

\$-37

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 14th June, 2024

+ <u>CS(OS) 495/2024 & I.A. 31743/2024</u>

RAJAT SHARMA



..... Plaintiff

Through:

Mr. Maninder Singh, Sr. Advocate with Mr. Sandeep Chatterjee, Mr. Rohan Swarup, Mr. Kunal Vats, Mr. Sanyam Suri & Ms. Tanya Arora, Advocates with plaintiff in person.

versus

1. X CORP, (FORMERLY TWITTER)

121, 8th Floor, The Estate, Dickenson Road, Bengaluru

..... Defendant No. 1

2. GOOGLE INDIA PVT. LTD.

Google LLC-India Liaison Office, Unit No. 26, the Executive Center, Level-8, DLF Centre, Sansad Marg, Connaught Place, New Delhi-110001

..... Defendant No. 2

3. **META PLAFORMS INC.**

Unit 28 and 29, the Executive Centre, Level, 18, DLF Cyber City, Building No. 5, Tower-A, Phase III, Gurgaon, Haryana-122002

..... Defendant No. 3

4. JAIRAM RAMESH



.... Defendant No. 4

CS(OS) 495/2024 Page 1 of 18



5. PAWAN KHERA



..... Defendant No. 5

6. RAGINI NAYAK



..... Defendant No. 6

7. **JOHN DOE (UNKNOWN PERSON)**

..... Defendant No. 7

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

JUDGMENT (Oral)

I.As. 31741/2024, 31744/2024 (Exemptions

- 1. Allowed, subject to all just exceptions.
- 2. The applications are disposed of.

I.A. 31742/2024 (u/S 149 r/w Section 151 of CPC, 1908)

- 3. By way of present application, the applicant/plaintiff seeks time to file the court fee at this stage and grant two weeks' time to file the same.
- 4. It is submitted on behalf of the plaintiff submits that he has filed the court fee, however, the same is not on record.
- 5. Learned counsel for the plaintiff shall pursue with the Registry and place the same on record.
- 6. The application is disposed of.

I.A. 31740/2024 (u/O XXXIX Rules 1 & 2 r/w Section 151 of CPC, 1908)

7. By way of present application, the applicant/plaintiff seeks the

CS(OS) 495/2024 Page 2 of 18



following prayers: -

- "a. Pass an ex-parte ad interim order of injunction directing the Defendant Nos. 4-6 to immediately takedown/delete the Tweets and YouTube videos published at the URLs mentioned in paragraph 8 above, wherein false and factually incorrect, perse defamatory and libellous statements/imputations have been made by Defendant Nos. 4-6 and others acting in concert with them, against the Plaintiff;
- b. Pass an ex-parte ad interim order of injunction to immediately takedown/delete any further tweets containing same / similar false allegations / imputations against the Plaintiff that may have been published by Defendant Nos. 4-6 on their social media accounts including on the platforms operated by Defendants No.1 3, and other platforms;
- c. Pass an ex-parte ad interim order of injunction restraining the Defendant Nos. 4-6 from publishing any further statements in relation to and / or similar to the false and factually incorrect, per-se defamatory and libellous statements / imputations made by Defendant Nos. 4-6 against the Plaintiff in their series of tweets dated 10.06.2024 and 11.06.2024 and in the press conference dated 11.06.2024 during the pendency of the suit;
- d. Pass an ex-parte ad interim order of injunction including in the nature of a dynamic injunction, directing the Defendant Nos. 1-3, as also other presently unknown Defendants, to immediately take down / remove from their platforms all instances of the Impugned Tweets and Videos tweeted, retweeted / republished, posted / reposted or shared / re-shared etc., by third parties containing the per-se defamatory content against the Plaintiff;
- e. Pass an ex-parte ad interim order of injunction directing Defendant Nos. 4-6 to issue / publish an unconditional apology to the Plaintiff by way of an official press release including on all their official social media accounts."
- 8. The Suit for Permanent Injunction and Damages has been filed on

CS(OS) 495/2024 Page 3 of 18



behalf of the plaintiff against the defendants.

