

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

**(EXTRA ORDINARY CRIMINAL JURISDICTION)**

**WRIT PETITION (CRIMINAL) NO.      OF 2020**

A WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA SEEKING AN APPROPRIATE WRIT FROM THIS HON'BLE COURT TO DIRECT THE GOVERNMENT OF NLT OF DELHI AND GOVERNMENT OF INDIA TO GET THE MATTER OF INSTAGRAM GROUP I.E. “BOIS LOCKER ROOM” INVESTIGATED BY SPECIAL INVESTIGATION TEAM (SIT) OR CENTRAL BUREAU OF INVESTIGATION (CBI) AND ARREST ALL THE PEOPLE INVOLVED IN THE SEXUAL OFFENCE AND CYBERCRIME AGAINST GIRLS AND WOMEN

**In the matter of Public Interest Litigation:**

DEV ASHISH DUBEY

...PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS.

...RESPONDENTS

To,

THE HON'BLE CHIEF JUSTICE OF DELHI

AND HIS COMPANION JUDGES OF THE

HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE  
MENTIONED

**MOST RESPECTFULLY SHOWETH:-**

1. That the Petitioner is filling the instant writ petition in public interest. Petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person/institution/body and that there is no motive other than of public interest in filling the writ petition.
2. That the Petitioner has based the instant writ petition from authentic information and documents made available publicly from the Respondent No. 3 websites and Respondent No. 4 letter.
3. That the petition, if allowed, would benefit the citizens of this country generally as rule of law is essential for democracy and such brazen violation of law by executive is to the detriment to citizens as a whole. Since the issue is related to the offence committed against the girls and women by the group members of Instagram group named as "Bois Locker Room", which was created by school students mainly stating in South Delhi. Hence the Petitioner herein prefer this PIL.
4. The affected party by the orders sought in the writ petition would be the Government of NCT of Delhi, Government of India, Instagram and Delhi Women Commission who have been made as a Respondents. To the best of the knowledge of the Petitioner, no

other person / bodies / institutions are likely to be affected by the orders sought in the writ petition.

5. That Petitioner is a citizen of India and interested in safeguarding the interest of public at large and ventilating the grievances of public regarding the issues of public importance. The Petitioner is working for a Corporate Company. The Petitioner is a public-spirited person and take lead in various issues of public interest before the authorities. And, the Petitioner has means to pay if any cost is imposed by the Hon'ble Court.

#### **THE CASE IN BRIEF**

6. That the Petitioner is filing the instant writ petition in public interest under Article 226 of the Constitution seeking direction against Respondent No. 1 and 2 to get the Instagram group "Bois Locker Room" issue investigated through SIT or CBI and arrest the wrongdoer. The Petitioner further seeks protection to the girls and women who have highted this hilarious crime of Delhi School Students against their classes and other girls and women.
7. That on 03.05.2020, screenshots from an Instagram group called "Bois Locker Room" were shared by social media users. The screenshots reveal chats between a group of school students from Class 11 and 12 sharing photos of underage women, followed by lurid discussions on their bodies. The group was also allegedly used to share nude/morphed photographs of the women.
8. That the group is run by and has membership of 16 to 18-year-old boys from posh schools in South Delhi, all of whom were involved

in the objectification of their classmates and other women, some as young as 14. The list of members of the group chat has also been released publicly. The expletive-laden chats show the boys discussing having physical relationship with their classmates as well as rating them on a scale of beauty vs the size of their breasts and how the latter makes up for any supposed deficiency in the former criteria. Another bunch of messages has the members sharing photos of teenage girls and making others guess her age.

True copy of the screenshot of Instagram Group “Bois Locker Room” is annexed herein and marked as **ANNEXURE-P-1**.

9. That as the leaked screenshots went viral and outrage over their behaviour poured out, many of the users of the group allegedly deactivated their social media profiles and also allegedly threatened to leak nude photos and hack accounts of the women who had outed them. One of the post states that “Let's post nude photos of all girls who posted stories about us. I have photos of some of them. Now they will know the result of these shenanigans. They will shut their mouth. They want to be feminists na... they will not be able to show their face in public”.

True copy of the news report is annexed herein and marked as **ANNEXURE-P-2**.

10. That due to these threats there is an apprehension that the girls who have brought this incident in public might suffer some loss, therefore it is very necessary to take strict action against the

members of Instagram Group “Bois Locker Room” as soon as possible.

11. That the Respondent No. 4 took cognisance of the matter and issued notices to the police as well as to Respondent No. 3. But in its notice to the police, the panel demanded that the police submit a report on the action taken in the case by May 8, which is of no use as these 11 and 12 Class students belong to high profile family and there is high chances of investigation will not be fair and partial.

True copy of the letter dated 04.05.2020 issued by the Respondent No. 4 to the police is annexed herein and marked as **ANNEXURE-P-3**.

