

**BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY**

**(IN ITS CRIMINAL APPELLATE JURISDICTION)**

**CRIMINAL WRIT PETITION NO.**

**OF 2020**

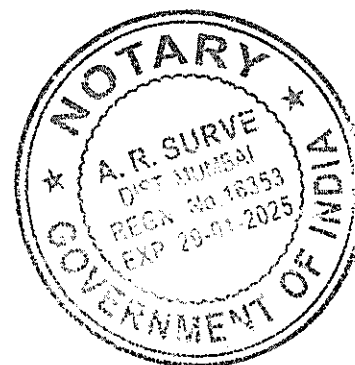
**DISTRICT: MUMBAI**

**IN THE MATTER OF ARTICLE  
226 AND 227 OF THE  
CONSTITUTION OF INDIA**

**AND**

**IN THE MATTER OF  
INVOKING THE INHERENT**

2



JURISDICTION OF THIS  
HON'BLE COURT UNDER THE  
PROVISIONS OF SECTION  
482 OF THE CODE OF  
CRIMINAL PROCEDURE TO  
SECURE THE ENDS OF  
JUSTICE IN THE MATTER OF  
INVESTIGATION OF DCB CR  
NO 143 OF 2020 LODGED AT  
THE CRIME BRANCH,  
MUMBAI AND BEING  
INVESTIGTEED BY  
RESPONDENT NO. 1  
ASSISTANT POLICE  
INSPECTOR SACHIN VAZE  
ATTACHED TO THE

INTELLIGENCE UNIT OF THE  
CRIME BRANCH

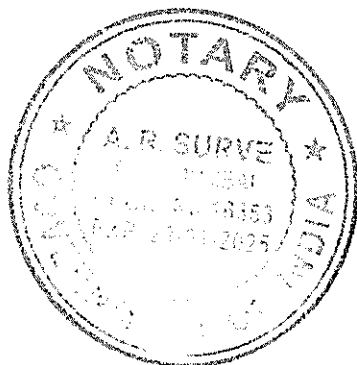
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AND

IN THE MATTER OF FIR NO.  
843 OF 2020 DATED 6<sup>TH</sup>  
OCTOBER 2020 LODGED AT  
THE BEHEST OF NITIN  
KASHINATH DEOKAR  
(EMPLOYEE OF THE  
PETITIONER COMPANY)  
AGAINST ONE VISHAL  
VEDPRAKASH BHANDARI  
(EX-EMPLOYEE OF THE  
PETITIONER COMPANY) AND  
HIS OTHER UNKNOWN  
ACCOMPLICE WITH  
KANDIVALI POLICE  
STATION, MUMBAI FOR THE  
OFFENCES PUNISHABLE  
UNDER SECTION 409, 420,  
120-B, 34 OF THE INDIAN  
PENAL CODE

AND

IN THE MATTER OF LETTER  
DATED OCTOBER 27, 2020  
WRITTEN BY PETITIONER  
NO. 2 TO HOME SECRETARY,



GOVERNMENT OF  
MAHARASHTRA, DIRECTOR  
GENERAL OF POLICE,  
MAHARASHTRA AND  
OTHERS

**1. Hansa Research Group Pvt. Ltd.**

A Company incorporated under the  
Companies Act, 1956 and having its  
Registered office at 1<sup>st</sup> floor, Building – A,  
Sahney Business Centre, Kiroli Road,  
Vidyavihar (West), Mumbai – 400 086  
Through its Director, Narasimhan K Swamy,  
S/o R K Swamy, aged 63 years

**2. Narasimhan K Swamy**

S/o R K Swamy, aged 63 years  
Director of Petitioner No. 1

**3. Praveen Omprakash Nijhara**

Aged about 48 years  
CEO of Petitioner No. 1

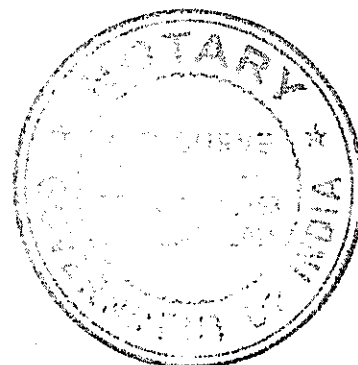
**4. Nitin Kashinath Deokar**

Aged about 55 years  
Deputy General Manager of Petitioner No. 1  
First Informant

**Petitioner Nos. 2 to 4 having office at**

Hansa Research Group Pvt. Ltd.

A Company incorporated under the



Companies Act, 1956 and having its  
Registered office at 1<sup>st</sup> floor, Building – A,  
Sahney Business Centre, Kiro Road,  
Vidyavihar (West), Mumbai – 400 086

.....

Petitioners

**V/S**

**1. Sachin Vaze**

Assistant Police Inspector, Crime Branch (CIU)  
4<sup>th</sup> floor, Mumbai Police Headquarters,  
Opposite Crawford Market,  
CST, Mumbai

**2. Parambir Singh**

Commissioner of Police, Mumbai  
Mumbai Police Headquarters,  
Opposite Crawford Market,  
CST, Mumbai

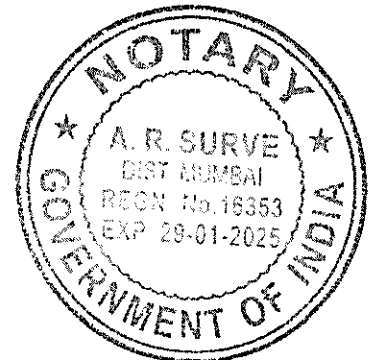
**3. Shashank Sandbhor**

Assistant Commissioner of Police  
Chief Investigating officer,  
4<sup>th</sup> floor, Mumbai Police Headquarters,  
Opposite Crawford Market,  
CST, Mumbai

**4. State of Maharashtra**

Through public prosecutor  
Bombay High Court, Mumbai

**5. Central Bureau of Investigation**

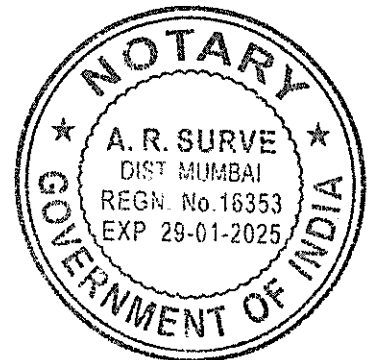


13th Floor, Plot No. C-35A,  
'G' Block, Bandra Kurla Complex (BKC),  
Near MTNL Exchange, Bandra (East)  
Mumbai 400051

..... Respondents

**HUMBLE WRIT PETITIONERS**  
**OF THE PETITIONER**  
**ABOVENAMED**

**TO,**  
**THE HON'BLE THE CHIEF JUSTICE**  
**AND THE OTHER HON'BLE PUISNE**  
**JUDGES OF THE HON'BLE HIGH COURT**  
**OF JUDICATURE AT BOMBAY**

