

WPA(P) 54 of 2022
Smt. Madhurima Sengupta
Vs.
Facebook Inc. India & Ors.

Mr. Barun Kumar Ray,
Ms. Mita Banerjee, Advocates
... for the petitioner

Mr. Sakabda Roy, Advocate
... for the respondent No.1

Mr. S.N. Mookherjee, Id. Advocate General
Mr. Anirban Ray, Id. Government Pleader
Mr. Amitesh Banerjee, Id. Sr. Standing Counsel
Mr. Nilotpall Chatterjee, Advocate
... for the State

In this petition the petitioner who is a practicing intern of Clinical psychologist at Calcutta Pavlov Mental Hospital has raised a grievance in respect of an offensive post against the Goddess Saraswati which she had seen on 31.01.2022 while browsing Facebook. The plea of the petitioner is that the offending post had insulted her religious belief, therefore, she had sent the communication dated 01.02.2022 to the Inspector-in-Charge of Maheshtala Police Station, Jagtala Budge Budge, Kolkata to register the FIR against the persons who had made the offensive post. The petitioner had raised the grievance in the petition that no action was taken and the offensive post was continuing to appear in the Facebook. Hence, a prayer was made in the petition to take immediate steps against the miscreant on the

basis of the communication dated 01.02.2022 and to direct the respondent Nos.2 to 7 to stop the respondent No. 1 to provide the miscreant with the platform.

Learned Counsel appearing for the respondent No.1 has informed that immediately after filing of the petition the offensive post was removed from the Facebook and this fact was conveyed to this Court on 04.04.2022.

Learned Counsel for the State has also filed the report in the form of communication disclosing that on receipt of the petitioner's complaint, a case has been registered by police vide Maheshtala PS Case No. 46 dated 10.02.2022 under Section 295A, 504, 505 of the IPC and the matter is under investigation. Report further reveals that during the investigation IO visited PO, has drawn its rough sketch map with index, examined available witnesses and recorded their statement. The letter has also been sent to the Facebook authority through Cybercrime PS, DDH PD to identify the account details of the involved persons. The report discloses that the matter is under investigation and the police party is keeping sharp vigil.

Having regard to the aforesaid, we are of the opinion that the grievance raised by the petitioner has been redressed. We expect that the police authorities will complete the investigation with full seriousness and will

take due action in accordance with law against the person responsible for the offensive post in the Facebook.

The public interest petition is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)