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

+ **W.P.(C) 5797/2017**

DR. AJAI AGARWAL

..... Petitioner

Through: Mr Ajai Agarwal, Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr Saroj Bidawat, Advocate
for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.07.2017**

CM No. 24136/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition impugning an order dated 14.03.2017 (hereafter 'the impugned order') passed by the Ministry of Information and Broadcasting, Government of India, whereby the Ministry has decided not to continue proceedings against IBN-7 TV Channel in respect of violation of the programme code of cable television networks (the Cable Television Networks Rules, 1994) and has closed the matter.
4. The controversy in this case relates to telecast of a programme titled

“SHAITAN DOCTOR” on 29.07.2006 based on a sting operation. The said programme was derogatory to the reputation of the petitioner and therefore the petitioner had made a complaint in this regard. The TV Channel had defended the said complaint on various grounds including that the contents of the said programme were not established as untrue and the persons from whom they had obtained the programme had stood by the same. It is in the context that the Ministry has passed the impugned order stating that they are unable to verify the correctness of the allegations made in the said programme. It is also noted that the petitioner has instituted independent proceedings for defamation. In the event, the petitioner prevails in those proceedings, it would be open for the petitioner to once again approach the Ministry to take the necessary action in accordance with law based on the findings returned in those proceedings.

5. The proceedings instituted against IBN-7 TV Channel has been closed as the Ministry does not have the wherewithal to determine the question of fact involved. However, if the petitioner prevails in the proceedings instituted by him, the Ministry would be able to rely on the findings as recorded by the court(s).

6. The learned counsel appearing for respondent no.1 states that it would take the necessary action once the petitioner approaches the said respondent in such circumstances.

7. In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to approach this Court if the necessary action is not taken by the Ministry after the petitioner has

succeeded in the cases instituted by him.

8. The petition is disposed of with the aforesaid liberty.

VIBHU BAKHRU, J

JULY 14, 2017

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