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

+ **W.P.(CRL) 1563/2024**

SHABANA

.....Petitioner

Through: None.

versus

GOVT OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal,
Adv. for State Insp. Sandeep Kumar
and SI Kunal PS Bhajan Pura.

Mr. Tejas Karia & Mr. Varun Pathak,
Advs. for Meta (M: 9818990029;
Email:varun.pathak@amsshardul.com
)

Ms. Swati Agarwal, Adv. for Whatsapp
(M:9311956218; Email:
swati.agarwal@amsshardul.com)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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20.09.2024

1. The present writ petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeking issuance of a writ of *habeas corpus*, thereby directing the Respondents to produce the son of the Petitioner. It is the case of the Petitioner that her son aged about 19 years has been missing since 10th January, 2024.
2. Upon filing of this petition, the Respondent-State of NCT took notice *vide* order dated 17th May 2024. They had subsequently filed three status



reports dated 2nd July 2024 20th August 2024, and 17th September 2024 respectively, recording various steps taken to trace out the missing boy. As per status report dated 17th September 2024, the Court was informed that the police have written to Meta Platforms Inc., on 6th September 2024 for some information relating to an Instagram account which was traced of the missing boy. However, the said information was not supplied. Accordingly, vide order dated 19th September, 2024, had directed as under:

“3. As per the said status report the investigation is currently going on and some leads have been received. Further, it is stated that one such lead received by the concerned IO is that on 6th September, 2024 the missing boy was using an Instagram account under the user ID - shabanashabana8032.

4. A notice under Section 91 of Cr.P.C. is stated to have been given to Instagram, Meta Platforms Inc., to provide the details of the aforementioned account including, the phone number, location/IP address, and the IMEI number of the device used for operating the said account. However, no reply is stated to have been received from Meta Platforms Inc./Instagram as per the concerned IO.

5. Considering the above position, let court notice be issued to Mr. Varun Pathak, Advocate (Mobile: 9818990029; Email: varun.pathak@amsshardul.com) and Ms. Swati Agarwal (Mobile: 9311956218; Email: swati.agarwa/@,amsshardul.com) for appearing tomorrow in order to assist the Court with respect to obtaining information from Meta Platforms, Inc./Instagram.

6. List for hearing on 20th September 2024.”

3. Mr. Tejas Karia, the Id. Counsel for M/s Meta India Services Private Ltd (*hereinafter 'Meta Inc'*) has entered appearance and submits that the



information was uploaded on the platform which is used by law enforcement agencies to communicate with Meta. Mr. Sanjay Lao, learned Standing Counsel for the State affirms that the information has been received this morning.

4. The Id. Counsel for M/s. Meta submits that usually there are training programmes which are conducted with law enforcement agencies with regard to the manner in which the portal functions and the queuing up of the request as also the furnishing of information.

5. This Court has noticed in some *habeas corpus* petitions, that there is a lag between the seeking of information by police and receipt of the same from various platforms. The Court, has time and again, requested counsels appearing for these platforms, to enable furnishing of the information expeditiously.

6. In order to ensure that such delay and lag does not impede the process of tracing out missing persons who are sometimes even children and minors, it is necessary that proper timelines ought to be adhered to by the concerned online platforms and their concerned officials. It is also necessary that the IOs are also properly acclimatised to the manner in which requests ought to be posted, how the portal is to be monitored and immediately upon receipt how the same is to be downloaded from these platforms.

7. Meta Inc. and Whatsapp Inc. are represented before the Court today. Additionally, let notice be issued to the following Social Media Platforms through their counsels:



S.No	Social Media Platforms	Respective Counsels	Contact Information
1.	M/s Google LLC	Mr. Neel Mason	98108 12777; neel.mason@mason.co.in
2.	M/s Meta India Services Private Ltd	Ms.Amee Rana Mr. Varun Pathak	9873995040; amee.rana@amsshardul.com 9818990029; varun.pathak@amsshardul.com
3.	Whatsapp Application Services Pvt Ltd.	Ms.Swati Agarwal	9311956218; swati.agarwal@amsshardul.com
3.	Telegram Messenger LLP	Mr. Madhav Khosla	9811039074; madhav.khosla@khaitanco.com
4.	Twitter India Pvt Ltd	Ms. Shloka Narayanan	9940687154; shloka.n@poovayya.net
5.	Linkedin Technology Information Pvt Ltd	Mr. Sanjay Kumar, Mr. Abhishek Kumar Singh, Mr. Saurabh Kumar	91 1141215100; Sjkumar@luthra.com 91 1141215100; abhishekks@luthra.com
6.	Reddit Inc.	Vijay Pamarathi (Reddit Resident Grievance Officer)	<u>Grievance-officer-in@reddit.com</u> ; Address - WeWork Prestige Central, 36 Infantry Road Sampangi, Number 05-125 Tasker Town, Shivaji Nagar Bengaluru, KA 560001.



The platforms shall place on the next date, their standard operating protocol for dealing with requests for information from law enforcement agencies including the timelines.

8. In addition, Mr. Lao, shall hold a meeting with the concerned police officials and place a note on any challenges that they are facing and any training that may be required.

9. List on 8th October, 2024.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 20, 2024

nk/pr/Am