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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 5587/2024, CRL.M.A. 21328/2024, CRL.M.A. 22557/2024, CRL.M.A. 22558/2024, CRL.M.A. 23522/2024 & CRL.M.A. 23523/2024

VIJAY SRIVASTAVA & ANR.

.....Petitioner

Through: Mr. Mukul Rohtagi, Senior Advocate, Mr. Rajiv Nayyar, Senior Advocate, Mr. Punit Bali, Senior Advocate and Mr. Maninder Singh, Senior Advocate along with Mr. Rishi Agrawala, Mr. Ankit Banati, Mr. Rahul Malhotra, Ms. Devika Mohan, Mr. Abhay Agnihotri, Ms. Monavi Agrawal and Mr. Rishu Kant Sharma, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP along with SI Vinay, PS- Laxmi Nagar.  
Mr. Deepak Dahiya, Mr. Mohit Yadav, Mr. Gautam Mehlawat, Mr. Lalit Gandas and Mr. Manish, Advocates for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**

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**03.10.2024**

**CRL.M.A. 28687/2024 (Additional documents).**

1. The instant application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the



applicant/petitioner no. 2 seeking the following reliefs:

*“(a) take on record the email dated 18.09.2024 along with the legal notice issued by Respondent No.2;  
(b) Pass any such other or further order(s) as this Hon’ble Court may deem fit and proper in the interest of justice and equity.”*

2. Mr. Mukul Rohtagi and Mr. Rajiv Nayyar, learned senior counsel appearing on behalf of the applicant/petitioner no. 2 submitted that the petitioner had filed the captioned petition seeking quashing of order dated 19<sup>th</sup> July, 2024, passed by the learned Judicial Magistrate First class – 04, East, Karkardooma Courts, Delhi in complaint case bearing no. 187/2024 filed under Section 156 (3) of the Code of Criminal Procedure, 1973. It is submitted that vide the said order, the learned Court below had directed the concerned Police Officer to register the FIR against the petitioner herein.

3. It is submitted that the instant application has been filed on behalf of the applicant/petitioner no. 2 seeking to bring on record an undated legal notice issued on behalf of the respondent no.2/M/s Brains Logistics Private Limited which was received by the employees and directors of the petitioner no.2 through email dated 18<sup>th</sup> September, 2024 from the email address ‘[info@cpslegal.in](mailto:info@cpslegal.in)’ of one M/s CPS Legal.

4. Mr. Rajiv Nayyar, learned senior counsel appearing on behalf of the applicant/petitioner no. 2 submitted that the above said legal notice, signed by M/s CPS Legal, does not contain name of any advocate or his enrolment number or stamp. The said notice, however, contains another signature on every page which seems to be that of one Mr. Roopdarshan Pandey, the Director of respondent no.2/M/s Brains Logistics Pvt. Ltd. on whose behalf the said notice has been sent. The said notice has been issued as regards the



filing and listing of the present petition which is pending before this Court.

5. Learned senior counsel appearing on behalf of the applicant/petitioner no. 2 vehemently submitted that the above said notice contains malicious and contemptuous allegations against the High Court which not only scandalizes and interferes with the administration of justice, make false assertions, cast aspersions on the Registry of Delhi High Court, Division Bench of this Court as well as the Predecessor Bench, but also lowers the dignity and authority of the entire institution, ultimately affecting the judicial system.

6. In support of his argument, the learned senior counsel appearing on behalf of the applicant/petitioner no. 2 referred to paragraph nos. 3, 5, 7 and 8 of the said legal notice and the same has been reproduced hereunder for reference:

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*3. That at the instructions of you Noticee, an email was received by our Client at 8:57 AM on 22.07.2024 along with the advance copy of the criminal case of type CRL.M.C titled ‘Vijay Srivastava & Anr Vs State & Anr’. That the said email stated that urgent mentioning of the above said criminal case would be made at 10:30 AM on 22.07.2024 before the Court Room 37 (DB-II of the Hon’ble High Court of Delhi), which was in defiance of the then roster in force, which mandated all urgent mentioning of all criminal cases to be ‘only’ before the DB-I of the Hon’ble High Court. That the acts and conduct of you Noticee therefore amounted to ‘forum shopping’, which is not permissible as per the applicable law.*

