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### **SYNOPSIS AND LIST OF DATES**

The Petitioners are constrained to invoke the extra-ordinary Writ Jurisdiction of this Hon'ble Court under Article 32 of the Constitution against the patently extortionist and malafide actions of the Government of West Bengal to impose illegal censorship in the state by threatening, scuttling, and gagging honest media houses through misuse of state police. Such is the illicit design devised by Respondent No. 1- State, to undermine the freedom of press, while circumventing the statutory framework created under the umbrella of Article 19(2), has rather chosen to hound down the Petitioners by registering multiple FIRs in order to bargain for deletion of news articles by putting the petitioner's life and liberty at bait.

The Government of West Bengal and its authoritarian Kolkata Police is misusing FIRs and brute police-powers not only to intimidate journalists, but also, to intimidate, threaten, and embarrass the family members of such journalists including senior citizens of the family so as to seek deletion of media reports which bring to the public's notice the actual state of affairs in the State of West Bengal during these difficult times.

In pursuit of these illegal and malafide objectives, the Government of West Bengal has completely undermined and circumvented the applicable law contained in Section 69A of the Information Technology Act, 2000 and the Information

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Technology (Procedure and Safeguard for Blocking for Access of Information by Public) Rules, 2009.

Such is the blatant abuse of power and malafide of Respondent No. 1 and its officials that while they are using FIRs to scuttle free speech and issuing notices u/s 41A CrPC to personally intimidate and harass the Petitioners, the police has despite repeated requests refused to share the copy of the FIRs with the Petitioners or to upload the same on their official website.

This deliberate and malafide failure on the part of Respondent No. 1 is in utter disregard to the directions issued by this Hon'ble Court in the case of **Youth Bar Association v. Union of India**, reported in AIR (2016) SC 4136; and deprives the petitioners to seek appropriate remedies available under Cr.P.C.

What is glaring is the manner in which the powers under the Code of Criminal Procedure ('Cr.P.C.') and the investigative powers of the Police, is being blatantly misused by the State of West Bengal ('Respondent No. 1') to scuttle and silence bonafide but critical instances of journalism, capable of causing inconvenience to its political executives, in total disregard to the constitutional guarantees contained in Articles 19(1)(a) and 21 of the Constitution.

The Petitioner No. 1 is the Editor of English Language Publications at Opindia.com. Opindia.com is a widely read and respected web news-portal with almost a 15 Million monthly

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readership. The Petitioner No. 2 is the Husband of the Petitioner No. 1. Petitioner No. 3 is the founder and the CEO of the said portal and Petitioner no.4 is Editor of Hindi Language Publications at Opindia.com

The following facts in brief detail the atrocities committed by the Government of West Bengal necessitating the present writ petition.

That on 14.05.2020, the Hindi Language Publication of Opindia.com i.e. Hindi.opindia.com published a report which verbatim quoted exchange of words between leaders of two different political parties. While the said exchange of words was also reported by various other news-portals and news agencies, nevertheless, it appears that an FIR was registered only against the petitioners herein under Sections 153A/153B/295A/500/504/120B of IPC bearing Case No. 112 at Phoolbagan PS, Kolkata in relation to the said publication.

Pursuant to the above FIR a notice under Section 41A Cr.P.C. was issued to the Petitioner No. 2 seeking his appearance at the Police Station on 16.05.2020 at 10.00 am. Having been served with the aforementioned notice, the said Petitioner attempted to download the copy of the FIR from the police website but the same was not uploaded. Despite this the said Petitioner in compliance of the aforementioned notice went to the Police Station and joined the investigation at the time stipulated in the notice.

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During the interrogation, the said Petitioner was asked about his connection with Opindia.com and how his mobile number, which is registered in his name, had been provided on the said website of Opindia.com. In response to these queries, the Petitioner informed the Investigating Officer that his only connection with the website is his wife i.e. the Petitioner No. 1, who is the Editor of English edition of the web news-portal. Despite this disclosure, Petitioner was further probed in relation to the shareholding patterns and directorship of Aadhyaasi Media Pvt. Ltd., the holding company for Opindia.com.

Finally, in the most intimidating manner, the said Petitioner was asked by the Investigating Officer to get the article in question deleted through his wife i.e. the Petitioner No. 1, failing which they would be arrested.

The decaying level of moral-fabric in the Government of West Bengal and its authoritarian regime and police is clear from the fact that the said threat was also made by the Investigating Officer to the 68 years old father of the Petitioner No. 1, who out of concern was also accompanying the Petitioner No. 2 in the police station. The Petitioner No. 2 requested for the copy of the FIR in response to which he was further abused and threatened.

Around the same time, a notice under Section 91 of the CrPC in relation to FIR bearing Case No.112 of 2020, registered at Ps. Phoolbagan, was emailed to the Opindia.com's Hindi edition

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editor, i.e Petitioner No.4 on his official email account, asking them to remove the allegedly contentious news report.

On the same day in the evening about 7.00 pm, the Investigating Officer without any authority in law or warrant again visited the Petitioner No. 1 & 2's residence, and asked for Petitioner No. 1's father to step out of the house.

The father of Petitioner No. 1 complied with the IO's direction and came out of the house to meet the IO. The IO again inquired as to whether the said articles had been deleted, to which the father of the Petitioner No.1, replied in the negative. Upon this the IO again got agitated and cautioned the father of the said Petitioner that at his age he would not be able to afford to see his daughter and son-in-law going to jail, which was inevitable, if the articles were not deleted immediately.

Moreover, the same day i.e. 16.05.2020, two separate notices under Section 41A CrPC were served at Petitioner No. 1 & 2's residence at around 9pm seeking their presence at Anti Rowdy Section, Detective Department, Kolkata Police, Lal Bazar, Kolkata at 11.30 am on 17.05.2020.

As was clear from the said notices, these notices pertained to some other FIR bearing Case No. 155 registered under Sections 153/504/505/120-B of the IPC and Section 54 of Disaster Management Act at PS Hare Street.

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Upon appearing, the Petitioner No. 1 was called for interrogation and it was there that she was informed that the cause for this second FIR was another article published by Opindia.com (English Edition) under the caption **“West Bengal Government secretly disposing deceased coronavirus patient in Special incinerators, hiding data: Reports”**.

