THE HIGH COURT OF MADHYA PRADESH, INDORE BENCH

MCRC No.28386/2020

Ekta Kapoor vs. State of M.P. & Anr.

Indore, dated :20.08.2020

Shri Vinay Saraf, learned Senior counsel with Shri Anand Soni and Shri Nitesh Jain, learned counsel for the applicant.

Ms. Nisha Tanwar, learned Penal Lawyer for the non applicant no.1/State.

Shri Bhuwan Gautam, learned counsel for respondent no.2.

Submissions were made on I.A. No.5289/2020 an application for stay.

As per the applicant, an FIR, bearing Crime No.214/2020 has been registered against the applicant on 05.06.2020 under Section 294, 298/34 of IPC, under Sections 67 and 67-A of Information Technology Act, 2000 and under Section 3 of The State Emblem of India (Prohibition of Improper Use) Act, 2005 at police Station Annapurna, District Indore.

Learned Senior counsel for the applicant has prayed that an order as to "no coercive action" be passed against the applicant till the next date of hearing.

In the petition filed under Section 482 of Cr.P.C., learned Senior counsel for the applicant submits that there is no obscenity as depicted in the FIR and seeks quashment of FIR.

Shri Bhuwan Gautam, learned counsel for the complainant submits that the applicant is a producer of the Web Series in which there are contents and elements of obscenity and also the dishonour of National Emblem.

However, the aforesaid material, on the basis of which the FIR has been lodged, needs to be perused and it is the duty of the respondents to produce such C.D. for perusal. Today, no such material/

Compact Disk is available on record and the same is required to be filed.

Counsel for the respondents prays for two days time to produce the C.D.

The submission of learned Senior counsel for the applicant that no coercive action be taken against the applicant, has been vehemently objected by learned counsel for respondent no.2.

Considered.

There shall be no coercive action against the applicant till the next date of hearing.

Counsel for respondents are directed to produce the questioned material for perusal in two copies, one for the applicant and another for the court.

List on 26.08.2020.

Cc as per rules.

(Shailendra Shukla)
Judge