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

+ W.P.(CRL) 1429/2020 & CRL.M.A. 12441/2020, CRL.M.A.
23038/2024

MOHAMMED ZUBAIR

.....Petitioner

Through: Ms. Urvi Mohan, Advocate.

versus

STATE OF GNCT & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with Ms. Charu Sharma, Mr.
Arjit Sharma, Mr. Vaibhav Vats and
Mr. Nikunsh Bindal, Advocates.
Ms. Sonia Mathur, Senior Advocate
with Ms. Ronika T., Ms. Shubhi
Bhardwaj, Ms. Madhumita Kesavan,
Mr. Nikhil Chandra Jaiswal, Mr.
Dipanshu Krishan, Mr. Abhaid
Parikh, Ms. Katyayani Anand Ms.
Saumya Kapoor, Mr. Aayush
Shivam and Ms. Kavita Chaturwedi,
Advocates for R-2/NCPCR.
Mr. Umesh Sharma and Mr. Mohit
Kumar, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
22.08.2024

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Vide order dated 26.05.2023, this court had taken on record the statement made by Mr. Sanjeev Bhandari, learned ASC appearing for the State, that since no criminality was found on the petitioner's part in case FIR No.194/2020 dated 09.08.2020 registered under sections



67/67-A of the Information Technology Act, 2000 at P.S.: Special Cell, Delhi, the petitioner's name was not included in charge-sheet dated 31.10.2022 filed in the matter.

2. While doing so, in its order dated 26.05.2023, this court had directed the State to file a status report setting-out the steps that they had taken or that they proposed to take against respondent No.3/Jagdish Singh, since the said respondent had put-out certain offensive comments/tweets against the petitioner which may have amounted to 'hate speech'. This court had so directed in view of the observations made by the Supreme Court in the following orders, in which the Supreme Court has said that it was the bounded duty of every court and authority to ensure that action is taken against hate speech :
 - i. Order dated 28.04.2023 made in W.P. (C) No. 943/2021 titled *Ashwini Kumar Upadhyay vs. Union of India & Ors.*; and
 - ii. Order dated 21.10.2022 made in W.P.(C) No. 940/2022 titled *Shaheen Abdulla vs. Union of India & Ors.*
3. Today, relying upon Status Report dated 09.01.2024 filed in the matter, Mr. Bhandari submits that pursuant to the directions of this court, the Investigating Officer has recorded statement dated 13.09.2023 of respondent No.3/Jagdish Singh, in which statement, after explaining his background, in essence and substance, respondent No.3 has said that the offensive comment/tweet made by him on 18.04.2020 calling the petitioner offensive communal names was done without any malice and not with the intention of causing any hurt or offence to the petitioner. In the said statement, respondent



No.3 has also expressed regret for the offensive comment/tweet and has said that he respects all religions and has good relations with members of all religious communities; further requesting that the matter be closed in light of his statement.

4. Mr. Bhandari submits, that in view of the statement so made by respondent No.3, the State leaves it to the court to pass appropriate orders in the matter.
5. In the circumstances, in view of what has transpired in court and after taking instructions from his client, Mr. Umesh Sharma, learned counsel appearing for respondent No.3 submits, that giving context of his offensive comment/tweet dated 18.04.2020, respondent No.3/Jagdish Singh is willing to place on his twitter handle, the following text expressing regret for that tweet in the following terms :

“I regret making the above comment, which was not made with any malice or intention to hurt or offend Mohammed Zubair.”

6. In view of the aforesaid, the present petition is disposed-of directing respondent No.3 to post the aforesaid text on his twitter handle, as a response to the offensive comment/tweet dated 18.04.2020; and to retain it on his twitter handle for at least 02 months from the day it is put-out.
7. Let the needful be done within a period of 10 days from the date of this order.
8. Furthermore, it is recorded that the petitioner and respondent No.3 are agreed that neither the petitioner nor any other person acting at the behest or instance of the petitioner, shall re-tweet or use the above-



said text to be posted by respondent No.3, for filing any legal proceedings against respondent No.3. The petitioner also confirms that subject to respondent No.3 complying with the directions issued hereinabove, the petitioner would not initiate any action against respondent No.2 or respondent No.3 arising from the subject matter of the present FIR.

9. Also, nothing in this order shall preclude or foreclose the rights of respondent No.2 and respondent No.3 to pursue their legal remedies before the learned Trial Court in relation to case FIR No.194/2020 dated 09.08.2020 registered under sections 67/67-A of the Information Technology Act, 2000 at P.S.: Special Cell, Delhi pending there.
10. The petition is disposed-of in the above terms.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 22, 2024

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