Petitioner No. 1 was again threatened to get the said news posts deleted. When the Petitioner informed the investigating officer that the said report was based on news reports published in Sunday Guardian by an award winning investigative journalist and author Shantanu Guha Ray, the IO and his superior, who was also present during the interrogation, threatened the Petitioner with her and her husband's arrest, if she failed to comply with their illegal demands. Petitioner No. 1 duly informed the police that the discretion in relation to the deletion of the article lay with the CEO of the website, i.e. Petitioner No. 3 and that there was no way for her to get the articles deleted or removed from the internet.

Accordingly, the officers while insulting and demeaning the Petitioner No. 1, asked her to use her influence to get the articles removed or to face the brunt of State's Political Executives.

After harassing, intimidating, and threatening the Petitioner under the guise of an investigation, Petitioner No. 1 was allowed to go out and her husband i.e. Petitioner No. 2 was called in for

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interrogation. It is pertinent to note that the said Petitioner had already informed the police that he had nothing to do with Opindia.com. Despite this the said Petitioner was again threatened and intimidated on the same lines and was asked to keep a watch on his wife's work or else to be ready to face incarceration. Once the interrogation was over, Petitioner No. 1 & 2 being intimidated by the violence of the police, requested for a copy of the FIR so as to request the CEO to delete the articles. However, the same was turned down.

It was under this immense violence, intimidation, pressure, and threat to her and to her family that the Petitioner No. 1 wrote an email to Petitioner No. 3, i.e. the CEO, detailing the circumstances and harassment caused to him and his family members and requested the Petitioner No. 3 to consider deleting the tweet, which was meant to propagate and circulate the alleged news report. The tweet was subsequently deleted and its deletion was also informed to the police officer.

It is pertinent to note that the above sequence of events show how the Government of West Bengal through its police officials had successfully committed extortion.

That on 20.05.2020, Petitioner No. 3 received a purported notice under Section 41A CrPC on his email from a private Gmail account asking him to appear before Anti-Rowdy Section, Detective Department, Kolkata Police, on 27.05.2020, in relation

to the second FIR (FIR bearing Case No. 155 at PS Hare Street). In response to the said notice, the Petitioner No. 3 wrote back to the concerned officer communicating his inability to appear before the Anti-Rowdy Section of Kolkata Police on account of Pandemic COVID-19 and the nationwide lockdown and further requested the concerned officer to consider interrogating him through video conferencing or questionnaires as in these times.

Subsequently, on 07.06.2020, Petitioner No.4, was served with a notice under Section 41 of the CrPC in relation to FIR No.112/2020 registered at Phoolbagan PS, which sought his personal appearance at the Phoolbagab Ps on 22.06.2020.

It is stated that the State of West Bengal is unrelenting in its endeavor to hound down the Petitioners and in the process has contrived to get a further FIR registered against the Petitioners, under Section 153A/504/505/120 B of the IPC at P.S Baniapakur on 08.06.2020. As per the information received by the Petitioners, this FIR pertains to a news report published in the English edition of opindia.com on 07.10.2019. It is needless to mention here that this FIR too has not been uploaded on the website of Kolkata Police but what is indeed glaring is the manner in which an 8 months old publications are now being used to register malicious FIRs to persecute the Petitioners and curtail the solemn "Freedom of Press", that too when then said publication cannot and does not constitute the ingredients of



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alleged offences and identical news report, were also contemporaneously published by other prominent media portals like, [www.indiatoday.in](http://www.indiatoday.in) and [www.news18.com](http://www.news18.com) and other newspapers.

It is submitted that freedom of press- a fundamental right engrained in Article 19(1)(a) of the Constitution- constitutes the very plinth on which the superstructure of our democracy stands and while the petitioners are conscious that the said freedom is not absolute and is subject to reasonable restrictions in terms of Article 19(2) of the Constitution, the design employed by the Respondent No. 1 State to arm-twist the petitioners into deleting the articles causing inconvenience to the state's political executives, is certainly outside the pale of Article 19(2).

Such over zealousness of enforcement agencies, in using excessive and vague powers to hound citizens and to curtail their right to voice over internet has already been condemned and deprecated by this Hon'ble Court in **SHREYA SINGHAL VS UNION OF INDIA AND ORS**, reported in **(2013) 12 SCC 73**, wherein this Hon'ble Court while declaring Section 66 A of the Information Technology Act, 2000, unconstitutional and upholding the constitutionality of Section 69 A of the IT Act and the rules made thereunder, reiterated that mere discussion or advocacy of a particular cause, no matter how odious, would always be protected by the right to freedom of speech and

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expression. It is only when either discussion or advocacy reaches the level of incitement that restrictions kick in.

As has already been pointed out above, the procedure and the mechanism for getting a web content blocked/deleted from the internet is contained in Section 69A of the Information and Technology Act, 2000, which reads as follows: -

*69A Power to issue directions for blocking for public access of any information through any computer resource. –*

*(1) Where the Central Government or any of its officer specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do, in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-section (2) for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.*

*(2) The procedure and safeguards subject to which such blocking for access by the public may be carried out, shall be such as may be prescribed.*

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*(3) The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years and shall also be liable to fine.*

It is clear from the above provision that the internet-content policy can only be driven by the Central Government as against state governments. State Governments and their machinery are not empowered to seek deletion of any content from the internet. Deleting any content from the internet has a nationwide effect. Therefore, any decision to delete any content has to be left to be taken by the Central Government and not by the state governments. Keeping this principle in mind, it is clear that Section 69A occupies the field and overrides any other act in this regard including the Code of Criminal Procedure.

Therefore, if the Government of West Bengal had any objections regarding the aforementioned articles published by Opindia.com, it was legally incumbent to proceed under the said statutory prescriptions. But, as is clear from the above, the State Government knowing their lack of power in law to seek deletion of a post directly, chose to take extortive measures like registering multiple FIRs and threatening family members and senior citizens to seek deletion of articles and curtailing the freedom of the Press.

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It is of utmost relevance to note here that the Petitioners herein are not the only victims of the extra-constitutional design employed by Respondent No.1-State, as it is now in public domain that brute police power and FIRs are being rampantly employed in the state, to arm twist other prominent news media groups in to curtailing freedom of speech and expression of eminent journalists and editors. As per the credible news report a FIR was also registered against the erstwhile editor of Anand Bazar Patrika, Mr. Anirban Chattopadhaya allegedly for publishing "*unauthorised and unidentified informations with regard to the Corona related death toll figures as well as Corona affected persons in Anandabazar Patrika and thereby, gave provocation to public panic*". It pertinent to point out here that Mr. Chattopadhaya subsequently resigned on 30.05.2020.