- 9. It is submitted in the application that the plaintiff is a well-known Indian Journalist and TV Anchor and is also the Chairman and Editor-in-Chief of M/s Independent News Service Private Limited (INDIA TV) and is the highest followed television news personality globally on 'X' (formerly Twitter) with 11.1 million followers.
- 10. The plaintiff on account of his sheer hard work with utmost sincerity in the field of Journalism and Media, was awarded with the Padma Bhushan in the year 2015 and has also hosted various television programmes apart from the famous Programme 'APP KI ADALAT' which is the longest running television show in India.
- 11. The plaintiff has earned a reputation of credible reporting, courage, espousal of public interest and unmatched integrity and this Court *vide* Order dated 11.01.2019 passed in CS(COMM) 15/2019 titled *Rajat Sharma* and Anr. vs. Ashok Venkatramani & Anr., had recognised the Personality Rights of the plaintiff by restraining the defendants therein from using the name of the plaintiff in any manner whatsoever. Even recently, this Court vide Order dated 30.05.2024 passed in CS(COMM) 498/2024 titled *Independent News Service Pvt. Ltd. & Anr. vs. Ravindra Kumar Choudhary* & Ors., has restrained the defendants therein from using the name and photograph of the plaintiff herein.
- 12. The defendant Nos. 1 to 3 are social media platforms i.e., X (formerly known as Twitter), YouTube and Facebook respectively. The defendant Nos. 4 and 6 are the members of All India Congress Committee (AICC). The defendant No. 4 is the General Secretary In-charge, Communications, AICC. The defendant No. 5 is the Chairman, Media and Publicity

CS(OS) 495/2024 Page 4 of 18



Department, AICC and the defendant No. 6 is a Spokesperson of AICC.

- 13. It is submitted that during the live debate on India TV Channel on the 4.06.2024, anchored by the plaintiff a discussion regarding the results of the Lok Sabha General Election, 2024 was taking place wherein the defendant No. 6 only expressed her views regarding the election results and did not make any other comment and did not raise any objection to any alleged language used by the Plaintiff or any other anchor of India TV.
- 14. The plaintiff is aggrieved by *per se* defamatory statements made by the defendant Nos. 4 to 6 against him on 10.06.2024 and 11.06.2024 by posting on 'X' (Twitter) and by holding a press conference, wherein it has been alleged by the defendant Nos. 4 to 6 that plaintiff had used abusive language against the defendant No. 6 on 04.06.2024 during the live telecast of a debate on India TV News Channel. The defendant Nos. 4 to 6 also posted an edited video on 'X' (Twitter) claiming it to be the 'Raw Footage' of the debate held on 04.06.2024 on India TV New Channel. In addition to the said Tweets, the video recording of the Press Conference dated 11.06.2024 has also been shared on YouTube and 'X' (Twitter) and some of the links thereof from the official 'X' and YouTube accounts of the defendant Nos. 4 to 6 are as under: -

S. No.	URL
1.	https://www.youtube.com/watch?v=MA2qlV8A6zI
	(Press conference)
2.	https://www.youtube.com/shorts/fvD1uDxx2LA
	(INC UP)
3.	https://youtu.be/hmbbr0chMt4?feature=shared
	(Indian Youth Congress)
4.	https://youtu.be/-oY1LD6636M?feature=shared
	(INC UP)
5.	https://x.com/NayakRagini/status/18002204554226117

