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

+ CS(OS) 643/2018 & I.A. 17163/2018

VOLANO ENTERTAINMENT PRIVATE LIMITED Plaintiff

Through : Mr. J.P. Sengh, Sr. Adv. with
Mr. Shashi Pratap,
Ms. Deblina Dey,
Mr. Gaurav Beri,
Mr. Jenis Francis,
Ms. Manisha Mehta,
Ms. Mrigna Shekhar,
Mr. Akash Mishra and
Mr. Zubin Singh, Advs. along with
Ms. Zeba Zaidi, Director of plaintiff.

versus

ANJANA BORA JAIN Defendant

Through : Mr. Sanjay Kumar Pathak,
Mrs. K. Kaomudi Kiran Pathak,
Mr. Sunil Kumar Jha and
Mr. M.S. Akhtar, Advs. for D-1
along with D-1 in person.
Mr. Tejvir Bhatia, Amicus Curiae.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **25.01.2019**

1 The plaintiff has filed this suit for damages as well as for permanent injunction for restraining the defendant from publishing any defamatory article against the plaintiff. According to the plaintiff, the defendant has posted defamatory posts on her Facebook on 17th September, 2018.

2 The defendant present in Court along with her counsel submits that she has filed a complaint with the police on the basis of which the police has registered FIR No.0865 dated 13th September, 2018 under Section 338 of the Indian Penal Code at PS Noida, Sector 39 against the plaintiff. It is further

submitted that the posts on Facebook dated 17th September, 2018 are not defamatory. It is further submitted that the defendant is contemplating to file a complaint/application against the plaintiff under the Consumer Protection Act.

3 The defendant, without prejudice to her rights and contentions made in FIR and the complaint/application to be filed under the Consumer Protection Act, agrees to delete the Facebook posts within 48 hours. The defendant further agrees not to post any such fresh post against the plaintiff on Facebook or on any other social media platform.

4 Learned Senior Counsel for the plaintiff, on instructions from Ms. Zeba Zaidi, Director of the plaintiff submits that plaintiff, without prejudice to its rights and contentions, does not press this suit in view of the statement made by the defendant.

5 The suit is dismissed as withdrawn with liberty to both the parties to pursue their rights and remedies in accordance with law. Both the parties shall remain bound by the statement made by them.

6 It is clarified that nothing recorded hereinabove shall be construed as an opinion on the merits of the case.

7 This Court appreciates the assistance rendered by Mr. Tejvir Bhatia, learned amicus curiae in this matter.

8 All pending applications are disposed of.

9 Copy of this order be given *dasti* to learned counsels for both the parties under signatures of Court Master.

J.R. MIDHA, J.

JANUARY 25, 2019

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