It is submitted that freedom of speech and expression contained in Art.19 (1) (a) alongwith the PREAMBLE of the constitution which inter-alia solemnly resolves to secure to all its "LIBERTY of thought, expression...." forms the very foundation of our democratic setup and as such the extra-constitutional design rampantly employed by Respondent no.1-State, in using police powers to hound down journalists and media professionals critical of its political executives by registering multiple FIRs , has a tendency to erode this solemn Ark of Covenant.

**LIST OF DATES**

14.05.2020

The Hindi Language Publication of opindia.com i.e. hindi.opindia.com published a report which verbatim quoted the exchange of words between leaders of two different political parties at following weblink:

<https://hindi.opindia.com/politics/mamata-banerjee-islamic-state-debasree-chaudhuri-ghulam-rabbani/>.

The said exchange of words were also reported by various other prominent news portals and agencies around the same time.

It appears that an FIR bearing Case No.112, was registered against the Petitioner herein under sections 153A/153B/295A/500/504/120B of IPC at Phoolbagan PS, Kolkata.

15.05.2020

Subsequently on 15.05.2020, at around 7.00 pm, a Police Officer from Phoolbagan PS visited the residence of Petitioner No. 1 & 2 and served a notice under Section 41A of the Code of Criminal Procedure, 1973. The said notice sought the presence of the Petitioner No. 2 i.e. husband of the

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Petitioner No. 1 at Phoolbagan PS on the next date  
i.e. 16.05.2020.

That subsequent to the service of the notice, the  
Petitioner No. 2 attempted to download the copy of  
the FIR from the official website of Kolkata Police,  
but the same was not available on the website.

16.05.2020

That around 10.30 am, the Petitioner No. 2  
accompanied by his 68 years old father in law i.e.  
father of the Petitioner No. 1 reached the  
Phoolbagan PS as was desired through the notice.  
At around 11.00 am, he was called for  
interrogation and after initial queries in relation to  
his qualification, profession and family members,  
the interrogating officer showed an article  
published by hindi edition of opindia.com and  
asked him about his association with opindia.com  
and as to how his mobile number registered in his  
name feature on the official website of  
opindia.com. In response to the aforementioned  
queries, the Petitioner No. 2 communicated to the  
investigating officer, that his only connection with  
the website, is his wife i.e. the Petitioner No. 1,  
who happens to be the editor of English edition of

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the web news portal. The Petitioner No. 2 was further probed in relation to the shareholding patterns and directorship of Aadhyaasi Media Pvt. Ltd., the holding company for opindia.com. And was asked by the investigating officer to get the said Article deleted through his wife i.e. the Petitioner No. 1 or else both the Husband and Wife i.e. the Petitioner Nos. 1 & 2 will be arrested. The said threat was also made by the investigating officer to the 68 years old father of the Petitioner No. 1.

The Petitioner No. 2 requested for the copy of the FIR in response to which he was further abused and threatened.

16.05.2020

On the same day in the evening about 7.00 pm, the investigating officer again visited the Petitioner No. 1 & 2's residence, and asked for Petitioner No. 1's father to come out of the house for brief talk. As was desired by the investigating officer, Petitioner No. 1's father Mr. Jhunjhunwala, went out of the house and met him near the building, the IO, then again inquired as to whether the said articles have yet been deleted and as Mr. Jhunjhunwala replied in negative, the

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investigating officer got furious and cautioned him that at this age he cannot afford to see his daughter and son in law going to jail, which is inevitable, if the article is not deleted immediately. Around the same time, a notice was emailed to the opindia.com's official email account, asking them to remove the alleged offensive news post.

16.05.2020

Around the same time, notice under Section 91 of the CrPC, was served on Petitioner No.4 in relation to Case No.112/20, registered at PS. Phoolbagan, calling upon him to delete the news report published on 14.05.2020 in the Hindi edition of opindia.com with following weblink:

<https://hindi.opindia.com/politics/mamata-banerjee-islamic-state-debasree-chaudhuri-ghulam-rabbani/>.

16.05.2020

That on the same day i.e. 16.05.2020, two separate notices under Section 41A were further served at Petitioner No. 1 & 2's residence at around 9 in the night seeking their presence at Anti Rowdy Section, Detective Department, Kolkata Police, Lal Bazar, Kolkata at 11.30 am on 17.05.2020. As was reflective in the said notices, these pertained to some other FIR bearing Case



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No. 155 registered under Sections 153/504/505/120-B of the IPC and Section 54 of Disaster Management Act at PS Hare Street.

17.05.2020 That in compliance of the 41 A Notice issued to them in relation to Hare Street FIR bearing No.- 155, Petitioner Number 1 & 2, reached the Hare Street Police Station at around 11:00 am on 17.05.2020, wherein, after waiting for some time first, the Petitioner No. 1 was called for interrogation and it was there that she was informed that the cause of the FIR is a further article published by opindia.com (English Edition) at with the caption "**West Bengal Government secretly disposing deceased coronavirus patient in Special incinerators, hiding data: Reports**". The Petitioner No. 1 was again threatened to get the said news posts deleted and when, the Petitioner informed the investigating officer that the said report was based on news report published in Sunday Guardian and contained an award winning investigative journalist and author Shantanu Guha Ray. The investigating officer and his superior who was also

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present during the interrogation threatened her again with arrest and also that of her husband, in case she fails to comply with their demands of deletion of the aforementioned article. In response the Petitioner No. 1 informed the investigating officers, that the discretion in relation to the deletion of the article lies with the CEO of the website, i.e. Petitioner No. 3 and there is no way that she can get the article deleted or removed from the internet. The officers while insulting the Petitioner No. 1 told her to some prevail upon the concerned person or authorities to get the article removed or to face the brunt of State's Political Executives. Thereafter, the Petitioner No. 1 was allowed to go out and her husband i.e. Petitioner No. 2 was called in for interrogation, who then was also threatened and intimated on the same lines and was asked to keep a watch on his wife's work or else to be ready to face incarceration. Once the interrogation was over, the Petitioner No. 1 & 2 requested for a copy of the FIR so that they may pass it on to the CEO, and request him to consider the deleting the news report. This request too was turned down.