CS(OS) 495/2024 Page 5 of 18



(RN tweet with video) 6.		30
6. https://x.com/NayakRagini/status/1800524350937846229 (Criminal Complaint) 7. https://x.com/dragon_fairy7/status/1800502402866704582 8. https://x.com/PratapraoINC/status/1800502296108990710 9. https://x.com/INCIndia/status/1800498404562518167 10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/INCIndia/status/1800493232184246635		
(Criminal Complaint) 7. https://x.com/dragon_fairy7/status/1800502402866704582 8. https://x.com/PratapraoINC/status/1800502296108990710 9. https://x.com/Ajay_reporter/status/1800498404562518167 10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	6.	
7. https://x.com/dragon_fairy7/status/1800502402866704582 8. https://x.com/PratapraoINC/status/1800502296108990710 9. https://x.com/Ajay_reporter/status/1800498404562518167 10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440		
8. https://x.com/PratapraoINC/status/1800502296108990710 9. https://x.com/Ajay_reporter/status/1800498404562518167 10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	7.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
9. https://x.com/Ajay reporter/status/1800498404562518167 10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	8.	
10. https://x.com/INCIndia/status/1800497347010457922 (INC account) 11. https://x.com/INCIndia/status/1800509217817719197 (INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	9.	
Inc account		
(INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440		*
(INC Account) 12. https://x.com/INCIndia/status/1800493232184246635 (INC Account) 13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	11.	https://x.com/INCIndia/status/1800509217817719197
(INC Account) 13.		*
13. https://x.com/Pawankhera/status/1800526789527134405 (PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	12.	https://x.com/INCIndia/status/1800493232184246635
(PawanKhera) 14. https://x.com/INCIndia/status/1800509217817719197		(INC Account)
14. https://x.com/INCIndia/status/1800509217817719197 (Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	13.	https://x.com/Pawankhera/status/1800526789527134405
(Press conference) 15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440		(PawanKhera)
15. https://x.com/INCIndia/status/1800502098003431747 (Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	14.	https://x.com/INCIndia/status/1800509217817719197
(Press conference) 16. https://x.com/INCIndia/status/1800498321854751178 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440		(Press conference)
16. https://x.com/INCIndia/status/1800498321854751178 (Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	15.	*
(Press conference) 17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635		
17. https://x.com/INCIndia/status/1800497347010457922 (Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	16.	*
(Press conference) 18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440		
18. https://x.com/INCIndia/status/1800493232184246635 (Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	17.	*
(Press conference) 19. https://x.com/Pawankhera/status/180052678952713440	1.0	
19. https://x.com/Pawankhera/status/180052678952713440	18.	
1	1.0	
	19.	
(Proce conference)		
(Press conference) 20. https://x.com/Jairam Ramesh/status/1800357723298746576	20	
20. https://x.com/Jairam_Ramesh/status/1800357723298746576 (edited video tweet)	20.	-
21. https://x.com/Pawankhera/status/1800526789527134405	21	
(criminal Complaint)	21.	*
22. https://x.com/INCIndia/status/1800509217817719197	22	1 /
(press con)		*
23. https://x.com/Pawankhera/status/1800223345289707643	23.	T ,
(edited video)		
24. https://x.com/GauravGogoiAsm/status/1800500831260967254	24.	
(Gaurav Gogoi)		

CS(OS) 495/2024 Page 6 of 18



- 15. It is submitted that the plaintiff did not use any abusive language against the defendant No. 6 and the bare watching of the original footage of the live debate on 04.06.2024 on India TV New Channel would show that no such abusive language was used by the plaintiff as has been alleged by the defendant Nos. 4 to 6 and it also demonstrates and establishes a complete falsehood in the allegations made by them and also, the false allegation levelled against the plaintiff has reached lakhs of people. The said Tweets have also been liked and re-tweeted thousands of time and the same have had the effect of irreversibly damaging/lowering the reputation of the plaintiff in the eyes of members of the public earned by him over a period of last four decades in the field of journalism and media.
- 16. It is submitted that the actions of the defendant No. 6 are orchestrated and driven by the defendant No. 4, to malign the reputation and damage to the career of the plaintiff.
- 17. On 10.06.2024, the plaintiff was taken aback to see the Tweets on the platform 'X', wherein the defendant No. 6 had falsely accused the plaintiff of using abusive language against her during the telecast of India TV New Channel held on 04.06.2024. Pertinently, in answer a question posed during the press conference, the defendant No.6 categorically admitted that neither she nor anyone in her Party had conducted any independent verification as to the authenticity of the video that was purportedly sent to them on social media, going as far as to say "onus of proof is on the perpetrator, wo janch karvave".
- 18. In addition to this, the defendant No. 6 also uploaded a tampered/edited video with certain inserted text which was not originally

CS(OS) 495/2024 Page 7 of 18



part of the live telecast, wherein certain abusive words were attributed to have been used by the plaintiff. However, the same is a cooked up story of defendant No. 6 of having obtained the said 'Raw Footage' from India TV News Channel in order to corroborate her false and frivolous allegations. These allegations are blatantly false and they are tainted with malicious intent ostensibly engineered to harm the painstakingly earned goodwill and reputation by the plaintiff over the last more than four decades.

