

IN THE COURT OF SHRI DEEPAK JAGOTRA,
PRINCIPAL DISTRICT & SESSIONS JUDGE, EAST DISTRICT,
KARKARDOOMA COURTS, DELHI

CS no. 631/22

In the matter of;

**Ms. Neelam Sharma
W/o Dinesh Sharma
R/o 17/80, Gali No.1,
Than Singh Nagar,
Karol Bagh, New Delhi.**

..... Plaintiff

Versus

- 1. Deputy Commissioner of Police,
North District, Civil Lines, Delhi.**
- 2. Investigation Officer
Additional Deputy Commissioner of Police,
North District, Civil Lines, Delhi.**
- 3. SHO
PS Cyber, North District,
New Delhi.**
- 4. Unknown Print/Social/Electronic Media**

..... Defendants

ORDER

1. This is an application U/o 39 Rule 1 & 2 r/w 151 CPC, filed on behalf of the plaintiff seeking exparte ad-interim injunction. The plaintiff has filed a fresh application under Order 39 Rule 1 & 2 CPC R/w Section

151 CPC. Same is taken on record. The earlier application stands withdrawn.

2. Arguments heard and record perused.

3. Prima facie the case of the plaintiff is that one FIR no. 123/22 dated 18.10.2022 was registered with PS Cyber, North District under Section 507/509 IPC and other relevant provisions under IT Act 2002. The allegations were made by the complainant that she was threatened by some unknown man claiming himself to be the Senior Government official. According to her, he wanted to extract some confidential information related to her department by threatening, harassing and using foul and abusive language. It is her case that when she confronted the said person that she will make a complaint with the police, the unknown person said that he is using a sim card acquired by using certain fake documents and no police can reach him. The said person changed his assumed name on the whatsapp and tried to impersonate him as someone else.

4. On perusal of record it is found out that the sim which was used in the whatsapp chat belonged to the plaintiff. No where in the FIR it has been alleged that the said phone call was ever received from any female or in the female voice. It goes without saying that the primary duty of the investigating authority is to investigate the matter thoroughly and come out with the truth relating to the said matter. It is evident from the material placed on record that the plaintiff has got a very good prima facie case in her favour to grant the ex parte injunction in her favour and against the defendants. By maligning and causing disrepute and tarnishing the image of any person without there being complete investigation in the matter is

not at all countenanced by law.

5. It is natural that such a person will suffer great amount of humiliation and disrespect in the society without there being complete investigation. The matter is at its initial stage and subjecting such matter in the public at large is in violation of personal liberty as enshrined under Article 21 of Constitution of India. There is absolutely no two opinions that a person can be hanged, however, subject to the fact that he is facing fair trial by the court of law. Hanging such a person before trial is not at all desirable and is against the canons of law. No doubt, the plaintiff is an accused in case FIR No. 123/22 but it does not mean that she deserves humiliation and disrespect in the society without facing the trial.

6. At times, media crosses its limit and may put forth the facts in a light different from its true version. There is absolutely no two opinions that Courts' duty is to protect an individual and its reputation in the society before he or she being convicted by a court of law.

7. In such overall scenario, the plaintiff has got a very good prima facie case in her favour.

8. The balance of convenience also is in her favour as she being a lady, under all circumstances, has to protect her dignity in the society at large. There is also no equally efficacious remedy available to her except by way of injunction.

9. Innumerable loss would be caused to her if the exparte injunction is not granted in her favour and the same can never be compensated in terms of money. In catena of judgments, the Hon'ble High Court and Hon'ble Supreme Court of India have come forward to protect

the personal liberty, dignity and image of its citizens.

10. Reliance is placed on judgment titled as “Swatanter Kumar Vs. The Indian Express Limited & Ors.” reported in MANU/DE/0104/2014, wherein the Hon’ble High Court has pleased to observe as under:

The court held vide para 30 that evidence of the witness need not receive excessive publicity as fear of such publicity may prevent the witness from speaking the truth. That, such orders prohibiting publication for a temporary period during the course of trial are permissible under the inherent powers of the court whenever the court is satisfied that interest of justice so requires. As to whether such a temporary prohibition of publication of court proceedings in the media under the inherent powers of the court can be said to offend the right under Article 19 (1) (a) [which includes freedom of the press to make such publication], this court held that an order of a court passed to protect the interest of justice and the administration of justice could not be treated as violative of Article 19 (1) (a) of the Constitution of India.

11. Prima facie jurisdiction of this court is raised on the premise that the plaintiff had read the Indian Express Newspaper at I.P. Extension. It is made clear that the aspect of territorial jurisdiction shall be gone into detail after the reply is received from the other side.

12. In view of the foregoing reasons and discussion,

exparte ad-interim injunction is hereby passed till the next date of hearing in favour of the plaintiff and against the defendant for not publishing, re-publishing and circulating any article in the print, electronic, social media or through internet.

13. In the meantime, issue notice of the suit and the fresh application filed on behalf of the plaintiff u/o 39 Rule 1 & 2 CPC on taking necessary steps returnable on 03.01.2023.

14 Let compliance be made under Order 39 Rule 3 CPC forthwith.

15. Uncertified copy of the order may be provided to the plaintiff as per rules.

**ANNOUNCED IN THE OPEN COURT
ON 30th NOVEMBER, 2022.**

**(DEEPAK JAGOTRA)
PRINCIPAL DISTRICT & SESSIONS JUDGE
EAST DISTRICT
KARKARDOOMA COURTS, DELHI**