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Under this immense pressure and imminent threat to her husband's and her own personal liberty that the Petitioner No. 1 wrote an email to Petitioner No. 3, i.e. the CEO, detailing the circumstances and harassment caused to her and her family members and requested the Petitioner No. 3 to consider deleting the tweet, which was meant to propagate and circulate the alleged news report., The tweet was subsequently deleted and its deletion was also informed to the police officer.

20.05.2020

That on 20.05.2020, the Petitioner No. 3 i.e. the CEO of the web news portal i.e. opindia.com received a purported notice under section 41A on his email from a private gmail account asking him to appear before Anti Rowdy Section, Detective Department, Kolkata Police, on 27.05.2020, in relation to the same FIR and as the entire during the relevant time was under lockdown on account Pandemic COVID-19.

27.05.2020

In response to the said notice, the Petitioner No. 3 wrote back to the concerned officer communicating his inability to appear before the Anti-Rowdy Section of Kolkata Police on account of Pandemic COVID-19 and the nationwide

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lockdown and further requested the concerned officer to consider interrogating him through video conferencing or questionnaires.

27.05.2020-  
06.06.2020

That Kolkata Police has yet not responded to the email of the Petitioner No. 3 dated 27.05.2020,

07.06.2020

While the West Bengal Police, did still not upload the FIRs on its website depriving the Petitioners to pursue the remedies available under Code of Criminal Procedure, 1973. Nevertheless, on 07.06.2020, Petitioner no.4, received a yet another email purporting to be a notice under Section 41 of the CrPC, requiring him to appear at PS. Phoolbagan in relation to FIR No.112/20 on 22.06.2020.

09.06.2020

That in response to the aforesaid notice, Petitioner No.4 emailed his reply on 09.06.2020, requesting the authorities to interrogate him through video conferencing or to consider examining him through questionnaires and further, to supply him a copy of the FIR or to upload the its copy on the website as has been mandated by this Hon'ble Court in **Youth Bar Association (Supra.)**

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10.06.2020

It came to the knowledge of the Petitioners further FIR registered against the Petitioners, under Section 153A/504/505/120 B of the IPC at P.S Baniapakur on 08.06.2020. As per the information received by the Petitioners, this FIR pertains to a news report published in the English edition of opindia.com on 07.10.2019. It is needless to mention here that this FIR too has not been uploaded on the website of Kolkata Police but what is indeed glaring is the manner in which an 8 months old publications are now being used to register malicious FIRs to persecute the Petitioners and curtail the solemn "Freedom of Press", that too when then said publication cannot and does not constitute the ingredients of alleged offences and identical news report, were also contemporaneously published by other prominent media portals like, [www.indiatoday.in](http://www.indiatoday.in) and [www.news18.com](http://www.news18.com) and other newspapers.

12.06.2020

Hence this Writ Petition.

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**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL ORIGINAL JURISDICTION**  
WRIT PETITION (CRL) NO. \_\_\_\_ OF 2020

**IN THE MATTER OF:**

1. NUPUR J. SHARMA
2. VAIBHAV SHARMA
3. RAHUL ROUSHAN
4. AJEET BHARTI

... PETITIONERS

VERSUS

1. THE STATE OF WEST BENGAL  
Through its Secretary,  
Department of Home,  
Having Office at Nabanna  
325, Sarat Chatterjee Road,  
PS-Shibbur, District Howrah-711 102

2. DIRECTOR GENERAL & INSPECTOR  
GENERAL OF POLICE,  
West Bengal Police,  
Having Office at Nabanna  
325, Sarat Chatterjee Road,  
PS-Shibbur, District Howrah-711 102
3. UNION OF INDIA  
Through its Secretary  
Ministry of Home, North Block  
Central Secretariat  
New Delhi-110 001
4. Secretary  
Information and Technology  
Union of India  
Having Office at Electronics Niketan  
6, CGO Complex,  
Lodhi Road  
New Delhi-110 003

.....RESPONDENTS

**IN THE MATTER OF:**

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR AGAINST THE ACTIONS OF THE RESPONDENT NO. 1- STATE INFRINGING PETITIONER'S FUNDAMENTAL RIGHT UNDER ARTICLE 19(1)(a) AND 21 OF THE CONSTITUTION OF INDIA.

TO

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS  
COMPANION JUSTICES OF THE SUPREME COURT  
OF INDIA AT NEW DELHI

THE HUMBLE PETITION OF THE  
PETITIONERS ABOVE NAMED:

**MOST RESPECTFULLY SHOWETH:**

1. That the Petitioners are is a citizen of India by birth, having their respective permanent residence at the address given in the cause title of this Writ Petition. The present writ petition is filed against

the patently malafide actions of Respondent No. 1 State, which in its attempt to scuttle and gag media reports -causing inconvenience to its political executives, is using FIR and brute police powers to intimidate all those concerned with such publication and their family members, in order to extort deletion and restrain propagation of such news articles on web space i.e. Internet. What is glaring is the manner in which the powers under Cr.P.C. is being blatantly misused by the Respondent No. 1 State and its agencies to attain extra-legal objectives, in total disregard to the constitutional guarantees contained in Article 19(1)(a) and 21 of the Constitution and while undermining and circumventing, the "procedure established by law" in terms of Article 19(2) and 21 of the Constitution contained in Sec. 69A of The Information Technology Act, 2000 and The Information Technology (Procedure and Safeguard for Blocking for Access of Information by Public) Rules, 2009.

2. The Aadhar No. of Petitioner No.1 is AFUPJ8887P and that of Petitioner No.(s) 2, 3 and 4 are BQNPS7384D, AZQPK3350A, BAGPB0337J, respectively. It is stated that no revenue case has ever been initiated against the Petitioners and needless to say that no revenue case is pending against them.
3. Petitioner No.1 is the Editor of English Edition of opindia.com, a web news portal, and a mother of 4 year old young daughter. The Petitioner No. 2 is the husband of the Petitioner No. 1, the



Petitioner No. 3 is the Co-Founder and CEO of opindia.com and

Petitioner No.4 is the Editor of Hindi Edition of opindia.com

4. To explain the issue in hand a background of certain events leading to the situation as it exists today is necessary.

5. That on 14.05.2020, the Hindi Language Publication of opindia.com i.e. hindi.opindia.com published a report which verbatim quoted the exchange of words between leaders of two different political parties at following weblink:

<https://hindi.opindia.com/politics/mamata-banerjee-islamic-state-debasree-chaudhuri-ghulam-rabbani/>. The said exchange of words were also reported by various other prominent news portals and agencies around the same time.