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*5. That thereafter, from 11:08 AM dated 22.07.2024 onwards, you Noticee were well aware of the fact that the following defects / objections were recorded by the registry / office against the said criminal case (filed vide Dairy No. 2392507) in accordance to the Hon’ble High Court rules and practice:*



***“Bookmarking of synopsis missing. Annexure 6,13,18,21,22 not legible and be English translated. Impugned complaint be attached. Mentioning Performa be attached.”***

*However, at the instructions of you Noticee, dishonest tactics and misrepresentation were adopted (while completely ignoring the endorsement made by the DB-II of the Hon'ble High Court, i.e. 'subject to office objections') on account of which, the registry / office was manipulated to list the said criminal case, without removing the 'defects / objections raised by the registry', thereby superseding and overreaching all the applicable High Court rules and practices as mandated by this Hon'ble High Court. It is noteworthy that the Mentioning Performa was not allowed listing of the criminal case 'as it is' but allowed listing of said criminal case 'subject to office objections', which objections are still reflecting in the court system, being not removed.*

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*7. That thereafter, the matter was heard post lunch and before the order was delivered and pronounced by the Hon'ble at 8:10 PM on 22.07.2024, at the instructions of you Noticee, an email was sent to the SHO PS Laxmi Nagar and SI Nitin Tomar (i.e. concerned police official in subject matter police complaint) at 4:48 PM on 22.07.2024 with following purported 'Court' directions:*

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*It is noteworthy that you Noticee got the said email sent only to project to the concerned police officer (i.e. SHO Laxmi Nagar and SI Nitin Tomar) to believe in the contents of said email, as if the same were the directions issued by the Hon'ble High Court in the said matter at the time of sending said email (i.e. at 4:48 PM on 22.07.2024), while knowing fully well that no order was passed by the Hon'ble Court up till 8:10 PM on 22.07.2024, which is evident from the following screenshot of the said order:*

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*It is noteworthy that the last para of above referred order duly recorded that “9. In the meantime, the directions contained in the impugned order for registration of FIR shall remain stayed, **if not already acted upon.**”, i.e. the Hon’ble Court had presumed while digitally signing its order at 08:10 PM (on 22.07.2024) that the police official (SI Nitin Tomar) may have already acted upon the Ld. Judicial Magistrate Court order dated 19.07.2024 and therefore registered an F.I.R.*

*From the foregoing, it is evident that you Noticee clearly had no occasion available to have instructed the police officials (SHO / SI Nitin Tomar) through the said email sent **at 4:48 PM** on 22.07.2024 and projected as if the Hon’ble High Court had already passed an order with the following purported directions: **‘Accordingly in compliance of order passed today you are requested not to register any FIR’ ...**”*

7. It is further submitted that a perusal of the above said paragraphs indicate that the continued misconduct of the respondent no. 2, by way of alleging frivolous, malicious and vexatious allegations against the entire institution.

8. It is submitted that the aforementioned notice was also published on an online news media platform namely ‘*The New Indian*’ by the author namely one Mr. Atul Krishna on 23<sup>rd</sup> September, 2024 and also on ‘X’ (formerly known as Twitter) by the account handle namely ‘*The New Indian*’.

9. It is further submitted that as per the settled position of law, the notices/communications exchanged between the parties to litigation are private documents and publishing the same on social media or sending the said notices for publication in the public domain is nothing but an act towards scandalising the entire institution and to lower the dignity of the High Court.



10. It is further submitted that taking into consideration the allegations advanced on behalf of the non-applicant/respondent no. 2 and contents of the said notice as well as the fact that the respondent no. 2 knowingly sent the notice to the above said online news media platform, which got published therein and also on 'X' (formerly known as Twitter), thereby, publicizing the said notice and making it available in the public domain, the *mala fide* intentions of the respondent no. 2 to scandalise the entire institution is apparent on the face of it. It is submitted that it is clear cut case for initiation of the criminal contempt proceedings against the respondent no. 2 as well as the publishers who have published the said notice on the online news media platform namely 'The New Indian' as well as on 'X' (formerly known as Twitter).

11. Heard the learned senior counsel appearing on behalf of the applicant/petitioner no.2 and perused the material available on record.

12. Issue notice. Mr. Dhayia, learned counsel appearing on behalf of the non-applicant/respondent no. 2 accepted notice and submitted that the contents of the aforesaid notice nowhere shows the malicious intent to scandalise the entire institution and the submissions advanced on behalf of the applicant/petitioner no. 2 are baseless and misconceived.