12. That the cause of action for this writ petition arises out against the members of the Respondent No. 3 company group “Bois Lockers Room” who are students of posh schools in South Delhi because of the contents shared and discussed in the group by them and further threatening messages were sent to those girls who have brought this issue in public, which clearly shows that the wrongful intention of these boys against the girls and if they are not stopped and punished at this point of time, so this might lead to cause various type of serious offences in Delhi and other part of India by these students.
13. Since this is a public interest matter, and there is an asymmetry of availability of information, Petitioners seek liberty from this Hon’ble Court to produce other documents and records as and when required during the proceedings, and as and when they become available to the Petitioner.

14. That Petitioner has not filed any other petition raising the issue raised in the present Writ Petition in any other Court of this Country. The Petitioner has no other better remedy available.
15. That there is no civil, criminal or revenue litigation, involving Petitioner, which has or could have legal nexus, with the issue involved in this petition. It is totally bonafide with purpose of larger public and national interest.

### **GROUND**

- A. BECAUSE the obscene and objectionable pictures and vulgar comments by members of the group and once their comments were came in light so instead of being apologetic or fearful, they have openly threatened the girls who are calling them out with dire consequences, which shows that these girls might face threat such as raped, gang-raped, tortured etc.
- B. BECAUSE the offense committed by these students through the Instagram group is illegal and amounts of violation of various laws of India.
- C. BECAUSE Morphing photos and sharing images of people's private parts is a violation of Section 66E of the Information Technology Act, as well as Section 354C of the Indian Penal Code.
- D. BECAUSE it is further pertinent to note that the Section 507 of IPC hold these students punishable for 2 years threatening a woman by any kind of anonymous communication which is also intimidating. Further Section 509 of IPC give punishment of 3 years of

imprisonment with a fine for posting sexual pictures or remarks or videos including sexual insinuations on social media. Section 503 of IPC states 2 years of imprisonment for threatening a woman by either alarming or malign her reputation and Section 499 of IPC states 2 years of imprisonment for defaming a woman online.

- E. BECAUSE the action of these students shows the mindset of the young generation towards the girls and if it is not stopped at this time and these people are not punished at this time, so it will lead to create lot of issues and increase of crime against the girls and women in the future time.
- F. BECAUSE the entire issue needs to be investigated by the SIT or CBI as these students belongs to high profile families and there is an apprehension that the investigation or enquiry conducted by the local police will be influenced and wrongdoer's will never be arrested and punished.
- G. BECAUSE the crime has been conducted against the minor girls and various group members of the Respondent No. 3 company group are minor, so these group members should be punished under the various section of the Protection of Children from Sexual Offences Act, 2012 also.

### **PRAYERS**

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court in public interest may be pleased to: -

- a. Issue appropriate writ directing the Respondent No. 1 and 2 to get the Instagram group “Bois Locker Room” issue investigated through SIT or CBI.
- b. Issue appropriate writ directing the Respondent No. 1 and 2 to arrest all the Instagram Group “Bios Locker Room” members immediately.
- c. Issue appropriate writ directing the Respondent No. 1 and 2 to provide safety to the girls and women who have expose this heinous crime of students, so that they cannot be harmed by the members of “Bois Locker Room” group.
- d. Issue or pass any writ, direction or order, which this Hon’ble court may deem fit and proper under the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS-IN-PERSON AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY

Dated: 06.05.2020

(Dushyant Tiwari & Om Prakash Parihar)

New Delhi

(Advocates for the Petitioner)



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**AFFIDAVIT**

1. That I am the Petitioner No. 1 in above named petition. I am thoroughly conversant with the facts and circumstances of the present petition and I am competent to swear this affidavit.
2. I have filed the present petition as a Public Interest Litigation.
3. I have gone through the Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.
4. I have no personal interest in the litigation and neither myself nor anybody in whom I am interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self-gain or gain

of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. I have done whatsoever inquiry/investigation, which was in my power to do, to collect all data/material which was available, and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material /information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.
6. That the contents of the List of Dates are drafted by my counsel under my instructions, which are true to the best of my knowledge derived from the records maintained by me.
7. That the contents of Para 1 to 15 and A to G of the Writ Petition are drafted by my counsel as per my instructions and I believe them to be true.
8. I say that the Annexures to the Writ Petition are true copies of their respective originals.
9. The Petitioner has not preferred any similar or other petition in the abovementioned matter.

DEPONENT

**VERIFICATION:**

I, above named deponent do hereby solemnly verify that the contents in paragraphs No. 1 to 9 of this affidavit of mine are true

and correct to my knowledge and belief, no part of it is false and that nothing material has been concealed therein.

Verified this 5<sup>th</sup> day of May 2020 presently at New Delhi.

DEPONENT