A true translated copy of the news report on published by hindi.opindia.com on 14.05.2020, is annexed hereto and marked as **ANNEXURE-P-1.** (PG. NO. 26 TO 28).

A true copy of the identical report published by news portal [www.news18.com](http://www.news18.com) as was published at following weblink

[https://www.news18.com/news/india/mamata-banerjee-wants-to-turn-west-bengal-into-islamic-state-says-bjp-mp-](https://www.news18.com/news/india/mamata-banerjee-wants-to-turn-west-bengal-into-islamic-state-says-bjp-mp-debasree-chaudhuri-2618951.html)

[debasree-chaudhuri-2618951.html](https://www.news18.com/news/india/mamata-banerjee-wants-to-turn-west-bengal-into-islamic-state-says-bjp-mp-debasree-chaudhuri-2618951.html) is annexed hereto and marked as **ANNEXURE-P-2.** (PG. NO 29 TO 31).

6. It appears that an FIR was registered against the Petitioners herein under Sections 153A/153B/295A/500/504/120B of IPC bearing Case No. 112 at Phoolbagan PS, Kolkata in relation to the said publication and subsequently on 15.05.2020 at around 7 PM

is the evening, a notice under Section 41A of the Cr.P.C. was delivered at the residence of Petitioner No.1 and 2, which sought the appearance of Petitioner No. 2-Mr. Vaibhav Sharma at the Police Station on 16.05.2020 at 10.00 am. Having been served with the aforementioned notice, the said Petitioner No.1 attempted to download the copy of the FIR from the police website but, the same was not uploaded. It is pertinent to note here that in accordance with the direction issued by this Hon'ble Court in ***Youth Bar Association v. Union of India & Ors***, reported in AIR (2016) SC 4136, it is incumbent on the officer registering the FIR to upload the same within 24 hours of its registration.

A true copy of the said notice under Section 41A dated 15.05.2020 served on Petitioner No.2, is annexed hereto and marked as **ANNEXURE-P-3**. (PG. NO. 32 TO 33).

7. On 16.05.2020, the Petitioner in compliance of the aforementioned notice under Section 41A went to the Police Station and joined the investigation at the time stipulated in the notice. During the interrogation, the Petitioner was asked about his connection with opindia.com and as to how his a mobile number registered in his name feature on the official website of opindia.com. In response to the aforementioned queries, the Petitioner No. 2 communicated to the investigating officer, that his only connection with the website, is his wife i.e. the Petitioner No. 1, who happens to be the editor of English edition of the web news portal. The Petitioner No. 2 was further probed in relation

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to the shareholding patterns and directorship of Aadhyaasi Media Pvt. Ltd., the holding company for opindia.com. And was asked by the investigating officer to get the said Article deleted through his wife i.e. the Petitioner No. 1 or else both the Husband and Wife i.e. the Petitioner Nos. 1 & 2 will be arrested. The said threat was also made by the investigating officer to the 68 years old father of the Petitioner No. 1, who out of concern was also accompanying the Petitioner No. 2 in the police station. It is relevant to mention here that the Petitioner No. 2, again requested for the copy of the FIR in response to which he was further abused and threatened.

8. On the same day in the evening about 7.00 pm, the investigating officer again visited the Petitioner No. 1 & 2's residence, and asked for Petitioner No. 1's father to come out of the house for brief talk. As was desired by the investigating officer, Petitioner No. 1's father Mr. Jhunjhunwala, went out of the house and met him near the building, the IO, then again inquired as to whether the said articles have yet been deleted and as Mr. Jhunjhunwala replied in negative, the investigating officer got furious and threatened him that at this age he cannot afford to see his daughter and son in law going to jail, which is inevitable, if the article is not deleted immediately.
9. In the evening about 7.00 pm, the investigating officer again visited the Petitioner No. 1 & 2's residence, and asked for

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Petitioner No. 1's father to come out of the house for brief talk. As was desired by the investigating officer, Petitioner No. 1's father Mr. Jhunjhunwala, went out of the house and met him near the building, the IO, then again inquired as to whether the said articles have yet been deleted and as Mr. Jhunjhunwala replied in negative, the investigating officer got furious and threatened him that at this age he cannot afford to see his daughter and son in law going to jail, which is inevitable, if the article is not deleted immediately. Around the same time, a notice was emailed to the opindia.com's official email account and Petitioner no.4, asking them to remove the alleged offensive news post. A true copy of the email dated 16.05.2020 containing a notice under Section 91 seeking deletion of the alleged contentious news article published in Hindi Edition of the web news portal opindia.com is annexed hereto and marked as **ANNEXURE-P-4.** P8-(34-37)

10. That on the same day i.e. 16.05.2020, two separate notices under Section 41A were further served at Petitioner No. 1 & 2's residence at around 9 in the night seeking their presence at Anti Rowdy Section, Detective Department, Kolkata Police, Lal Bazar, Kolkata at 11.30 am on 17.05.2020. As was reflective in the said notices, these pertained to some other FIR bearing Case No. 155 registered under Sections 153/504/505/120-B of the IPC and Section 54 of Disaster Management Act at PS Hare Street. A true copy of the 41A notice dated 16.05.2020 to the Petitioner No. 1

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in relation to FIR bearing Case No. 155 is annexed hereto and marked as **ANNEXURE-P-5.** (PG. NO. 38 TO 39). A true copy of the 41A notice dated 16.05.2020 to the Petitioner No. 2 in relation to FIR bearing Case No. 155 is annexed hereto and marked as **ANNEXURE-P-6.** (PG. NO. 40 TO 41).