On 11.06.2024, the plaintiff also wrote to the defendants and once again placed the true and correct position, including that he did not use any abusive language in the said live telecast as has been alleged and they were further called upon to cease and desist from any further defamatory statements in this regard. However, instead of deleting the offending Tweets or apologising for publishing such false allegation, the defendant No. 6 addressed a Press Conference at 05:00 PM on 11.06.2024, where she went ahead and reiterated all the false allegations she made in her Tweets. The defendant No. 6 also further accused the plaintiff of using abusive language against her and also accused him of threatening her with legal action. During the said Press Conference, the defendant No. 6 also claimed to have filed a criminal complaint against the plaintiff under Sections 294 and 509 of the Indian Penal Code, 1860. However, the said complaint appears to have been filed by the defendant No. 6 only after the plaintiff wrote to the defendant Nos. 4 to 6 denying the false allegations made in the said Tweets. Thus, it is quite evident that the aforementioned criminal complaint which is nothing but an exercise in creating a paper trail, and is an afterthought to get publicity and to intentionally damage the reputation of the plaintiff.

CS(OS) 495/2024 Page 8 of 18



- 20. It is submitted that the defendant No. 6 further accused the plaintiff for mobilising trolls against her and also accused the plaintiff of having such trolls leaving threatening messages and comments on the defendant No. 6's 'X' (Twitter) account.
- 21. From the above, it is evident that the aforesaid actions of tweeting the false allegations coupled with so-called 'Raw Footage' video and the re-tweeting of the same by the Senior Leaders of the AICC, followed by a Press Conference reiterating the same allegations, are all a part of an elaborate scheme designed and orchestrated by the defendant Nos. 4 to 6 targeted at irreparably and irreversibly harming the reputation of the plaintiff. As the journalist, credibility and reputation are the two main virtues that are the bread and butter of any media persona and these false and *per se* defamatory attacks on the same, deserve to be restrained and suitably dealt with by the appropriate orders prayed for on behalf of the plaintiff.
- 22. It is further submitted that the defendant Nos. 4 to 6, in absolute disregard of the truth and with *mala fide* intention and ulterior motives, including of an apparent desire to gain political mileage, have posted false imputations and politically motivated Tweets with sole motive to gravely damage the reputation and honour of the plaintiff and the subsequent Press Conferences held by them were to create a false narrative against the plaintiff in the public domain compounding their impermissible and illegal acts against the plaintiff.
- 23. The impugned Tweet published by defendant No. 6, as on 11.06.2024 (as at 11:40 PM), has already viewed by more than 3.4 million users and 'Re-tweeted' by more than 10k users, which generally means that such users

CS(OS) 495/2024 Page 9 of 18



have also accepted and are endorsing the Tweet of defendant Nos. 4 to 6, thereby further establishing the wide dissemination and publications/re-publication of the false allegations/imputations made by the defendant Nos. 4 to 6 against the plaintiff in public domain.

- 24. The *per se* defamatory and false media posts of defendant Nos. 4 to 6 have harmed and maligned the reputation of the plaintiff amongst his family, friends, peers, followers, viewers in India and abroad as well as in the society and are also continuing to do so till the same are removed/blocked from the platforms of defendant Nos. 1 to 3. It is submitted that the plaintiff would suffer grave and irreparable harm, loss and prejudice if the present application is not allowed.
- 25. The plaintiff has thus, sought injunction for deletion of the Tweets from all social media.
- 26. In support of the Relief of Injunction, the four-minute clip of the said programme has been played in the Court to argue that there was no abuse given by the plaintiff to the defendant No. 6 as has been alleged by her, despite which the defendant No. 6 on 10.06.2024 on her 'X' handle (Twitter) had falsely accused the plaintiff of using abusive language against her during the telecast of India TV New Channel held on 04.06.2024.
- 27. Learned Senior Advocate for the plaintiff submits that there has been insertion in the news item to state that the plaintiff has abused the defendant No. 6 which is patently false and is also made out from the video which has been played in the Court.
- 28. It is submitted that the defamatory posts on various social media platforms have amassed thousands of views from the public, signalling significant engagement and the potential for considerable harm to the

CS(OS) 495/2024 Page 10 of 18



applicant/plaintiff's reputation livelihood and overall well-being due to the widespread dissemination of defamatory material on highly popular platforms like YouTube.

