtct1AdU&ved=0ahUKEwjZ49H45szkAhUWfH0KHWr6Av4Q4dUDCA s&uact=5
18.	https://www.google.co.in/search?sxsrf=ACYBGNSvcvs1xkTci0lBUNm0hBUhMwihjQ%3A1568609325668&source=hp&ei=LRR_Xe6LJojZvASh66yAAQ&q=subodh+gupta+metoo&oq=subodh+gupta+metoo&gs_l=psy-ab.3..35i39.1329.6615..7163...0.0..2.539.4768.0j18j3j0j1j1.....0....1..gws-wiz.....10..35i362i39j0i67j0j0i131j33i160j35i304i39j0i13.Rq1v17zz-HI&ved=0ahUKEwiu1pSNxdTkAhWILI8KHaE1CxAQ4dUDCAY&uact=5

11. The defendant no.2 Instagram LCC is also directed to, on the next date of hearing, furnish to this Court in a sealed envelope, the particulars of the person/entity behind the Instagram account 'Herdsceand'.

12. The provisions of Order XXXIX Rule 3 of the CPC be complied forthwith.

Dasti under signatures of the Court Master.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 18, 2019

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