11. The Petitioner Nos. 1 & 2 complied with the aforesaid notice and reached the Refare Street Police Station at around 11:00 am on 17.05.2020, wherein, after waiting for some time first, the Petitioner No. 1 was called for interrogation and it was there that she was informed that the cause of the FIR is a further article published by opindia.com (English Edition) at with the caption ***“West Bengal Government secretly disposing deceased coronavirus patient in Special incinerators, hiding data: Reports”***. The Petitioner No. 1 was again threatened to get the said news posts deleted and when, the Petitioner informed the investigating officer that the said report was based on news report published in Sunday Guardian by an award winning investigative journalist and author Shantanu Guha Ray. The investigating officer and his superior who was also present during the interrogation threatened her again with arrest and also that of her husband, in case she fails to comply with their demands of deletion of the aforementioned article. A true copy of the aforementioned news report as was published with the aforementioned captioned on the English Edition of the

opindia.com

with

weblink

[https://www.opindia.com/2020/05/west-bengal-govt-secretly-disposing-deceased-coronavirus-patients-in-special-](https://www.opindia.com/2020/05/west-bengal-govt-secretly-disposing-deceased-coronavirus-patients-in-special-incinerators-hiding-data-reports/)

[incinerators-hiding-data-reports/](https://www.opindia.com/2020/05/west-bengal-govt-secretly-disposing-deceased-coronavirus-patients-in-special-incinerators-hiding-data-reports/) is annexed hereto and marked as **ANNEXURE-P-7**. (PG. NO. 42 TO 49).

12. In response the Petitioner No. 1 informed the investigating officers, that the discretion in relation to the deletion of the article lies with the CEO of the website, i.e. Petitioner No. 3 and there is no way that she can get the article deleted or removed from the internet. The officers while intimidating the Petitioner No. 1, told her to some prevail upon the concerned person or authorities to get the article removed or to face the brunt of State's Political Executives. Thereafter, the Petitioner No. 1 was allowed to go out and her husband i.e. Petitioner No. 2 was called in for interrogation, who then was also threatened and intimated on the same lines and was asked to keep a watch on his wife's work or else to be ready to face incarceration. Once the interrogation was over, the Petitioner No. 1 & 2 requested for a copy of the FIR so that they may pass it on to the CEO, and request him to consider the deleting the news report. This time too, the request too was turned down.
13. It was under this immense pressure and imminent threat to her husband's and her own personal liberty that the Petitioner No. 1 wrote an email to Petitioner No. 3, i.e. the CEO, detailing the

circumstances and harassment caused to her and her family members and requested the Petitioner No. 3 to consider deleting the tweet, which was meant to propagate and circulate the alleged news report., The tweet was subsequently deleted and its deletion was also informed to the police officer. A true copy of the said email contemporaneously sent by the Petitioner No. 1 to Petitioner No. 3 on 17.05.2020 is annexed hereto and marked as **ANNEXURE-P-8.** (PG. NO. S0TOS1).

A true copy of the email sent by the Petitioner No. 1 to the concerned official of Kolkota Police communicating the factum of deletion of the alleged contentious tweet is annexed hereto and marked as **ANNEXURE-P-9.** (PG. NO. S2TO    ).

14. That despite deletion of the tweet, which was meant to circulate and propagate the news regarding under reporting of Corona deaths in State of West Bengal, the concerned officials of the Respondent No. 1-State remained unrelenting in their endeavor to hound the petitioners as on 20.05.2020, the Petitioner No. 3 i.e. the CEO of the web news portal i.e. opindia.com received a purported notice under section 41A on his email from a private gmail account asking him to appear before Anti Rowdy Section, Detective Department, Kolkota Police, on 27.05.2020, in relation to the same FIR. A true copy of the email purporting to be a notice under Section 41A of the Code of Criminal Procedure, 1973 dated

20.05.2020 is annexed hereto and marked as **ANNEXURE-P-10.**  
(PG. NO. 53 TO 54).

15. In response to the said notice, the Petitioner No. 3 wrote back to the concerned officer communicating his inability to appear before the Anti-Rowdy Section of Kolkata Police on account of Pandemic COVID-19 and the nationwide lockdown and further requested the concerned officer to consider interrogating him through video conferencing or questionnaires as in these times. A true copy of the Petitioner No. 3's response to the notice dated 20.05.2020 emailed to the concerned officer on 27.05.2020 is annexed hereto and marked as **ANNEXURE-P-11.** (PG. NO. 55 TO 56).
16. That while the Kolkata Police has yet not responded to the email of the Petitioner No. 3 dated 27.05.2020, nor has it, yet uploaded the FIRs on its website depriving the Petitioners to pursue the remedies available under Code of Criminal Procedure, 1973, nevertheless it on 07.06.2020 issued a yet another email purporting to be a notice under Section 41 of the CrPC to Petitioner No.4, requiring him to appear at PS. Phoolbagan in relation to FIR No.112/20 on 22.06.2020. A true copy of the notice dated 07.06.2020 emailed to Petitioner No.4, directing him to appear at PS. Phoolbagan in relation to FIR No.112/20 on 22.06.2020, is annexed hereto and marked as **ANNEXURE-P-12.**  
(PG. NO. 57 TO 58).



17. That in response to the aforesaid notice, Petitioner No.4 emailed his reply on 09.06.2020, requesting the authorities to interrogate him through video conferencing or to consider examining him through questionnaires and further, to supply him a copy of the FIR or to upload the its copy on the website as has been mandated by this Hon'ble Court in **Youth Bar Association (Supra.)**. A True Copy of the reply of the Petitioner No.4 dated 09.06.2020 is annexed hereto and marked as **ANNEXURE-P-13** (PG. NO. 59 TO 61).
18. That on 10.06.2020, It came to the knowledge of the Petitioners that a further FIR bearing number Case No.- 223/20, has been registered against them , under Section 153A/504/505/120 B of the IPC at P.S Baniapakur on 08.06.2020. As per the information received by the Petitioners, this FIR pertains to a news report published in the English edition of opindia.com on 07.10.2019. It is needless to mention here that this FIR too has not been uploaded on the website of Kolkata Police but what is indeed glaring is the manner in which an 8 months old publications are now being used to register malicious FIRs to persecute the Petitioners and curtail the solemn "Freedom of Press", that too when then said publication cannot and does not constitute the ingredients of alleged offences and identical news report, were also contemporaneously published by other prominent media portals like, [www.news18.com](http://www.news18.com) and

www.indiatoday.in and other newspapers. A true copy of the 8 month old news article, dated 07.10.2019, which as per the information received by the Petitioners is the subject matter of the FIR bearing Case number 223 of 2020 registered at Baniapakur PS, is annexed hereto and marked as **ANNEXURE-P-14.** (PG. NO. 62 TO 65).

