



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-9288-2025 (O&M)

Date of decision: 29.05.2025

Prakash Singh Marwah

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Pratham Sethi, Advocate with
Ms. Kritima Sareen, Advocate
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India, with
Mr. Dheeraj Jain, Advocate
for respondent No. 1-UOI.

Mr. Amit Jhanji, Sr. Advocate / Sr. Standing Counsel with
Mr. Hakikat Singh Grewal, Advocate and
Mr. Sahil Shehrawat, Advocate
for respondent No.8.

KULDEEP TIWARI, J.(oral)

1. The grievance, which propelled the present petitioner to invoke the inherent jurisdiction of this Court under Article 226/227 of the Constitution of India, are unfold from an incident, which subsequently resulted into registration of an FIR bearing No.26, dated 19.05.2024, under Sections 170, 186 and 419 of the IPC (Section 201 IPC, added later on), at Police Station Sector-49, Chandigarh.

2. The incident involved, is stated to be videographed by the police official, who was on official duty, and thereupon, the same was



uploaded on various social media platforms. Considering the said act of uploading the incident on social media platforms, an infringement to the right of the present petitioner to live with dignity, and right to privacy, and also violative of Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, the petitioner seeks a *mandamus* to be passed upon intermediary social media platforms, to remove the offending contents, as uploaded on different social media sites.

3. In deference to the directions issued by this Court vide order dated 22.05.2025, reply by way of affidavit of Raj Kumar Singh, IPS, Director General of Police, UT Chandigarh, on behalf of respondents No. 2 to 4, has been filed by Mr. Amit Jhanji, Sr. Advocate / Sr. Standing Counsel for UT Chandigarh, today in Court, and the same is taken on record. Copy thereof, has been supplied to learned counsel for the petitioner.

4. On perusal of the reply, it reflects that it carries the answers to all the queries, as raised by this Court.

5. With regard to query No.(i), as raised by this Court, it is submitted that the Senior Superintendent of Police concerned, has ordered an enquiry into the incident, and marked the same to the SDPO/ South, and now the efforts are being made to find out the real person, who has in fact, uploaded the video on the social media platform. In this regard, various communications have been made to the Agencies, which are running social media sites, and also a request has been made for removal of the said contents from the respective platforms. As of now 5 URLS related video mentioned in the memo dated 17.05.2025, have already been deleted, and



out of 7 more URLs mentioned in the memos dated 19.05.2025, 2 URLs of Google LLC, have been deleted, and the information about the IP addresses and timestamps from the respective social media platforms is awaited.

6. It is also informed to this Court that the mobile phone of Constable Yogesh, which is the source of recording the video of the instance, will also be confiscated shortly, so as to get the same forensically examined.

7. With regard to query No.(ii), as raised by this Court vide order dated 03.04.2025, it is informed that the enquiry is underway, and the details of the enquiry has been informed in the affidavit (supra).

8. Insofar as, in response to query No. (iii), it is informed that the SSP, Traffic has issued specific instructions, whereby, there will be no uploading of any photograph or video relating to challaning or enforcement activities on any social media platform, including but not limited to WhatsApp, Facebook or Instagram, or X, such instructions are also attached with the reply as Annexure R/1.

9. Insofar as the investigation in FIR No. 26 dated 19.05.2024 registered under Sections 170, 186, 419 of IPC, at Police Station Sector 49, Chandigarh, against the present petitioner is concerned, the same has been concluded, and final report has been filed.

10. In view of the fact that, the Police Authorities itself is taking all steps for deletion of the video from all social media platforms, therefore at this stage, no further direction is required to be passed in the instant matter. However, this Court has passed a direction upon Director General of Police,



Chandigarh, concerned, to frame certain guidelines with regard to circulation of any video / photographs captured, or made by police officials, while performing their official duty, on the social platforms, so as to ensure that the same may not cause prejudice, either to the Investigating Agency, to the victim or accused. Such directions / instructions be issued within three months from passing of this order.

11 **Disposed of accordingly.**

29.05.2025

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No