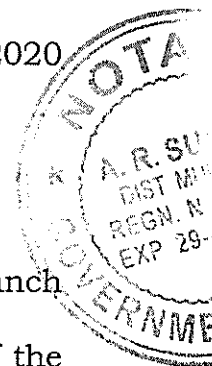


**MAY IT PLEASE YOUR LORDSHIPS:**

On behalf of the Petitioners abovenamed it is most respectfully submitted as under:

1. Petitioner No. 1 is a Company, having its registered office at the address mentioned in the cause title hereinabove, was incorporated in the year 1984 under the Companies Act, 1956 and since then is in the business of Quantitative and Qualitative Research studies, Custom Research & Syndicated Research, Exit polls and Opinion polls and Media Research. Petitioner Company is one of the six main operating companies in India of R K SWAMY HANSA Group. Hansa Vision India Pvt Ltd owns 96% stake in the Petitioner Company. Petitioner Company has professional engagements with various statutory, banking and multinational companies etc. in India and has executed projects in 77 countries. Petitioner No. 2 is a Director of Petitioner No. 1 and provides oversight on the operations of the Petitioner No. 1 Company. Petitioner No. 3 is a Chief Executive Officer of Petitioner No. 1 and looks after day to day

affairs of the Petitioner No.1. Petitioner No. 4 is a Deputy General Manager of Petitioner No.1 and also is the First Informant in FIR No. 843 of 2020 lodged at Kandivali Police Station.



2. Respondent No. 1 is Assistant Police Inspector in the Crime Branch (CIU) has been playing an active role in the matter of investigation of the said DCB C.R. No. 143 of 2020 lodged at the Crime Branch and Petitioners have learnt that he directly is reporting to Respondent No. 2 in the matter of investigation of the present case. Respondent No. 2 is the Commissioner of Police who is supervising and is overall in charge of the investigation of the said DCB C.R. No. 143 Of 2020. Respondent No. 3 is the Assistant Commissioner of Police in the Crime Branch that according to the Press Release dated October 8, 2020 issued by the Mumbai Police he is described as the Chief Investigating Officer in the said DCB C.R. No. 143 Of 2020. He has signed two summons with respect to this CR but not interacted with any of the Petitioners who were called to the Crime Branch on different dates as set out herein below. The Petitioner 1 to 3 are Police Officers employed and working with Respondent No. 4

3. Broadcast Audience Research Council (BARC) is a body formed by IBF (Indian Broadcasting Foundation - which includes Prasar Bharti), AAI (Advertising Agencies Association of India) and ISA (Indian Society of Advertisers) and works under the guidelines issued by Telecom Regulatory Authority of India (TRAI) and Ministry of Information and Broadcasting (MIB).It measures Television Rating Point (TRP) by installing "Bar-o-meters" which are connected to the TV in the selective households. In the year 2014, BARC commissioned the Petitioner No. 1 to be part of TV audience measurement process by installing "Bar-o-meters" in the household allotted by Meterology Data Pvt Ltd (MDL), a subsidiary of BARC These "Bar-o-meters" capture activities such as programs watched, family members who were watching the program and then uploads the

said captured data to BARC server through sim card installed in it when connected to the BARC server. The object of this process is to understand how many people watch which channels or programs which helps in understanding what kind of programs are liked by people. BARC use the direct data from these bar-o-meters and collates and computes Television Rating Point (TRP).

4. This activity of installing said "Bar-o-meters" is covered in 20 states and union territories by Petitioner No. 1 for BARC. These 20 states and union territories include Arunachal Pradesh, Assam, Bihar, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Goa, Gujrat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Punjab, Rajasthan and Tripura. Number of Panel Household keeps changing regularly as few registered Panel Members opts out and new members join in. As of October 30, 2020 about 16,031 Panel Households have these "Bar-o-meters" installed by Petitioner No. 1.

5. People who are employed by the Petitioner No . 1 to install and maintain such "Bar-o-meters" are called Relationship Managers. Keeping importance of confidentiality in the entire process in mind, at the time of appointment of these Relationship Managers, amongst other things, most importantly a Non-Disclosure Agreement (NDA) is entered into with each Relationship Manager whereby they are legally bound to not disclose. This Non-Disclosure Agreement also include clauses which define the actions that would be taken against any person who does not follow the agreed terms. This Non-Disclosure Agreement is annexed as **Annexure - A**

6. People in whose houses these "Bar-o-meters" are installed are called Panel Households. These Panel households have to sign an Acceptance letter which has imposed certain obligations on the panel households. The

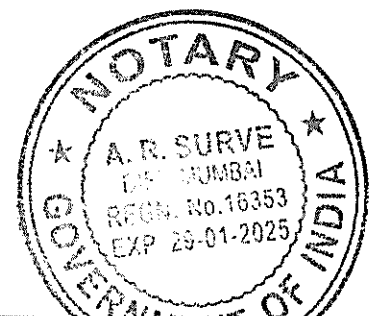




Panel Household get an amount every month as incentive from BARC directly in their bank account. The contents of the said acceptance letter is annexed hereto as **Annexure - B**

7. The viewership data uploaded by these “Bar-o-meters”, installed in the panel household and connected to their TVs, on the BARC server is an important input for determining the tariff, which advertisers are willing to pay to advertise their products and/or services on the Channels. However, there could be Channels who would want to manipulate this viewership data in their own vested interest. In order to overcome this misuse, BARC Vigilance Team and the Petitioner Company, are constantly monitoring the households and Relationship Managers for any wrongdoing in the Field to influence viewers to watch a particular Channel to boost that Channel viewership data.

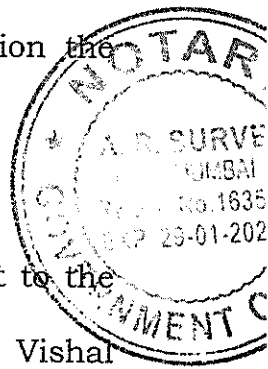
8. Over a period of time up to in the month of June 2020, BARC noticed a spike in some channel viewership in certain homes. Suspecting some malpractice they asked the Relationship Manager Vishal Vedprakash Bhandari to present himself before BARC’s Vigilance team. The Petitioner representative was also present. During this enquiry Vishal Bhandari confessed in writing to the crime of influencing certain panel homes to watch certain channels. BARC consequently drafted a complaint that could be filed by the Petitioner and sent it to them by e-mail on June 30, 2020. After a few revisions, mostly over email exchange between BARC Vigilance Team and the Petitioner, this final internal draft complaint formed the basis of filing of the FIR. Annexed hereto at **Annexure-C** is the said internal final draft complaint prepared by BARC but undated and printed on the Petitioner No. 1 letterhead and signed by Petitioner No. 4.



