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

+ **W.P.(CRL) 1174/2020**

DILIP KUMAR

..... Petitioner

Through: Mr Shivendra Singh, Advocate.

versus

STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Ms Kamna Vohra, ASC for State.
Mr Vibhor Gupta, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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06.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Direct the Respondent No.1 to investigate the matter further and file a status report before this Hon’ble Court on the steps taken against Respondent No. 2 and 3 to prevent further circulation of the video clip and lodge a FIR against them.”

2. It is the petitioner’s case that his wife (respondent no.2) has been circulating a video clip involving him and another lady Ms ‘X’ (name withheld) in order to defame her.

3. He states that Ms ‘X’ is 28 years old and is highly distressed and humiliated by the action of respondent no.2. The petitioner also alleges that the said video was on his mobile phone (iPhone 8), which was snatched by

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respondent no.2's brother (respondent no.3 herein). The petitioner states that a complaint in this regard has been filed, however, no action has been taken as yet.

4. Insofar as the petitioner's prayer that respondent no.1 be directed to investigate the matter is concerned, it is seen that an FIR has not been lodged as yet, therefore, this Court does not consider it apposite to issue any such directions. In the event, the petitioner is aggrieved by non registration of the FIR, it is open for the petitioner to avail of alternative remedies. However, this Court does not consider it apposite to issue any such direction for registration of the FIR in these proceedings prior to the petitioner exhausting his other remedies.

5. Insofar the grievance of the petitioner regarding respondent no.2 circulating a video clip of the petitioner along with Ms 'X' is concerned, respondent no.2 has joined the proceedings and she states that she had circulated the said clip only to the petitioner's mother and not to anybody else. She undertakes to this Court that she shall not circulate their clip to any other person.

6. The consequences of breaching an undertaking given to this Court have been explained to her.

7. Respondent no.2 is bound down to the said undertaking.

8. No further orders are required to be passed in this petition. The same is disposed of.

VIBHU BAKHRU, J

AUGUST 06, 2020/MK