- 29. The plaintiff has submitted that he has a good *prima facie* case in his favour and irreparable damage would be caused to him if those defamatory X posts/Tweets and YouTube videos are allowed to remain on the Internet.
- 30. Moreover, the *balance of convenience* also lies in favour of the plaintiff as no loss would be caused if the offending X posts/Tweets and YouTube videos which level untruthful allegations against him, are not injuncted from said platforms.
- 31. Learned Senior Advocate on behalf of the plaintiff has submitted that the present Suit is of exceptional nature as none of the allegations made herein against the plaintiff can be proved at all.
- 32. Learned Senior Advocate on behalf of the plaintiff submits that the availability of the video and the comments on the YouTube, 'X' (Twitter) and other platforms are perpetuating a harm and damage to the reputation to the plaintiff on a continuing basis.
- 33. Learned Senior Advocate has placed reliance on decisions of coordinate benches in *Lakshmi Murdeshwar Puri v. Saket Gokhale* (2021) 3 HCC (Del) 23; *Shyam Jaju & Anr v. Saurabh Bhardwaj & Ors.* CS(OS) 131/2023; *Vinai Kumar Saxena v. Aam Aadmi Party And Ors* CS(OS) 593/2022; *Gaurav Bhatia v. Naveen Kumar & Ors.* 2024 SCC OnLine Del 2704; *Naresh Kumar v. Wire & Ors* 2023 SCC OnLine Del 7314 to aid his case where injunction was granted. Further reliance was placed on W.P.(CRL.) 184/2014 titled *Subramanian Swamy vs. Union of India, Ministry of Law & Ors.*

CS(OS) 495/2024 Page 11 of 18



- 34. Hence, the prayer is made that to grant an *ad interim ex parte* injunction against all the defendants as prayed for.
- 35. It is, therefore, submitted that directions be given for removal of the aforesaid links.

36. Submissions heard.

- 37. The 3-Judge Bench of the Apex Court in the case of <u>Morgan Stanley Mutual Fund vs. Kartick Das</u>, (1994) 4 SCC 225 had observed that an ex parte injunction should be granted only in exceptional circumstances and the factors to be considered are: (i) whether irreparable or serious mischief would ensue to the plaintiff, (ii) whether refusal of ex parte injunction would involve greater injustice than the grant of it would involve, (iii) the time at which the plaintiff first noticed the act complained of, (iv) whether the party had acquiesced for some time, (v) whether the applicant/plaintiff has approached in good faith to seek injunction, and (vi) whether such ex parte injunction would be for a limited period of time.
- 38. The facts of the present case may now be considered in the light of aforesaid principles to ascertain whether the injunctive relief is justified in the circumstances as made out in the plaint. It is not disputed that the plaintiff is a distinguished Senior Journalist and is acknowledged for his expertise and experience.
- 39. Here is the case where the applicant/plaintiff while being a public figure, had only been discharging his professional duty while conducting a debate on Lok Sabha Elections. Subsequently, statements were made by the defendant Nos. 4 to 6 against him on 10.06.2024 and 11.06.2024 by posting on 'X' (erstwhile 'Twitter') and held a press conference, wherein the defendant Nos. 4 to 6 alleged that plaintiff had used abusive language

CS(OS) 495/2024 Page 12 of 18



against the defendant No. 6 on 04.06.2024 during the live telecast of the debate on India TV News Channel. The defendant Nos. 4 to 6 also posted an edited video on 'X' (Twitter) claiming it to be the 'Raw Footage' of the debate held on 04.06.2024 on India TV New Channel. However, from the footage of the video of the said TV debate which has been played in the Court, it is *prima facie* evident that the plaintiff had barely intervened for a few seconds and no abusive language was used against defendant No. 6.