9. On or about October 6, 2020, Petitioner No. 3 was telephonically informed by the Asst. Police Inspector, Mr. Kazi, that based on the information received by them, they have nabbed one Vishal Ved Bhandari, residing at House No. 6, Kashinath Khandu Bhandari Chawl, BMC Quarters, Chincholi, N. B. Road, Malad (West), Mumbai – 400 097. The officer further informed that upon inquiry with the said Vishal Bhandari he has disclosed that he was working for Petitioner No. 1 as a Relationship Manager. The officer added that the said Vishal Bhandari has also disclosed that he, along with other accomplices, are involved in fraudulently increasing TRP of specific TV channels by inducing panel households by paying them money to watch these channels. Thus to have further investigation in the matter, Petitioner No. 3 was called to Kandivali police station, and accordingly he attended the said Police Station the same day.

10. On the same day i.e. October 6, 2020 Petitioner No. 3, went to the Kandivali Police Station and confirmed the identity of the said Vishal Bhandari. When he arrived there he also noticed the presence of BARC Vigilance officer Sameer Gilani who was finalizing the FIR with the police authorities, based on the final internal draft complaint (Annexure – C) prepared as stated in point No. 7 which came to be registered as FIR No. 843 of 2020 at Kandivali Police Station, Mumbai against one of its ex-employees viz. Vishal Bhandari for the offences punishable under section 409, 420, 120-B, 34 of the Indian Penal Code. Annexed hereto at **Annexure - D** is the true copy of the said FIR bearing No. 843 of 2020 lodged at Kandivali Police Station together with an English translation thereof.

11. It appears that the further investigation in the abovesaid FIR bearing No. 843 of 2020 lodged at the Kandivali Police Station was

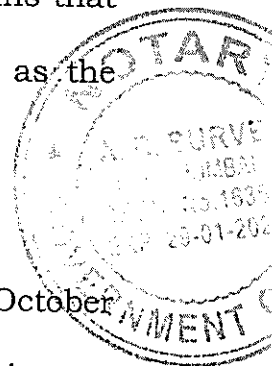


transferred or taken over by the Crime Branch, Mumbai vide its DCB C.R. No. 143 of 2020.

12. On October 8, 2020 in a press conference called by Mumbai police, Respondent No. 2 announced that the police while investigating the alleged Television Rating Point (TRP) scam, Vishal Bhandari, ex-employee of the Petitioner Company, and owners of two channels had been arrested by them. In the said press conference, the Respondent No. 2 also named Republic TV, being the news channel as one of the channels who were trying to manipulate TRP Ratings.

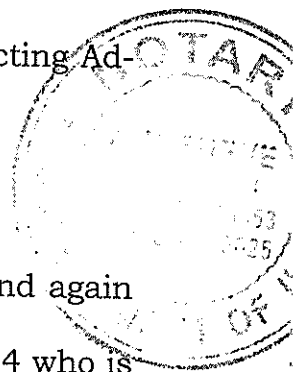
13. In response to the abovesaid announcement made by Mumbai Police, Republic TV in its telecast on October 10, 2020 relied on certain documents which were referred to by them as 'Hansa Report' viz. report of the Petitioner No. 1. While referring to this particular document, the Republic TV showed parts and portions of the said document on the screen again and again, and claimed that the name of the Republic TV was not mentioned in the said report but the name of some other channel had been mentioned in it. The Republic TV was attempting to declare themselves as innocent in the said TRP scam on the basis of the said document. It is not clear to the Petitioners what this purported Hansa Report claimed by the Republic TV in its telecast is, as till date Republic TV has neither sought any permission of the Petitioner No. 1 for using something they are calling as 'Hansa Report' in its telecast nor have they informed or shared what the said document is. But the fact remains that some paper is shown on Republic TV time and again calling it as the Hansa Report.

14. The Petitioner No. 1, therefore, by their letter/e-mail dated October 12, 2020 called upon the Republic TV not to use their name in any manner and not to make any reference to the purported 'Hansa Report' in



their channel to substantiate their argument against the investigation being made by Mumbai Police. Annexed hereto at **Annexure - E** is the copy of the said letter/e-mail dated October 12, 2020 sent by Petitioner No. 1 to the Republic TV. However, Despite such a Notice delivered to Republic TV, they only ignored it and again made strong reference to Hansa's purported document on their Channel on October 13, 2020 and, therefore, Petitioner No. 1 on October 16, 2020 filed a Suit in the Ld. City Civil Court at Bombay which has been registered as Suit No. 1146 of 2020 and is pending before the Ld. Bombay City Civil Court at Bombay for a declaration that the Republic TV has no right of any nature whatsoever to refer in any of their broadcast to any internal document of the Petitioner No. 1 being referred to by them as 'Hansa Report' or any other document of the Petitioner No. 1. The Petitioner No. 1 in the same Suit also prayed for a temporary and permanent injunction restraining the Republic TV from referring in their broadcast to any internal document of the Petitioner No. 1 referred to by them as 'Hansa Report' or any other internal document of the Petitioner No. 1. Annexed hereto at **Annexure - F** is the copy of the said Suit bearing No. 1146 of 2020 filed by the Petitioner No. 1. The Ad-interim relief prayed by the Petitioner No. 1 was rejected by the Ld. Bombay City Civil Court at Bombay vide order dated October 21, 2020 passed on Notice of Motion No. 1492 of 2020. Annexed hereto at **Annexure - G** is the copy of the certified copy of the said order dated October 21, 2020 passed by the Ld. Bombay City Civil Court at Bombay rejecting Ad-interim prayer of the Petitioner No. 1.

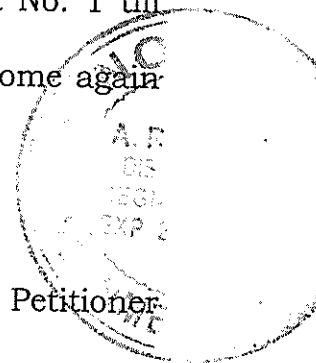
15. In the meantime, on October 11, 2020 at around 11 AM and again at 5 PM, a police constable went to the residence of Petitioner No. 4 who is also the First Informant in FIR No. 843 of 2020 lodged at Kandivali Police Station and asked him to attend Crime Branch and see Respondent No. 1 on the same day. The Petitioner No. 4 consulted his superiors and also requested for a written intimation about his attendance in the crime



branch from the said police constable. However, no such written intimation was given to him. The same day, around 7 PM, Respondent No. 1 called Petitioner No. 3 and asked him to come to the Crime Branch the next day at 12 Noon along with Petitioner No. 4.

