

2019 SCC OnLine Del 8494 : (2019) 175 DRJ 660

In the High Court of Delhi at New Delhi

(BEFORE PRATHIBA M. SINGH, J.)

Zulfiqar Ahman Khan ... Plaintiff;

Versus

Quintillion Business Media Pvt. Ltd. and Others ...
Defendants.

CS (OS) 642/2018^s

Decided on May 9, 2019

Advocates who appeared in this case:

Mr. Abhishek Singh, Ms. Aayushi Mishra and Mr. Yatharth Kumar,
Advocates. (M : 9910291290)

Mr. Prashant Kumar and Mr. Amit Singh, Advocates. (M :
9818934544)

The Judgment of the Court was delivered by

PRATHIBA M. SINGH, J. (Oral)

I.A. 17161/2018 (stay)

1. The present suit has been filed by the Plaintiff seeking permanent injunction against Defendant No. 1-Quintillion Business Media Pvt. Ltd., Defendant No. 2-its editor as also Defendant No. 3 - the author, who had written two articles against the Plaintiff on the basis of harassment complaints claimed to have been received by them, against the Plaintiff, as part of the #MeToo campaign. The three individuals, who made allegations against the Plaintiff, have remained anonymous and have not revealed their identity in the public domain. The stories, which had appeared on 12th October, 2018 as also on 31st October, 2018 were impugned in the present suit and an injunction was sought against the publication and re-publication of the said two articles.

2. The Plaintiff claims that he is a well-known personality in the media industry and he is currently the Managing Director of a media house. It is his case that due to publication of the stories on Defendant No. 1's digital/electronic platform www.quint.com, he underwent enormous torture and personal grief due to the baseless allegations made against him. The grievance of the Plaintiff was that he ought to have been given sufficient notice prior to the publication of the impugned articles and by not doing so, the defendants published one-sided accounts which resulted in tarnishment of his reputation.

3. The suit was listed on 14th December, 2018 on which date the

Court had directed that the said two articles would not be republished till the next date. On 19th December, 2018, the Defendants had entered appearance and had submitted that without prejudice to the Defendants' rights, they would pull down/take down the two publications. The following order was then passed.

"CS (OS) 642/2018 & LA. No. 1 7161/2018 (u/o XXXIX R 1 & 2 CPC)

The present suit has been filed by the Plaintiff seeking a permanent and mandatory injunction restraining the Defendants from continuing to publish two articles dated 12th October, 2018 and 31st October, 2018 on the website www.thequint.com.

The case of the Plaintiff is that two articles were published against him on the basis of harassment allegations claimed to have been received from individuals as part of the '#Me Too' campaign.

The suit was listed on 14th December, 2018 on which date the Defendants had entered appearance after receiving an advance copy from the Plaintiff. On the said date, the counsel for the Defendants sought time to file a short affidavit explaining the position. The affidavit has been placed on record yesterday and both the parties have made their submissions partly.

Learned counsel for the Defendants, submits that without prejudice to the rights of the Defendants, while the matter is being heard and in view of the ensuing vacations, they are willing to pull down the said two publications against the plaintiff. Ld. Counsel submits that the first article dated 12th October, 2018 has already been pulled down and the second article dated 31st October, 2018 would be pulled down within 24 hours.

Taking the said statement on record, the matter is adjourned to 23rd January, 2019 for conclusion of arguments.

The order dated 14th December, 2018 that the contents of the said two articles which were published on the website www.thequint.com shall not be republished shall continue in the meantime.

The original interim reply which is stated to have been filed by the Defendants be placed on record by the Registry before the next date.

Any rejoinder, if the Plaintiff wishes to file, may be filed at least two days before the next date. Dasti."

4. Thereafter, the matter came up for hearing on 23rd January, 2019, whereby the Defendant submitted that it would adhere to the directions passed by this Court on 19th December, 2018. Further, liberty was

granted to the Plaintiff to point out any further platforms where the article was published, and the Defendant was directed to apprise the said platforms of the order passed by the Court. Further, time was granted to the parties to complete their pleadings. Thereafter, vide order dated 15th April, 2019, time was given to the Plaintiff to seek instructions if he wished to press his claim for damages and the matter was listed for today.

5. It has been pointed today by Id. counsel for the Plaintiff that the contents of the said two articles, which were originally published on the Defendant No. 1's digital/electronic portal www.thequint.com, have now been picked up by another platform by the name www.newsdogapp.com and the same are being attributed to Defendant No. 1. The content on the said app www.newsdogapp.com is identical to the articles, which were published on the Defendant No. 1's website www.thequint.com and in fact, attributes the source as being www.thequint.com. Printouts of the same have been handed over to the Court and to Id. counsel for the Defendants.

6. The matter was initially passed over in order to enable the Defendants to seek instructions. Id. counsel for the Defendants submits that the impugned articles have already been taken down from the portal www.thequint.com and whenever the Plaintiff has pointed out any other digital/electronic platform or website where the said articles have been reproduced, the Defendants have cooperated with the Plaintiff for pulling the same down.

7. The Defendants having been the original source of the said two publications and having already pulled down the said articles pursuant to the proceedings of this Court, the republication of the same, attributing it to any of the Defendants, would not be permissible. The allegations having been made as part of #MeToo campaign and the three individuals having chosen to remain anonymous and the publisher of the articles having already agreed to pull down the said two articles, further re-publication of the same is liable to be restrained. The campaign also ought not to become an unbridled and unending campaign against an individual with other electronic/digital portals or platforms picking up the pulled down content through archived material. The #MeToo campaign cannot become a 'Sullyng #UToo' campaign forever. If re-publication is permitted to go on continuously, the Plaintiff's rights would be severely jeopardised.

8. In fact, it is the submission of Id. counsel for the Plaintiff that the Plaintiff's personal and professional life has been hampered irreparably and further damage is likely to be caused if appropriate relief is not granted against the republication of these two articles. The original publisher having already agreed to pull down the same, this Court having directed that the same ought not to be republished, the Plaintiff,

thus, has a right to ensure that the articles are not published on multiple electronic/digital platforms as that would create a permanent atmosphere of suspicion and animosity towards the Plaintiff and also severely prejudice his personal and professional life. The printouts of the articles from www.newsdogapp.com, which have been shown to the Court, leave no doubt in the mind of the Court that these are identical to the articles published on www.thequint.com, which have already been pulled down.

9. Accordingly, recognising the Plaintiff's Right to privacy, of which the '*Right to be forgotten*' and the '*Right to be left alone*' are inherent aspects, it is directed that any republication of the content of the originally impugned articles dated 12th October 2018 and 31st October 2018, or any extracts/or excerpts thereof, as also modified versions thereof, on any print or digital/electronic platform shall stand restrained during the pendency of the present suit.

10. The Plaintiff is permitted to communicate this order to any print or electronic platform including various search engines in order to ensure that the articles or any excerpts/search results thereof are not republished in any manner whatsoever. The Plaintiff is permitted to approach the grievance officers of the electronic platforms and portals to ensure immediate compliance of this order.

11. If the said search engines do not take down/remove the objectionable content from their platforms within a period of 36 hours after receiving communication from the Plaintiff with a copy of this order, the Plaintiff is also permitted to communicate with the Defendants so that the Defendants can also cooperate in the said pulling down, if required. If the said platforms do not, after being served by a copy of this order, take down the objectionable content, the Plaintiff is given liberty to approach this court forthwith - apart from approaching the appropriate authorities under the Information Technology Act.

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12. List on 1st August, 2019 for further proceedings.

§ 2019:DHC:2559

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