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

+ W.P.(CRL) 2038/2024

CONFEDERATION OF NGOS & ANR.Petitioners

Through: Ms. Namrata Mishra and Ms. Noopur
Singhal, Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Chetan Sharma, ASG with
Mr.Apoorv Kurup, CGSC with
Mr.Amit Gupta, Ms. Gauri
Goburdhun, Mr. Shubham Sharma
and MR. Vikramaditya Singh,
Advocates for UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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09.07.2024

1. Present public interest petition has been filed seeking issuance of directions to respondents No.1 to 3 to take *suo moto* cognizance of alleged molestation under Sections 11 & 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) committed by respondent No.4. Petitioner further seeks issuance of directions to respondent No.1 / Ministry of Women and Child Development to take appropriate actions against the owners of news portals, website owners, owners of social media portals who leaked the identity and image of the child who was allegedly molested by the perpetrators i.e., redact the identity of the child from all the portals and news.
2. This Court has seen the video and finds that it has happened in full public glare. This Court finds that it was the minor who had expressed his



desire and intent to meet and hug the eighty nine (89) year old respondent No.4.

3. The incident, which is more than a year old, has also to be seen in the context of Tibetan culture wherein it is portrayed that sticking one's tongue out is a form of greeting.

4. If the video is seen in its overall perspective, it can be said that respondent No.4 was trying to be playful with the child. If the parents of the minor child were offended, they would have taken action in accordance with law. It is pertinent to mention that it is not the petitioner's case that the parents of the minor child are poor or socially and economically backward or persons with disability, or not in a position to assert their rights.

5. Further, this Court takes judicial notice of the fact that respondent No.4 has already expressed his apology to those who may have been offended by his action.

6. The fact that respondent No. 4 heads a religious sect which is not on the best of terms with some Nation-States has also to be borne in mind while dealing with such issues.

7. Keeping in view the aforesaid, this court is of the view that the present matter should not be entertained as public interest litigation. Consequently, the same is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

JULY 9, 2024
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