16. On October 12, 2020 both persons viz. Petitioner Nos. 3 and 4 who were on the previous day orally informed to be present at the crime branch went thereon the intimated time i.e. 12 Noon and met Respondent No. 1 and his team. At the crime branch office they both were asked to make a statement that the abovesaid purported Hansa report shown on Republic TV since October 10, 2020 is not that of the Petitioner No. 1 and a fake one. The Petitioner Nos. 3 and 4 explained to the Respondent No. 1 that it is not clear to the Petitioners what this purported Hansa Report claimed by the Republic TV in its telecast is, as till date Republic TV has neither sought any permission of the Petitioner No. 1 for using something they are calling as 'Hansa Report' in its telecast nor have they informed or shared what the said document is and additionally while referring to this particular document, the Republic TV showed parts and portions of the said document and as such they could neither confirm nor deny what was shown on TV, unless the purported report was physically shown to them and allowed its comparison with the original internal note. However, the Respondent No. 1 was not ready to take anything short of a statement by both the officers disowning the said purported report shown on Republic TV and thus threatened both Petitioner Nos. 3 and 4 with their arrest and indefinite detention and confiscation of their mobile phones. Both the Petitioners were detained at the Crime Branch by Respondent No. 1 till 9.30 PM, and they were permitted to go after asking them to come again the next day 11 AM.

17. On October 13, 2020 as called by the Respondent No. 1, Petitioner Nos. 3 and 4 along with one Abhishek Sarkar, Operations Manager of the





Petitioner No. 1 once again attended office of the Respondent No. 1 at around 11 AM. The Petitioner No. 2 had also accompanied them on his own accord. During their meeting with Respondent No. 1, he once again asked them to admit that what was shown on the Republic TV since October 10, 2020 was not of Petitioner No. 1 but a fake one. Obviously, the Petitioners repeated their stand once again and repeated their inability to identify the said purported report shown on the Republic TV as a fake one. Respondent No. 1 threatened their detention in the Crime Branch and they were in fact detained there till 8 PM without giving any reason whatsoever for their illegal detention. At about 8 PM, Respondent No. 1 permitted them to leave but insisted that one of them should stay back as he wanted to serve a notice for production of certain documents. Accordingly, Petitioner No. 3 stayed back and remained in the crime branch. However, in spite of passage of an hour and a half no notice was served upon and ultimately Petitioner No. 3 was permitted to leave crime branch office at around 9.30 PM and he went home.

18. On October 14, 2020 as insisted the previous night by Respondent No. 1, Petitioner Nos. 2 to 4 once again presented themselves in the office of Respondent No. 1 at 12 noon. From 12 Noon till 7.30 PM the conduct of the Respondent No. 1 was the same as previous two days. Petitioner Nos. 2 to 4 were once again asked to deny the purported "Hansa Report" to which they expressed their inability to make such a false statement. No notice or any request letter for production of documents, which was to be served the day before, was served upon the Petitioners even on October 14, 2020. At about 7.30 PM Petitioner Nos. 2 to 4 were permitted to leave for their home after telling them to once again remain present in the office of Respondent No. 1 at about 12 noon.

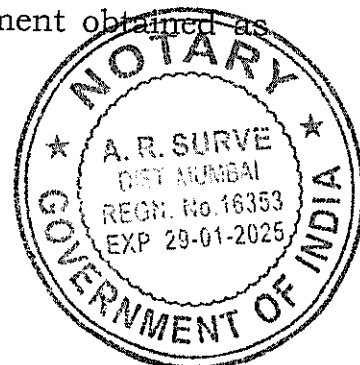
19. Accordingly on October 15, 2020 also Petitioner Nos. 2 to 4 reached the office of Respondent No. 1 at 12 noon and thereafter were detained

there till 8 PM. Finally, at about 8 PM, for the first time a Notice under Section 91 of Code of Criminal Procedure asking for submission of some documents were served upon them. Annexed hereto at **Annexure - H** is the copy of the said letter

20. On October 19, 2020 at about 4.30 PM Petitioner No. 4 along with Sr. Consultant Abhay Sawant of Petitioner No. 1 went to the office of the Crime Branch to deliver the documents called upon by the Crime Branch under section 91 of the Code of Criminal Procedure. They were kept waiting at the Crime Branch till 10 PM and in spite of passage of such a long time, the documents were not accepted and finally the Crime Branch asked them to change the format of the documents and resubmit.

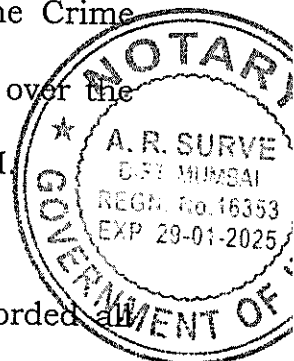
21. On October 20, 2020 at about 4 PM Petitioner Nos. 3 and 4 together with the said Abhay Sawant went to office of the Crime Branch. This was to submit the documents and also to meet the Deputy Commissioner of Police. Annexed hereto at **Annexure - I** is the acknowledged copy of the covering letter submitted along with the required documents. The above persons were made to wait in the Crime Branch office till 8.30 PM but the meeting with Deputy Commissioner of Police did not take place. The team on that day was orally asked for some other document.

22. In the morning of October 21, 2020 a phone call was received by Petitioner No. 3 from the office of Respondent No. 1 asking him for one more document in addition to the one that was asked a day before. The said Abhay Sawant accordingly attended the office of Respondent No. 1 and was kept waiting from 1.30 PM to 3.30 PM. and both the documents were submitted to the crime branch and acknowledgement obtained as contained in **Annexure - J**.



23. Petitioner No. 3 once again received a call from the office of Respondent No. 1 in the morning of October 26, 2020 calling upon him to be present in the Crime Branch office along with all Directors' and VP-Finance of the Petitioner No. 1, in the course of the same day. Accordingly, Four Directors and the VP-Finance were present as called for from 3.15 PM, and were questioned by Respondent No. 1 about the FIR, the abovesaid civil suit filed by Petitioner No. 1 against Republic TV at Bombay City Civil Court and the link between Hansa Vision India Pvt Ltd (parent company of Petitioner No. 1) and Republic TV. As Promoter-Director of Hansa companies, Petitioner No. 2 confirmed to the Respondent No. 1 that Hansa Vision India Pvt. Ltd. is in the advertising business and could have placed advertisements on Republic TV for which payments would have been made. Respondent No. 1 at around 4 PM after abruptly telling the Directors that "we are arresting you", ceased their mobile phones and retained them without giving any reason whatsoever. In a separate meeting on the same day with Petitioner No. 3, once again he was asked to deny the purported "Hansa Report" to which he expressed his inability to make such a false statement. At the same time i.e at about 7.30 PM, lawyer of the Petitioners had reached the gate of the police headquarters for going to the office of Respondent No. 1. However, he was not allowed entry without permission of the investigating officer. As Promoter-Director of Hansa companies, Petitioner No. 2 expressly sought the permission from Respondent No. 1 to allow the lawyer to come in but the same was refused. While the Petitioners were orally told that they were being arrested, their lawyer was denied permission to enter the Crime Branch. The Petitioners and other directors were finally handed over the mobile phones and allowed to leave the Crime Branch at 11.15 PM.

