

CS DJ 634/20
ACHIN SHARMA
Vs.
IQ OPTION EUROPE LTD.
[HEARING THROUGH CISCO WEBEX]

07.01.2021

File is taken up today in view of order no. Judl./Circular/F.43/South East/Saket/2020/15508-15585 dated 24.12.2020 issued by Ld District & Sessions Judge, South-East, Saket Courts, New Delhi.

Present: Sh Nipun Saxena and Ms Serena Sharma, Ld counsels for plaintiff alongwith plaintiff.

An application under Section 151 CPC has been filed in between the dates in order to apprise the court about the extent of the publication in the newspapers in which plaintiff wishes to get the public notice of the application under Order 1 Rule 8 CPC effected. In the said application, he has added one more newspaper namely "Patrika".

Arguments on application under Order 1 Rule 8 CPC, supplementary application under Order 1 Rule 8 CPC and application u/s 151 CPC heard.

The present suit has been filed as a representative suit under Order 1 Rule 8 CPC seeking injunction against defendant no. 1 to 3 and restraining them from operating their business operation through their website/URL www.iqoption.com (main website) and/or www.iqoption.net.in and/or www.iqoptions.in and mobile application IQ Option – Online Investing in the territory of the Republic of India

or from any other website or mobile application created/owned/managed by defendant no. 1 to 3. Ld counsel for plaintiff has further argued that defendant no. 1 is operating its business through its website in the name and style of www.iqoption.com in the territory of India and has resorted to cheating and duping thousands of Indian citizen who are lured to transact in crypto currencies through targeted artificial intelligence marketing and flashy webpages owned and operated by defendant no. 1 to 3.

Ld counsel for plaintiff has argued that plaintiff has fallen prey to fraud committed by defendant no. 1 to 3 and thousands of other people are aggrieved by the action of defendant no. 1 to 3 but their details are unknown to the plaintiff. Ld counsel further submits that alongwith its supplementary application under Order 1 Rule 8 CPC, he has filed copy of few screenshots taken from app/website of www.quora.com, website of www.twitter.com and Google Play Store and has also gathered some reviews from other websites and other blogs wherein people commented upon fraud played by IQ Option.com and, their inability to withdraw the money from their own accounts.

By way of these applications, Ld counsel for plaintiff has prayed for issuance of public notice to invite the grievances of the people across the country against IQ Option.com so as to make it an effective representative suit. Ld counsel further submits that IQ Option is operating in three languages i.e. Hindi, English and Bangla and has filed an affidavit in this regard alongwith application. In the

application u/s 151 CPC, he has filed four newspaper having circulation in different parts of the country, one is in English language i.e. Times of India, one in Hindi language i.e. Dainik Bhaskar, one in Bangla language i.e. Anand Bazar and one in Patrika, national daily newspaper having major circulation in India. Ld counsel for plaintiff submits that all the States and Union Territories have been covered by these four newspapers. He further submits that notice be issued in the said newspaper by way of publication.

In view of the submissions made by counsel for plaintiff and pleadings on record to the fact that plaintiff had suffered losses at the hands of defendant no. 1 to 3, the present suit is treated as a representative suit, however, in order to invite the grievances of other sufferers, public notice is being issued in the aforesaid newspapers i.e. one is in English language in Times of India, one in Hindi language in Dainik Bhaskar, one in Bangala language in Anand Bazar and one in Patrika, national daily newspaper. Plaintiff is directed to ensure that public notice should be published in all the editions of all the four newspapers as well as in the e-newspaper. Notice of publication be given Dasti on taking steps by plaintiff and deposit of publication charges. Copy of order be also Dasti.

All the three applications are disposed of accordingly.

Put up for report on 30.03.2021.

(Vandana Jain)
ADJ-07/SED/Saket Courts,
New Delhi /07.01.2021