A true copy of the identical news report contemporaneously published by www.news18.com on 06.10.2019, is annexed hereto and marked as **ANNEXURE-P-15.** (Pg- 66- 67)

A true copy of the identical news report contemporaneously published by www.indiatoday.in on 07.10.2019, is annexed hereto and marked as **ANNEXURE-P-16.** Pg. (68- 76)

19. Thus being, aggrieved by the atrocious and malafide acts of Respondent No.1, who while acting in total disregard to the constitutional guarantee contained in Article 19(1)(a) and 21 of the Constitution, has devised a mechanism beyond the “procedure established by law” and Art.19(2) of the Constitution, has contrived to register multiple FIRs in order to extort deletion of news articles by putting the life and liberty of the Petitioners at bait, the Petitioners herein have been constrained to prefer the present writ petition on the following grounds, without prejudice to one and other.

## GROUNDS

- A. BECAUSE, The Respondent No. 1-State and its authoritarian Kolkata Police is misusing FIRs and brute police-powers not only to intimidate journalists, but also, to intimidate, threaten, and embarrass the family members of such journalists including senior citizens of the family so as to seek deletion of media reports which bring to the public's notice the actual state of affairs in the State of West Bengal during these difficult times. Such blatant misuse of drastic police-powers against independent and honest journalists and media professionals in order to extort deletion and restrain propagation of news articles on the Internet that bring the truth out against the misdeeds of the Government of West Bengal, is a rude curtailment on the press freedom in the state.
- B. BECAUSE, in pursuit of these illegal and malafide objectives, the Government of West Bengal has completely undermined and circumvented the applicable law contained in Section 69A of the Information Technology Act, 2000 and the Information Technology (Procedure and Safeguard for Blocking for Access of Information by Public) Rules, 2009. What is glaring is the manner in which the powers under the Code of Criminal Procedure ('Cr.P.C.') is being blatantly misused by the Government of West Bengal ('Respondent No. 1') to attain these malafide and illegal

objectives in total disregard to the constitutional guarantees contained in Articles 19(1)(a) and 21 of the Constitution.

C. BECAUSE, the under the Code of Criminal Procedure, 1973, Police authorities are not vested with any power to force deletion of any content on Internet or Website. The procedure and the mechanism for getting a web content blocked/deleted from the internet is contained in Section 69A of the Information and Technology Act, 2000, which reads as follows: -

*“69A Power to issue directions for blocking for public access of any information through any computer resource. –*

*(1) Where the Central Government or any of its officer specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do, in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-section (2) for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.*

*(2) The procedure and safeguards subject to which such blocking for access by the public may be carried out, shall be such as may be prescribed.*

*(3) The intermediary who fails to comply with the direction issued under sub-section (1) shall be punished with an imprisonment for a term which may extend to seven years and shall also be liable to fine.”*

As such if at all there was any objection regarding the aforementioned articles published by opindia.com, it was desirable and incumbent for the Respondent No. 1 State to proceed under the said statutory prescriptions but in the present case, the Respondent No. 1- State, while circumventing the aforementioned statutory framework created under the umbrella of Article 19(2), has rather chosen to register FIRs and bargain for deletion of news articles by putting the petitioner's life and liberty at bait.

D. BECAUSE, the Articles in relation to which the FIRs have purportedly been registered and the contents thereof does not in any manner constitute any offence under the Indian Penal Code or any other Act. As has already been pointed out earlier that the First FIR bearing number 112 has been registered at Phoolbagan PS, Kolkata in to an Article published on the Hindi Edition of opindia.com, which verbatim quotes the utterances and comments made by the two political leaders belonging to rival

political parties, which was also reported in all other prominent newspapers and portals. The second contentious article, which is subject matter of FIR bearing Case No. 155 registered at Hare Street PS merely reports the investigating findings and report of an award winning journalist as was published in prominent newspaper portal "Sunday Guardian" exposing the menace of under reporting Covid deaths in West Bengal and the third article which allegedly is the subject matter of FIR bearing number Case No.- 223/20, registered at at P.S Baniapakur on 08.06.2020, is a news report published in the English edition of opindia.com, eight months ago, on 07.10.2019. It is pertinent to note here that, at the relevant point of time identical news report, were also contemporaneously published by other prominent media portals like, [www.news18.com](http://www.news18.com) and [www.indiatoday.in](http://www.indiatoday.in) and other newspapers.

- E. Because, the three FIRs i.e are liable to be quashed as the investigation in all these cases is not just arbitrary and high headed but also an abuse of police powers and the action of the investigating agencies in all three FIRs is not just extra-constitutional but also a subversion of this Hon'ble Court's decision in **SHREYA SINGHAL VS UNION OF INDIA (Supra)**.
- F. BECAUSE, Section 69A of the Information Technology Act makes the intention of the Parliament clear in occupying the field through this special law and overrides any other general or earlier

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statute/provision in this regard including the Code of Criminal Procedure. Therefore, any action taken in this regard under CrPC or any other state law is *ultra vires*, void, and arbitrary.

G. BECAUSE, deletion of any article from the internet deprives the whole country/world of its content. Considering this nationwide consequence, Parliament was correct in arrogating the power of deletion only to the Central Government and not to the state governments. Any action by state government in this regard will be extra-territorial and therefore void.

H. Because, In light of rampant misuse of police powers intended to produce a chilling effect on Freedom of Speech and Expression by Media, there is a need for a clear judicial directions excluding the role of police in the matter of deletion of content on the Internet or webspace. Particularly, since there exists regulatory mechanism for overseeing such content and restricting any mischievous content by virtue of Section 69A and rules made thereunder, which provisions have been upheld and approved by this Hon'ble Court in **SHREYA SINGHAL'S Case (Supra)**.

I. BECAUSE, freedom of press- a fundamental right engrained in Article 19(1)(a) of the Constitution, constitutes the very plinth on which the superstructure of our democracy stands and while the petitioners are conscious that the said freedom is not absolute and is subject to reasonable restrictions in terms of Article 19(2) of the Constitution, the design employed by the Respondent No.

1 State to arm twist the petitioners into deleting the Articles causing inconvenience to the state's political executives, is certainly outside the pale of Article 19(2).