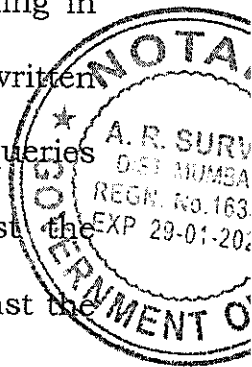
24. Petitioner No. 1 vide its letter dated October 27, 2020 recorded all these facts and treatment given to them in the course of investigation by Respondent No. 1 and submitted the same to Home Secretary,





Government of Maharashtra, Additional Chief Secretary (Home), Government of Maharashtra, Director General of Police, Maharashtra, Respondent No. 2, Joint Commissioner of Police (Crime), Addl Commissioner of Police (Crime) and Deputy Commissioner of Police (Crime) and requested them to kindly intervene and stop the harassment of Petitioners, its Directors/CEO/personnel whose only action in the matter is the filing of the FIR against an ex-employee. Annexed hereto at **Annexure - K** is the acknowledged copies of the said letters delivered to the abovementioned officers.

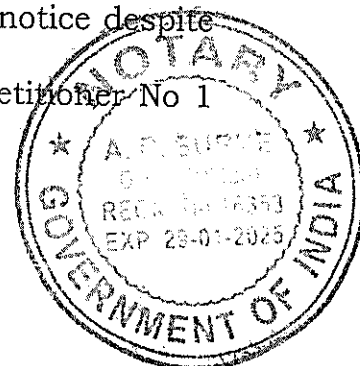
25. However, in spite of informing and requesting the Superior Authorities as well as higher ups in the Mumbai Police department there has been no respite to the ordeal faced by the Petitioners. The officers of the Petitioner No. 1 viz. Petitioner No. 3, Veena Danny Kotian, Head HR, Abhishek Sarkar, Operations Manager and Petitioner No. 4 had been orally called upon to attend the office of the Crime Branch on October 28 and they were there between 12 PM Noon to 8.30 PM. Petitioner No. 3 was called that day to give his statement and he was made to wait in the Crime Branch from 3 PM to 8.30 PM, but no statement was taken. While the Petitioner No. 3 was waiting, Head HR was queried on her personal background, and the processes of recruitment and training in the company. At the end of the questioning, she was given a handwritten list of queries for which answers were sought the next day. These queries were: 1) How many complaints were received till date against the Relationship Managers. 2) How many enquiries were initiated against the RMs, and all documents of enquiry to be produced. 3) What disciplinary action was initiated and taken against guilty RMs? 4) All RMs appointment letters with NDAs to be produced. 5) All resignation letters of RMs since 2015 and 6) All termination letters of RMs from 2015. This information was to be turned around and submitted the next day, which



was practically not possible. The following day the Crime Branch officials agreed to give two days for compiling the information sought. A team of five people including Head HR and Operations Manager worked all night and went back to the Crime Branch on Oct 31st. Such was the pressure that the team was placed under to gather the information sought by the Crime Branch.

26. On October 29 the Petitioner No 3 was called and he was in the Crime Branch from 3 PM till 8.45 PM to record his statement that was not done the previous day. He was met for 20 minutes and queried on the policies relating to termination. The HR Head was queried about the Group, its Directors and operations, and further queries on the HR processes on the BARC Field Project.

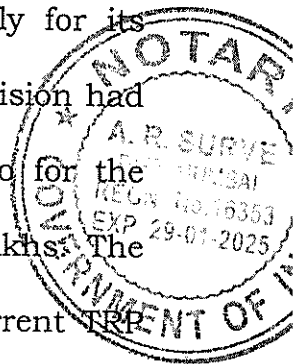
27. The HR Head and Operations Manager went back twice on Oct 31st and were in the Crime Branch, the second visit lasting till around 9 PM, as they shared the documents the team had prepared and organized for the officers to absorb. The new request for information on Oct 31st to the HR Head was to produce the full details of the five accused ex-RMS – their CVs, Appointment Letter, Address, PAN Card, Resignation letters and NDA. This was to be delivered as soon as possible. This was to be delivered on Nov 2. On all the above-mentioned days when information and questions on the process of vigilance and internal inquiry were asked to the officers of the Petitioner No. 1, there was no regard to the time it takes to produce the documents and there were no written notice despite an earlier appeal to send the same so that the officers of Petitioner No 1 can go prepared.



28. This method of demand for information, lack of time given for response and pressure placed on the officers of Petitioner No 1 continues till the time of the writing of this Writ.

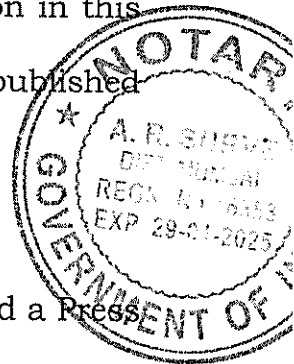
29. In the meantime, to the shock and surprise of Petitioner No. 1, on October 27, 2020 a news was published on 'mid-day.com' with a headline "TRP Scam: 'Suspicious transaction' between Hansa and Republic TV under SIT scanner'. Amongst other things, this news report had quoted Respondent No. 1 as saying that they have received a preliminary forensic audit report that showing suspicious transaction of Rs 32 lakhs between Hansa Research and Republic TV. The same news report has also quoted another senior Crime Branch officer as saying that the monetary transaction between Republic TV and the Hansa is very crucial for the investigation. Annexed hereto at **Annexure - L** is the said news report published on the mid-day.com on October 27, 2020.