- 40. While the threshold of public criticism and alleged defamatory X posts/Tweets and YouTube videos on intermediary platforms is much higher, but the individual dignity and honour of a person cannot be allowed to be defamed or disrepute brought to him on the ground of Right of Free Speech and Expression. A thin line of distinction exists between defamation and public criticism and an onerous task lies with the Courts to maintain this delicate balance between the competing claims and rights.
- 41. The Apex Court in the case of <u>Amish Devgan vs. Union of India</u>, (2021) 1 SCC 1 referred to <u>Subramanian Swamy</u> (supra), wherein it had been ruled that dignity is the quintessential quality of personality and a basic constituent along with honour and reputation of the rights guaranteed and protected under Article 21. Dignity is a part of the individual rights that form the fundamental fulcrum of collective harmony and interest of a society. While right to speech and expression is absolutely sacrosanct in the sense that it is essential for individual growth and progress of democracy which recognises voice of dissent, tolerance for discordant notes and acceptance of different voices, albeit the right to equality under Article 14 and right to dignity as a part of Article 21 have their own significance.
- 42. The material as placed on record *prima facie* shows that even though

CS(OS) 495/2024 Page 13 of 18



there was no abuse given by the plaintiff to the defendant No. 6, but in subsequent videos, insertion has been made that "बोखलाए रजत शर्मा", "रजत शर्मा ने दी गाली" which *prima facie* seems to be a total misrepresentation of the true facts and convoluted insulations have been made by the defendant No. 6 which are targeted at damaging the reputation of the plaintiff.

- 43. In the case of <u>Institute of Chartered Accountants of India vs. L.K. Ratna</u>, (1986) 4 SCC 537, wherein it was observed that "there are cases where an order may cause serious injury as soon as it is made, an injury not capable of being entirely erased when the error is corrected on subsequent appeal." It was also observed that a man's professional reputation is still his most sensitive pride and if a blow suffered by the initial decision, it is difficult to contemplate complete restitution through an appellate decision or by payment of money.
- 44. In the case of <u>Lakshmi Murdeshwar Puri</u> (supra), wherein it was observed that "reputations, nourished and nurtured over years of selfless service and toil, may crumble in an instant; one thoughtless barb is sufficient." "Reputation, it is well settled, precedes the man."
- 45. Similarly, in <u>Vinai Kumar Saxena</u> (supra), wherein it has been observed that in appropriate cases where the Court is of the view that such statements are unsubstantiated and have been made in a reckless manner without to the truth, in order to cause injury to the reputation of the plaintiff, the Court would be justified in granting an interim injunction.
- 46. In <u>Hanuman Beniwal vs. Vinay Mishra</u>, 2022 SCC OnLine Del 4882, it was held that in case of libel and slander, interim injunction may be granted in case (i) the statement is unarguably defamatory; (ii) there are no

CS(OS) 495/2024 Page 14 of 18



grounds for concluding that the statement may be true; (iii) there is no other defence which might succeed; and (iv) there is evidence of an intention to repeat or publish the defamatory statement.

- 47. It cannot be denied that the citizens have a right to freedom of Speech and expression but there was also a corresponding duty to remain truthful to the incident. The X posts berating the plaintiff are nothing but an oversensationalization and depiction of facts which are patently false. *Prima facie* dissemination of such X Posts has not only caused harm to the reputation of the plaintiff as has been asserted by him, but also has the potential of persistent threat of being used against the plaintiff at any time in future. Such being the imminent threat of misuse of the videos in future, which are *prima facie* depicting plaintiff in a light which may not be based on true facts, is liable to be restrained from being kept in the public domain till the Suit is finally decided.
- 48. The *irreparable loss* and *injury* would be caused to the plaintiff for if the videos and Tweets, etc as mentioned above, is allowed to be in the public domain, it would continue to cause harm to his reputation as a respectable Journalist which would cause irreparable harm to the plaintiff. No harm would be caused to the defendants if the material is restrained from remaining in public domain till the suit is adjudicated on merits, while these tweets have a potential of bringing disrepute to the Plaintiff in future with practically no reparation to the damage to his reputation. The applicant/plaintiff may have quantified damages for defamation and to his reputation but if such videos are permitted to remain in public, the harm already caused, would get perpetuated in future. *Therefore, the irreparable loss would be caused to the applicant/plaintiff in case the injunction as*

CS(OS) 495/2024 Page 15 of 18



sought by the applicant/plaintiff is not granted.

