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

+ **W.P.(C) 8210/2021**

MAKARAND SURESH MHADLEKAR

..... Petitioner

Through: Mr. Mahesh Jethmalani, Sr. Advocate
with Mr. Pavan Narang, Mr. Neeraj,
Mr. Ravi Sharma, Mr. Prem
T.Mishra, Mr. Anjani Kumar Rai, Mr.
Siddharth Handa, Mr. Himanshu
Sethi and Ms. Aishwarya Chhabra,
Advocates.
Mr. Umesh Sharma and Mr. Sumeet
Chaudhry, Advocates.

versus

RAHUL GANDHI AND ORS

..... Respondents

Through: Ms. Tarannum Cheema, Mr. Akshay
N., Mr. Akash Singh and Mr. Kuber
Boddh, Advocates for R-1.
Ms. Swarupama Chaturvedi, Sr.
Advocate with Mr. Abhaid Parikh,
Mr. Kartik Rathi, Mr. Aayush Shivam
and Mr. Tanishq Tyagi, Advocates for
R-2/NCPCR
Mr. Santosh Kumar Tripathi, SC,
GNCTD with Mr. Arun Panwar, Mr.
Pradyumn Rao, Mr. Utkarsh Singh,
Mr. Kartik Sharma, Ms. Prashansa
Sharma, Mr. Rishabh Srivastava and
Ms. Nikita Vir, Advocates for
GNCTD.
Ms. Shloka Narayanan and Mr.
Abhishek Kumar, Advocates for R-4,
X. Corp.
Mr. Mehmood Pracha, Mr. Harshit S.
Gahlot, Mr. Jatin Bhatt and Mr.
Mohd. Shameem, Advocates.



CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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24.01.2024

1. Present public interest litigation has been filed with the following prayers:-

“i. Issue an appropriate Writ, Order or direction, directing Respondent No. 2, National Commission for Protection of Child Rights (NCPCR) to take necessary legal action against Respondent No. 1 Rahul Gandhi for his Tweet.

ii. Issue an appropriate Writ, Order or direction, directing Respondent No. 3 Commissioner of Police, Delhi Police to register an F.I.R. against the Respondent No. 1 Rahul Gandhi under section 23 (4) of the POCSO Act, 2012 and section 74(3) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

iii. Issue an appropriate Writ, Order or direction, directing Respondent No. 4 Twitter Inc. to remove the post of Respondent No. 1 from their social media platform.

iv. Pass any other order(s) as this Hon'ble Court may deem fit in the interest of justice.”

2. Learned counsel for Respondent No. 1 states that the impugned tweet has now been voluntarily taken down by Respondent No.1. She states that the impugned tweet cannot be viewed either in India or abroad. Learned counsel for Respondent No. 4, X CORP. confirms the fact that Respondent No. 1 has deleted the impugned tweet. The said fact is taken on record. In view of the aforesaid development, prayer (iii) stands satisfied.

3. Mr. Abhaid Parikh, Advocate has entered appearance on behalf of Respondent No. 2, NCPCR. He states that he has filed his Vakalatnama vide Diary No. E-158636/2024. Learned senior counsel for NCPCR has handed over a photocopy of the affidavit dated 22nd January, 2024 along with documents in a sealed cover.



4. Mr. Santosh Kumar Tripathi, learned standing counsel for GNCTD and Delhi Police has today handed over a status report dated 24th January, 2024 in sealed cover. The relevant portion of the said status report is reproduced hereinbelow: -

“.....FIR No. 261/21 dated 02.08.2021 u/s 302/376D/506/342/201/34 IPC, 6 POCSO & 3 SC/ST Act PS Delhi Cantt is pending trial and the charges are yet to be framed by the Hon’ble Court of Ms. Chhavi Kapoor, Ld. ASJ (POCSO) Patiala House, New Delhi. NDOH is 13.02.2024.

Further investigation of the case FIR No. 240/2021 dated 9.9.2021 u/s 228A IPC, 23(4) POCSO, 74 JJ Act is under progress.”

5. At page ‘8’ of the aforesaid status report, a copy of the FIR No. 240/2021 dated 9th September, 2021 has been annexed. From the said FIR, it is apparent that the same has been registered after filing of the writ petition at the instance of the Registrar, National Commission for Protection of Child Rights, New Delhi vide complaint dated 4th August, 2021.

6. Keeping in view the aforesaid facts, this Court is of the opinion that all the prayers in the present writ petition stand satisfied. Accordingly, the present writ petition stands disposed of.

7. The documents handed over by NCPCR along with the status report filed by the Delhi Police are directed to be re-sealed and the Deputy Registrar (Appellate) is directed to keep the same in his safe custody.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 24, 2024/rhc