30. Petitioner No. 1 having come to know about this, immediately on the same day issued a Press Release clearly mentioning that it has had no business dealings with Republic TV and no payment has been made to the Channel nor received from the Channel. A group Company of Petitioner No. 1 viz. Hansa Vision India Pvt Ltd is in the advertising business. It purchases advertising time and space in various TV channels, newspapers, radio, digital platforms and other media regularly for its clients. This is normal, routine business. The last time Hansa Vision had purchased advertising time in Republic TV was two years ago for the period from Sept 2017 to Oct 2018 for a value of Rs 108 lakhs. The Mumbai Police is perhaps incorrectly linking this with the current TRP related investigation. It was further stated in the said Press Release that in 2019 and 2020, Hansa Vision has not bought any advertising time from



Republic TV. Annexed hereto at **Annexure - M** is the said Press Release of Petitioner No. 1

31. Consequently on the next day another news report was published in the Mid-day on October 28, 2020 with a title "Following I&B guidelines in TRP probe, say police" and with a sub-title 'cops also clarify transaction under scanner is between Republic and Hansa Vision, and not Hansa Research, as they claimed on Monday'. This news report also quotes a statement issued by Mumbai police saying that during the course of the investigation, it has been revealed that there have been transactions between Hansa Group company and ARG outlier Media Pvt. Ltd., which is the company operating Republic TV channels. These transactions as well as such connectivity with the suspect channels was not revealed to the SIT by any of the witnesses from any of the Hansa Group companies. As a matter of policy, the SIT is committed towards a fair investigation in this regard. Annexed hereto at **Annexure - N** is the said news report published in the mid-day on October 28, 2020.



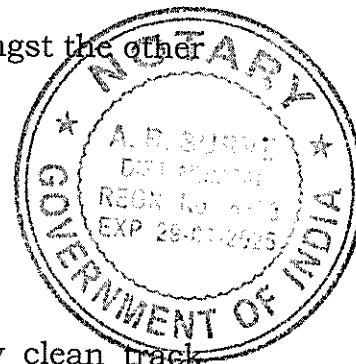
32. Being perturbed by this, Hansa Vision India Pvt. Ltd. issued a Press Release on October 30, 2020 clarifying all the abovementioned misleading media briefings given by Crime Branch. Amongst other things, it has been clearly stated therein that Hansa Vision, emphatically rejects the allegation of any illegal transaction between Republic TV and itself. The said Press Release further clarified that Hansa Vision India Pvt Ltd as a buyer of Television advertising time has done business with 55 channels including Republic TV in the past. However, no business has been done by Hansa Vision with Republic TV in 2019 or 2020. It has been clearly mentioned in the said Press Release that during very first meeting with the Respondent No. 1 on October 13, 2020 when there were 10 people in the room, an introduction was started with an explanation of the Hansa companies. This was bluntly dismissed by Respondent No. 1 as irrelevant

and Petitioner No. 2 was asked only to answer questions which are asked to them. The said Press Release has also been corroborated by a certificate issued by statutory Auditors of the Petitioner No. 1 Guru & Ram LLP. Annexed hereto at **Annexure - O** is the said Press Release dated October 30, 2020 issued by Hansa Vision India Pvt. Ltd.

33. In the circumstances and in view of the above referred to facts the Petitioners having no other remedy to restrain Respondent No. 1 and his team from perusing all illegal and highly objectionable conduct contrary to the provisions laid down in the Code of Criminal Procedure and other law applicable to police investigation of crime and resort to illegal methods in treating the Petitioners as abovesaid with great bias and prejudice not only uncalled for with a predetermined mind not to give justice to Petitioners and in the matter of investigation and to secure the ends of justice the Petitioners having no other efficacious remedy for their genuine grievances are constrained to approach this Hon'ble Court in its inherent and Writ jurisdiction to restrain the law enforcing agency from meting out illegal and harassment tactics to the Petitioners and follow due procedure laid down by law in the matter of investigation and transfer the investigation of the case Crime Branch Unit of Respondent No. 1 to the Central Bureau of Investigation and/or any other investigation agency this Hon'ble Court may deem fit and proper on the following amongst the other grounds:

**G R O U N D S**

- i. Petitioners are law abiding citizens having absolutely clean track record. Even in the present matter, Petitioner No. 1 when came across the fraudulent activities committed by its own employee also diligently forwarded the Complaint to the Police for the law to take its own course.

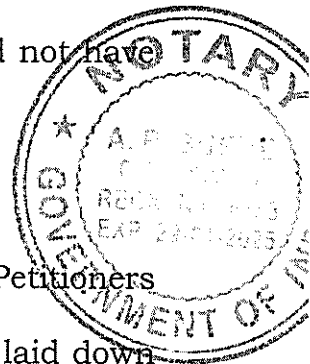




ii. Had there been any malafide intention and even a remotest possibility of involvement on the part of the Petitioner No. 1 or its Directors or the other officers in the offence which they themselves had first reported to the police, the conduct of the Petitioner No. 1 would not have been the same.

iii. The conduct, approach and the manner displayed by the Petitioners in reporting the fraud to the police and adopting the procedure laid down by law speak volumes about their innocence, credibility and sincerity.

iv. It is evident from the narration hereinabove that the Petitioners have shown highest regard and esteem for the Mumbai Police and have conducted themselves with the highest integrity. Not a single day that the Petitioners or other people from Petitioner No. 1 reached late or skipped attending the Crime Branch office although they were orally called upon to do so and that too sometimes even on shortest of the notice like calling them in the morning to attend the Crime Branch in the same day afternoon. To illustrate, Petitioner No. 4 who is a heart patient and has undergone a by-pass surgery in 2015 and another surgery for stents in 2017. On October 14, 2020, Respondent No. 1 called upon Petitioner No. 1 to produce a document viz. internal draft complaint based on which an FIR was filed by them with Kandivali Police Station. The said report was at residence of Petitioner No. 4 which is situated at Kandivali East. It was around 5 PM in the evening, a period where major traffic jams in Mumbai starts and especially in a situation where local trains are not available for general public to travel, it takes multiple hours to reach from Crime Branch office which is situated at one end of the city to Kandivali East which is situated at the opposite end. However, the said Petitioner No. 4 was called upon to produce the document on the same day which in turn made him to travel from Fort area to Kandivali. Thereafter, at around 8 pm, Petitioner Nos. 2 and 3 who were held back at the Crime Branch were

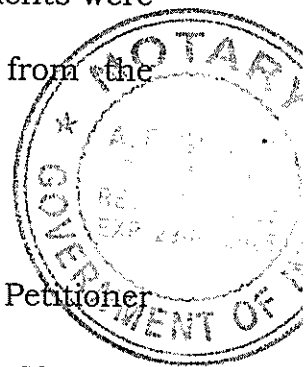


informed the document is not required on that day. Petitioner No. 4 had not even reached Kandivli by that time.

v. It is most respectfully submitted that although it is a procedure laid down by law to issue a Summons/letter/notice for the witness to appear before the police, it is only on one occasion this has been followed in the present matter by the Crime Branch. There are only two Summons/letters/notices issued by the Respondent No. 1 to any of the witnesses ever since their engagement with them since October 11, 2020. In fact on October 11, 2020, the Petitioner No. 4 had specifically asked for the same. However, it was never complied with.