- 49. The *balance of convenience* also lies in favour of the plaintiff for the simple reason that by making these videos private or injuncting them from being available on the public platforms, would not, in any way, infringe on the rights of the defendants of freedom of speech and expression which they can, in any case, exercise within the defined parameters. However, the inconvenience that would result from these videos and X posts/Tweets etc., continuing to remain in public domain, has the potential to cause an inconvenience which may not be possible to be reparated or compensated by damages or otherwise, in future.
- 50. From the aforesaid discussion, it is directed that the X Posts/Tweets (URLs annexed as 'Annexure-1') which have not been removed, be removed within seven days by defendants in terms of the Intermediary Guidelines. It is further directed that the videos which are in the public domain be made private by defendant No.2 and not to be put in the public domain, without the Orders of this Court.
- 51. The application is accordingly allowed.

CS(OS) 495/2024 & I.A. 31743/2024

- 52. Issue summons.
- 53. On taking steps, let summons be served upon the defendants through ordinary and electronic modes, returnable before the Roster Bench on 11.07.2024

(NEENA BANSAL KRISHNA) (VACATION JUDGE)

JUNE 14, 2024 *S.Sharma*

CS(OS) 495/2024 Page 16 of 18



Annexure-1 List of URLs

O N.	Annexure-1 List of UKLS
S. No.	URL
1.	https://www.youtube.com/watch?v=MA2qlV8A6zI
	(Press conference)
2.	https://www.youtube.com/shorts/fvD1uDxx2LA
	(INC UP)
3.	https://youtu.be/hmbbr0chMt4?feature=shared
	(Indian Youth Congress)
4.	https://youtu.be/-oY1LD6636M?feature=shared
	(INC UP)
5.	https://x.com/NayakRagini/status/18002204554226117
	30
	(RN tweet with video)
6.	https://x.com/NayakRagini/status/1800524350937846229
	(Criminal Complaint)
7.	https://x.com/dragon_fairy7/status/1800502402866704582
8.	https://x.com/PratapraoINC/status/1800502296108990710
9.	https://x.com/Ajay_reporter/status/1800498404562518167
10.	https://x.com/INCIndia/status/1800497347010457922
	(INC account)
11.	https://x.com/INCIndia/status/1800509217817719197
	(INC Account)
12.	https://x.com/INCIndia/status/1800493232184246635
	(INC Account)
13.	https://x.com/Pawankhera/status/1800526789527134405
	(PawanKhera)
14.	https://x.com/INCIndia/status/1800509217817719197
	(Press conference)
15.	https://x.com/INCIndia/status/1800502098003431747
	(Press conference)
16.	https://x.com/INCIndia/status/1800498321854751178
	(Press conference)
17.	https://x.com/INCIndia/status/1800497347010457922
	(Press conference)
18.	https://x.com/INCIndia/status/1800493232184246635
	(Press conference)
19.	https://x.com/Pawankhera/status/180052678952713440
	5

CS(OS) 495/2024 Page 17 of 18



	(Press conference)
20.	https://x.com/Jairam_Ramesh/status/1800357723298746576
	(edited video tweet)
21.	https://x.com/Pawankhera/status/1800526789527134405
	(criminal Complaint)
22.	https://x.com/INCIndia/status/1800509217817719197
	(press con)
23.	https://x.com/Pawankhera/status/1800223345289707643
	(edited video)
24.	https://x.com/GauravGogoiAsm/status/1800500831260967254
	(Gaurav Gogoi)

CS(OS) 495/2024 Page 18 of 18