

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1429/2020 & CrI.M.A.No.12441/2020**

MOHAMMED ZUBAIR Petitioner
Through: Mr.Colin Gonsalves, Sr. Advocate
with Mr.Gunjan Singh, and
Ms.Pragya Ganjoo, Advocates.

versus

STATE OF GNCT & ORS. Respondents
Through: Mr.Rahul Mehra, Standing Counsel
(Crl) and Mr.Chaitanya Gosain
Advocate with Insp. Arun CyPad/
Spl. Cell for State/Respondents No.1
& 4.
Dr.Anindita Pujari, Ms.Deval Singh
and Mr.Om Narayan, Advocate for
respondent No.2/NCPCR.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

09.09.2020

%

1. The hearing has been conducted through Video Conferencing.
2. This petition is filed with the following prayers:-

*“a. Pass an order directing the respondent No. 1 to supply the copy of the FIR to the petitioner immediately.
b. Pass an order quashing the FIR registered against the petitioner by Delhi Police Cyber Cell.
c. Pass an order directing the respondent to not take any coercive action against the petitioner pursuant to FIR registered against the petitioner by Delhi Police Cyber Cell.
d. Pass an order directing initiation of criminal proceedings against Respondent No. 2 and 3.
e. Pass an order directing respondents to pay cost to the tune of Rs.50 lakhs for harassing and defaming the petitioner.
f. Pass any other order in the interest of justice.”*

3. It is submitted the Petitioner herein is a journalist and co-founder of India's most read fact-checking website news outlet ALT News and due to the nature of his work petitioner is often abused, threatened and demeaned by people.

4. It is submitted two separate FIRs have been registered against the petitioner, one by Delhi Police Cyber Cell and other at Chhattisgarh. In respect of FIR registered in Delhi it is submitted on 18.04.2020 the petitioner had shared an old image of his wearing a traditional Indian attire and one Jagdish Singh from his twitter handle replied to this image "*once a jihadi is always a jihadi*". On 07.07.2020 once again the petitioner tweeted a simple tweet and Jagdish Singh from his twitter handle replied to the petitioner with a vulgarly worded image "*Tu toh bada madharchod nikla re*". Thereafter on 06.08.2020 the petitioner re-tweeted an ALT news fact check report debunking an old video spreading misinformation on the internet. The respondent no.3 from his again from his twitter handle replied in this tweet with abuses "*लवडे का फैक्ट चेकर*". It is submitted on the same day the petitioner re-tweeted on Jagdish Singh's tweet displaying a picture which was visible to the public wherein Jagdish Singh was standing with his daughter whose face was pixelated/blurred by the petitioner and he wrote "*Hello Jagdish Singh, Does your cute granddaughter know about your part time job of abusing people on social media? I suggest you to change your profile pic*". It is argued a bare perusal of the tweet would not reveal that it was intending to cause harassment to the minor girl and rather the said tweet was made on the personal twitter handle of the respondent No.3 and not to anyone else.

5. Thereafter the respondent no.3 on 06.08.2020 made a complaint to respondent no.2 against the petitioner. On 08.08.2020 the petitioner through tweets got to know the respondent no.2 has taken cognizance of the complaint and had recommended legal action against the petitioner. The NCPCR also summoned the Twitter India and sought action against the

petitioner.

6. Consequently, two FIRs one at Chhattisgarh and another the present one at Delhi bearing no.194/2020 dated 09.08.2020 under Section 67, 67A of IT Act, 2000 was registered at PS, Delhi Police, Special Cell.

7. It is the grievance of the petitioner that the copy of present FIR has never been supplied to him and for this reason he could not respond to the allegations made against him. Further it is submitted that two FIRs on similar facts are not maintainable.

8. On the other hand it is submitted by the learned standing counsel for the State, that during investigation it is found one third person owning a twitter handle viz. *neolardo pindiwal@de_real_mak* was also indulged in making objectionable/disrespectful comments against Jagdish Singh and his daughter and the investigation is still going on to find out as to if the said twitter handle, used by the third person, is in any way related to this petitioner. It is further submitted that though the petitioner claim the face of the daughter of respondent no.3 was blurred but he has got instructions to say that it was not so.

9. It is further submitted the Twitter India be also directed to co-operate with the concerned officials of Delhi Police to expedite the replies to the queries raised by the Delhi Police. The Twitter India is directed accordingly.

10. The respondents no.1 and 4 are therefore directed to supply a copy of the present FIR to the petitioner and should also file a status report on or before the next date with an advance copy to the learned counsel for the petitioner and the same be placed on record as well.

11. At this stage it is submitted by the learned counsel for the respondent no.2 that respondent no.2 is only an informant and was performing her

statutory duties as are contemplated under Sections 19 and 44 of POCSO Act. However, it is the grievance of the petitioner that the information annexed at page 40 of paper book comes from the personal twitter handle of respondent no.2 and such information is made public, probably, to harass the petitioner herein and hence they have made respondent no.2 as a party herein.

12. The respondent no.2 may also file a reply, if any, on or before the next date with an advance copy to the respective counsels.

13. List on 08.12.2020 and till then there shall be no coercive action against the petitioner herein.

YOGESH KHANNA, J.

SEPTEMBER 09, 2020

AT