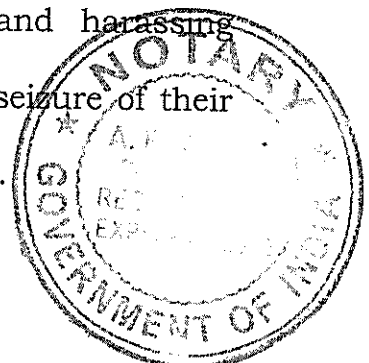
vi. Till today, the Petitioner No. 1 has been issued only with two notices/Summons i.e. under section 91 of the Code of Criminal Procedure that too after passage of 2 days and about 16 hours of wait in the office of Crime Branch. Even thereafter, on many of occasions the documents were orally or telephonically called upon by the Crime Branch from the Petitioner No. 1.

vii. Practically, since October 12, 2020 the first date on which Petitioner Nos. 3 and 4 attended the office of the Crime Branch till today, someone or the other officer of the Petitioner No. 1 is attending the office of Respondent No. 1 on 14 days and overall they have been kept detained there for over 200man hours for no justifiable reason. In overall span of these many days and hours, there is hardly any progress that has taken place which really necessitate presence of the Petitioners. Apart from a receipt of notice issued by Crime Branch for production of documents and production of those documents, and one Summons to one individual to make a statement, there is absolutely nothing that has taken place which required presence of the Petitioners for as many days and for as much time. Therefore, as illustrated hereinabove the only object to call and keep



the Petitioners and other office bearers to the Crime Branch is the keep them detained and to pressurize and frustrate them so that they make a false statement according to the desire of Respondent No. 1 for reasons best known to him.

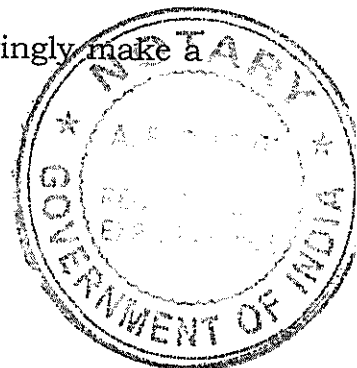
viii. It is known fact that there is a battle like situation between Mumbai police and certain section from media for the last few months where open war of words can be seen and heard everyday. It is very evident that the Petitioners are being used by police and certain section from media as means to attack each other and Petitioners are suffering from collateral damage in this fight. All the harassment that has been caused to the Petitioners by Respondent No. 1 is only with a view to extract a statement, albeit false, from them that the abovesaid purported Hansa report shown on Republic TV since October 10, 2020 is not that of the Petitioner No. 1 but a fake one. whereas it is a fact that Petitioners have repeatedly explained to Respondent No. 1 and his team that it is not clear to the Petitioners what this purported Hansa Report claimed by the Republic TV in its telecast is, as till date Republic TV has neither sought any permission of the Petitioner No. 1 for using something they are calling as 'Hansa Report' in its telecast nor have they informed or shared what the said document is and additionally while referring to this particular document, the Republic TV showed parts and portions of the said document and as such they can neither confirm nor deny what was shown on TV, unless the purported report was physically shown to them and allowed its comparison with the original internal note. However, Respondent No. 1 and his team is not ready to take anything short of a statement by Petitioners disowning the said purported report shown on Republic TV and thus are pressurizing, threatening and harassing Petitioners with their arrest and indefinite detention and seizure of their mobile phones which are all totally illegal and condemnable.





ix. To elaborate the above point further, whilst insisting upon the Petitioners to make a statement disowning the said purported report shown on Republic TV, Respondent No. 1 and his team is not willing to give even a scant respect to the Suit that is pending before the Ld. Bombay City Civil Court and an Ad-interim order passed by the same. The Petitioner No. 1 has already submitted on oath to the Ld. Bombay City Civil Court that they are not sure which document is being flashed on the Republic TV calling it as Hansa Report. Petitioner No. 1 cannot take a stand contrary to the one they have taken before the Ld. Court only because it suits the design of Crime Branch. The Petitioner No. 1 submits that even otherwise it cannot take the stand because Crime Branch wants them to take the same when the said statement would be factually false and incorrect. Even investigating agency cannot force or obtain a statement from anyone by adopting coercive tactics and much less a false statement.

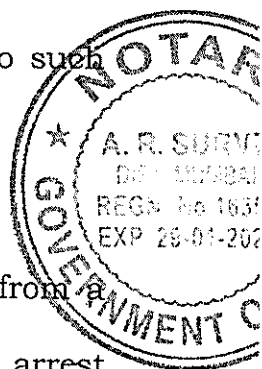
x. As if the above is not enough, to further pressurize the Petitioners, they are being constantly threatened by Respondent No. 1 and his team for booking them for an offence of lodging a false complaint only because they have named one channel in the FIR, that too not as an Accused, and not named other TV channels. It is certainly not a position that officers of such a premier law enforcing agency are unaware of the basic principle of law that First Information Report is only to set the criminal law into motion and it does not bar or restrict police machinery to go deep into the matter and in the course of investigation to add or to drop the Accused involved in the matter. However, such deliberate actions clearly exposes malafide intentions on the part of Respondent No. 1 and his team only with a view to harass and pressurize the Petitioners to knowingly make a false statement to suit the design of the investigating agency.



xi. To further pressurize the Petitioners to extract a false statement from them about disowning the said purported report shown on Republic TV, there has been a constant threat by Respondent No. 1 that he will detain and arrest them for being hand in glove with the Republic TV. Whilst admonishing such a threat an absolute blind eye is turned towards the fact of letter dated October 12, 2020 sent by Petitioner No. 1 to Republic TV calling upon them not to use any document in the name of Hansa. A blind eye is also turned to the fact that a Suit filed by Petitioner No. 1 is pending before the Ld. Bombay City Civil Court at Bombay.

xii. Respondent No. 1 and other Crime Branch officers have started a campaign of making media statements based on the false and unverified facts which has been exposed by the Hansa Vision India Pvt. Ltd. vide its Press Notes dated October 27, 2020 and October 30, 2020. This campaign has been done only with a view to call the Petitioner a co-conspirator with that of Republic TV and to pressurize the Petitioners to succumb to the pressure and give statements to Respondent No. 1 which would suit his narrative and what looks like pre-meditated conclusions. Petitioners enjoy a stellar reputation built over four decades in the marketing and advertising industry. Petitioners are all well-educated and come from respectable families. Such kind of media statements deliberately made to media create a distorted picture about the Petitioners and undo all the hardwork done by them in the last decades together and that too such defamation is faced by them at no fault whatsoever at their end.

xiii. Petitioner No. 2 to 4 are well-educated persons and come from respectable families, are constantly threatened with their detention, arrest and seizure of mobile phones. Even on October 26, 2020 when on one hand a scene was created by Respondent No. 1 in his office as if five officials of the Petitioner No. 1 were infact arrested by taking away their mobile phones and stating them that "we are arresting you" and on the

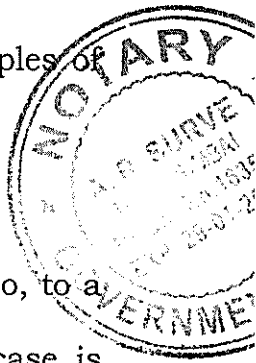


other hand refusing to allow their lawyer to enter Crime Branch and thus refusing them an access to their lawyer who was standing at the gate of police head quarter almost for four hours is against settled principles of law and fundamental rights of any citizen.