13. It is further submitted that the said legal notice was sent to the applicant/petitioner no. 2 on the instructions of the respondent no. 2/M/s Brain Logistics Pvt. Ltd.

14. It is submitted that neither the counsel nor the respondent no. 2 is responsible for bringing the said notice in the public domain and it is also submitted that on an earlier date, when the instant matter was listed for hearing, the contents of the said notice were read out loud and since the



Virtual Conferencing (VC) was functioning at that time, the contents of the said notice were brought in the public domain. Therefore, there is no merit in the submissions advanced on behalf of the petitioner no. 2 for initiation of criminal contempt proceedings and prayed for some time to file reply to the instant application.

15. Heard learned senior counsel appearing on behalf of the petitioner no. 2 as well as learned counsel for the respondent no. 2. The additional documents filed along with the instant application are taken on record.

16. This Court has perused the contents made in the undated legal notice. During the course of proceedings, the learned senior counsel for the applicant/petitioner no. 2 handed over a copy of a news article dated 23<sup>rd</sup> September, 2024 published by one Mr. Atul Krishna on an online news media platform namely '*The New Indian*'. He also handed over a copy of the post published on the handle of '*The New Indian*' on 'X' (formerly known as Twitter). The said documents are taken on record.

17. Upon perusal of the contents of the above said notice, as well as the contents of the news article dated 23<sup>rd</sup> September, 2024 and post made on 'X' (formerly known as Twitter), it is made out that *prima facie* the same contains malicious and contemptuous allegations which not only seek to scandalise, interfere with the administration of justice, but also makes false assertions, cast aspersions on the entire institution and the Registry of the High Court, and therefore, lower the dignity and authority of the High Court. In light of the same, this Court is of the view that the contents made in the said notice makes serious allegations against the Registry of the High Court by stating that the petitioner has allegedly manipulated the Registry of the High Court by tactics and misrepresentation.



18. It is observed by this Court that the non-applicant/respondent no. 2 in the said legal notice stated that the Predecessor Bench, in its order dated 22<sup>nd</sup> July, 2024, has '*presumed*' certain facts while passing the directions in the said order. This Court is shocked at the conduct of the respondent no. 2, whereby, it has alleged that the Court has passed the directions in the said order on the basis of presumptions and the same amounts to making of contemptuous remarks against the High Court and the entire institution.

19. Therefore, this Court is *prima facie* of the opinion that the purpose of sending the said undated legal notice, which does not bear the name of the advocate, enrolment number, stamp etc. is done with *mala fide* intent and the same is apparent on the face of it. Further, Mr. Dhaiya, learned counsel appearing on behalf of the non-applicant/respondent no. 2 has not made any reply with regard to the above said contentions in order to justify the contents of the said notice.

20. In view of the above facts and circumstances, this Court is *prima facie* of the opinion that the non-applicant/respondent no. 2 must bring on record the justification regarding the contentions of the applicant/petitioner no. 2 with regard to the said notice and also with respect to the contents made in the said notice, by way of filing reply to the instant application on affidavit. After looking at the said reply, this Court shall deal with whether the conduct of the non-applicant/respondent no. 2 warrants initiation of criminal contempt proceedings or not.

21. Since the private and personal documents have been published on an online news media platform, this Court is of the view that presence of representatives of '*The New Indian*' and '*X*' (formerly known as Twitter) is necessary. It is observed by this Court that the publisher of the





aforementioned news article has published the above said legal notice on its platform and on 'X' (formerly known as Twitter) with the intent to scandalize and lower the dignity of the High Court.

22. Issue notice to the said online news media platform, i.e., '*The New Indian*', Mr. Atul Krishna, Author of the news article published on '*The New Indian*' and 'X' (formerly known as Twitter) through all permissible modes on filing PF within a week.

23. Learned counsel appearing on behalf of the non-applicant/respondent no. 2, is directed to file reply within two weeks. Rejoinder thereto, if any, be filed within one week thereafter.

24. List on 28<sup>th</sup> October, 2024.

**CHANDRA DHARI SINGH, J**

**OCTOBER 3, 2024**

rk/ryp

*Click here to check corrigendum, if any*