- J. BECAUSE, such is the malafides of the Respondent No. 1-State that while they are using brute police power to gag and scuttle of freedom of press and are issuing notice under Section 41A of the Code of Criminal Procedure, 1973 causing imminent threat to the life and personal liberty to the Petitioners but nevertheless, have despite repeated request have not just refused to share the copy of the FIRs with the Petitioners but has also failed to upload the copy of the FIRs on its official website in utter disregard to the direction issued by this Hon'ble Court in **Youth Bar Association v. Union of India (Supra)** , depriving the petitioners to the opportunity to seek appropriate remedies available under Cr.P.C.
- K. Because, it is now in public domain that brute police power and FIRs are being rampantly employed in the state, to arm twist other prominent news media groups in to curtailing freedom of speech and expression of eminent journalists and the Petitioners herein are not the only victims of the extra-constitutional design employed by Respondent No.1-State, as per the credible news report a FIR was also registered against the erstwhile editor of Anand Bazar Patrika, Mr. Anirban Chattopadhaya allegedly for publishing "*unauthorised and unidentified informations with regard to the Corona related death toll figures as well as Corona*



*affected persons in Anandabazar Patrika and thereby, gave provocation to public panic*", subsequent to which Mr. Chattopadhaya resigned on 30.05.2020.

L. BECAUSE, the freedom of speech and expression contained in Art.19 (1) (a) along with the PREAMBLE of the constitution which inter-alia solemnly resolves to secure to all its "LIBERTY of thought, expression...." forms the very foundation of our democratic setup and the extra-constitutional rampantly employed design employed by Respondent no.1-State, as described above, has a tendency to erode this solemn Ark of Covenant.

M. BECAUSE, in **UNION OF INDIA VS MOTION PICTURES ASSOCIATION**, reported in **1999 6 SCC 150**, this Hon'ble Court while explaining the significance of free speech has observed that free speech is the foundation of democratic society and free exchange of ideas, dissemination of information without restraints, dissemination of knowledge, airing of differing viewpoints, debating and forming one's own views and expressing them, are the basic indicia of a free society. This freedom alone makes it possible for people to formulate their own views and opinions on a proper basis and to exercise their social, economic and political rights in a free society in an informed manner and therefore, any Restraints on this right, therefore, have been jealously watched by the courts. It is submitted that in the instant case, the design devised to abridge the petitioner's

freedom of speech and expression, is perverse as it while circumventing the "procedure established by law' under the umbrella of Art.19(2) and 21 of the Constitution, contained 69A of the Information Technology Act, 2000 and the relevant rules made thereunder, relies of brute police powers- a feature associated with totalitarian governments.

N. BECAUSE, In **S. RANGARAJAN VS. P. JAGJIVAN RAM**, reported **1989 2 SCC 574**, this Hon'ble Court has observed that democracy is a Government by the people via open discussion. The democratic form of government itself demands of its citizens an active and intelligent participation in the affairs of the community. The democracy can neither work nor prosper unless people go out to share their views. The importance of freedom of speech and expression including freedom of the press has been repeatedly stressed by this Hon'ble Court in a number of decisions.

O. BECAUSE, In **SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING VS CRICKET ASSOCIATION OF BENGAL**, reported in **AIR 1995 SC 1236** this Hon'ble Court while relying on Article 10 of European Convention for Human Rights observed that The freedom of speech and expression includes right to acquire information and to disseminate it. Freedom of speech and expression is necessary, for self-expression which is an important means of free conscience and self-fulfilment. It enables people to contribute to debates on social and moral issues. It is the best

way to find a truest model of anything, since it is only through it that the widest possible range of ideas can circulate. It is the only vehicle of political discourse so essential to democracy.

- P. Because, the design employed by the Respondent No.1 State to curtail the Freedom of Speech and Expression of the Petitioners is arbitrary and extra-constitutional and thus fails to the test of reasonableness. It is submitted that this Hon'ble Court in **STATE OF MADRAS VS V.G ROW**, reported in [1952] SCR 597, while relying on **DR.N.B KHARE VS STATE OF DELHI**, reported in [1950] SCR 519 that both the substantive and the procedural aspects of the impugned restrictive law should be examined from the point of view of reasonableness; that is to say, the Court should consider not only factors such as the duration and the extent of the restrictions, but also the circumstances under which and the manner in which their imposition has been authorised. It is important in this context to bear in mind that the test of reasonableness, where ever prescribed, should be applied to each, individual statute impugned and no abstract standard, or general pattern of reasonableness can be laid down as applicable to all cases. The nature of the right alleged to have been infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, should all enter into the judicial verdict.

- Q. Because in **PRIYA PRAKASH VARRIER V. STATE OF TELANGANA**, reported in **(2019) 12 SCC 432** the concerned FIR registered under Section 295-A of IPC was quashed in exercise of jurisdiction under Article 32 as violative of Petitioner's 19(1)(a) rights.
20. That since a copy of the FIR has been denied to the Petitioners, the present writ petition has been filed on the basis of the note circulated by Respondent No.1 to the media in this regard. Therefore, the Petitioners crave leave of this Hon'ble Court to alter/ amend the present petition as and when a copy of the FIR is provided to the Petitioners if necessary.
21. That the Petitioners have not preferred any other petition before any other Court in relation to facts and circumstances of the present case. Needless, to say that no petition pending with similar relief or the subject matter is pending before any other court.

#### **PRAYER**

In the facts and circumstances of the present case, this Hon'ble Court may be pleased to:

- a. To issue a writ of certiorari quashing the FIRs registered against the Petitioners i.e (i) FIR bearing number(s No. 112 of 2020, registered at PS Phoolbagan. (ii) FIR bearing Case No. 155 registered at PS Hare Street (iii) FIR bearing number Case No.- 223/20, registered at at P.S Baniapakur.

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- b. To issue a writ of mandamus excluding the role of police in the matter of deletion of content on the Internet or webspace, Particularly, since there exists regulatory mechanism for overseeing such content and restricting any mischievous content by virtue of Section 69A and rules made thereunder.
- c. Pass any other order and/or directions as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY

DRAWN & FILED BY

(RAVI SHARMA)  
ADVOCATE FOR THE PETITIONER

PLACE: NEW DELHI.  
DRAWN ON: 10.06.2020  
FILED ON : 12.06.2020