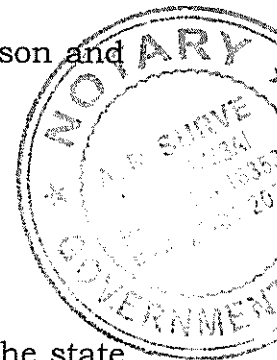
xiv. Such kind of treatment, harassment and pressurizing that too, to a First Informant and other witnesses of Petitioner No. 1, in the case is certainly unjustified, improper and highly condemnable. However, Petitioners are meeting with the same highly objectionable treatment virtually everyday. It is, therefore, clear from the above that no justice and fair play is being reflecting from the actions of the investigating agency viz. a Crime Branch and in the interest of justice the investigation should be transferred from them to either Central Bureau of Investigation or any other appropriate investigation agency.

xv. Petitioners are continuously held at the Crime Branch for long hours and threatened with arrest and repeatedly pressed to make false statement. This is a unique situation where the First Informant in the crime is being harassed by the investigating agency and treated like accused only for a false statement which he wants from them. This is completely against law and procedure laid down by law. This is against the fundamental rights of a person and calls for immediate intervention by this Hon'ble Court.

xvi. In these days of pandemic and the much needed economic revival, no one can afford to spend time sitting idly at the Crime Branch. Petitioners need to be productively engaged to do their work, generate income to pay their employees and meet other costs. To call the Petitioners and make them sit like detainees in the Crime Branch office that too on a regular basis at odd hours is again completely against law and procedure



laid down by law. This is against the fundamental rights of a person and as such calls for immediate intervention by this Hon'ble Court.



xvii. Respondent No. 1 is an Accused in a case investigated by the state CID which ultimately resulted in filing of a charge-sheet against Respondent No. 1 and others. The charge-sheet according to reliable information in the said case was filed by the state CID after thorough investigation against Respondent No. 1 and others sometime in the year 2008 in the Ld. Metropolitan Magistrates Court at Vikhroli, Mumbai. The said case then committed to the Ld. Court of Sessions at Greater Bombay for trial and is pending there as Sessions Case bearing No. 728 of 2009 for the offences punishable under sections **302, 331, 217, 218, 201, 203, 193, 506, 109, 342, 34r/w120-B** Indian Penal Code and the next date in the matter is November 12, 2020

xviii. The Petitioners have further reliably learnt that there are cases registered in other states of India for the identical fraud(s) committed there and those cases have been transferred to Central Bureau of Investigation and an investigation has already been commenced by the said central agency. These frauds/manipulations are, as such, a pan India issue and it would be thus appropriate in the interest of justice for one central agency like Central Bureau of Investigation to take over all the investigations including the one in the present matter.

34. The Petitioner crave leave to add, amend, alter or modify the grounds urged hereinabove.

35. The Petitioner crave leave to refer to and rely upon the necessary documents during the course of arguments.

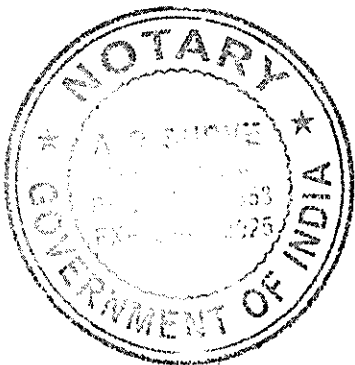
36. The Petitioner crave leave to refer to and rely upon the necessary judgments during the course of arguments.

37. The investigation in the FIR No. 843 of 2020 lodged by the Petitioner Company at Kandivali Police Station has been transferred / taken over by the Crime Branch, Mumbai, therefore, the present Petition can be entertained and decided by this Hon'ble Court.

38. The Petitioner has not filed any other petition or application previously before this Hon'ble Court for the reliefs claimed herein under.

39. In the circumstances the Petitioners beg to approach this Hon'ble Court in its inherent as well as Writ jurisdiction under the provisions of section 482 of the Code of Criminal Procedure Code and Article 226 AND 227 of the Constitution of India and pray that this HON'BLE COURT BE PLEASED TO:

- A. Invoke its inherent and Writ jurisdiction and transfer the investigation of the said DCB C.R. No. 143 Of 2020 from Crime Branch (CIU) to Central Bureau of Investigation or in the alternative transfer the investigation of the said DCB C.R. No. 143 Of 2020 from Crime Branch (CIU) to state CID or any other appropriate investigating agency that this Hon'ble Court may deem fit and proper
- B. Pending the final hearing and disposal of the Writ Petition, to stay all further proceedings including the investigation in DCB C.R. No. 143 Of 2020 lodged at Crime Branch (CIU)

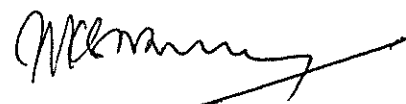


- C. Issue a Writ of Mandamus and/or any other Writ of similar nature and/or directing Respondents not to take any steps, coercive or otherwise, against Petitioner No. 1, its employees and agents and Petitioner Nos. 2 to 4 in the abovesaid DCB C.R. No. 143 Of 2020 lodged at Crime Branch (CIU)
- D. Issue a Writ of Mandamus and/or any other Writ of similar nature and/or directing Respondents to immediately stop taking illegal steps and/or issuing threats and/or in any manner harassment caused to Petitioner No. 1, its employees and agents and Petitioner Nos. 2 to 4
- E. Grant interim reliefs in terms of prayer clause (B), (C) and (D) hereinabove
- F. Grant Ad-interim reliefs in terms of prayer clause (B), (C) and (D) hereinabove
- G. Such further orders and/or directions may be passed as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case

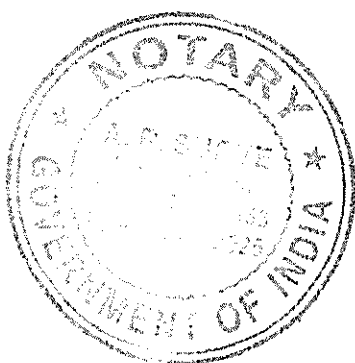
AND FOR THIS ACT OF KINDNESS THE APPLICANTS SHALL AS IS DUTY BOUND EVER PRAY.


MUMBAI

DATED



Petitioner



  
Adv. for Petitioner