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

+ CRL.M.C. 7122/2025, CRL.M.A. 29927/2025

LIVING MEDIA INDIA LIMITED

.....Petitioner

Through: Mr Hrishikesh Baruah, Mr Kumar
Kshitij, Mr Utkarsh Dwivedi, Mr
Yashaswy Ghosh, Ms Pragya
Agarwal, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.10.2025**

CRL.M.A. 29928/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CRL.M.C. 7122/2025

3. A Petition under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 read with Sections 438 and 442 has been filed on behalf of the Petitioner to challenge the Summoning Order dated 09.04.2024 of learned M.M in Complaint Case No.3654/2018.

4. Learned counsel for the Petitioner refers to paragraph 45 of the impugned Summoning Order, wherein there is a reference made to the domain data which has been considered by the learned M.M. It is also submitted that a Company cannot be summoned for an offence under Section 500 IPC. Furthermore, there is suppression of documents like the



Letter dated 17.12.2012 of Chief Vigilance Officer, AIIMS, even though there is a reference to the same in the Complaint. Also, the Petitioner wants to refer to Preliminary Enquiry Registration Report dated 09.01.2014 as well as letter dated 05.11.2015 issued by Ministry of Health and Family Welfare along with other Office Memorandums and Letters. It is submitted that these documents were not been considered by the Court of learned M.M.

5. However, this assertion is not tenable as the law of the land is equally applicable to all the Courts. If these documents fall within the category of being of sterling quality, the authenticity of which is not in dispute, the same can be considered by the Court of learned ASJ before whom the Order of Summoning needs to be assailed.

6. Learned counsel for the Petitioner has placed reliance on the judgment of Raymond Ltd. & Ors. vs. Rameshwar Das Dwarkadas P. Ltd. II (2013) DLT (CRL) 853 and Pradeep Kumar Kesarwani vs. State of Uttar Pradesh and Another 2025 SCC OnLine SC 1947 to contend that the Company cannot be held liable for the offence of defamation. However, these are the aspects which can be argued while challenging the Summoning Order. It cannot be overlooked that the Complaint Case was filed in year 2018 and the Summoning Order is dated 09.02.2024. The Applicant had full opportunity to challenge the Complaint and/or the Summoning Order since the date he had been served with the summons but has chosen to wait for another year before filing the present Petition. However, considering that there is an alternate efficacious remedy with the Petitioner to challenge the impugned Summoning Order before the Court of learned ASJ, before whom he also has a liberty to place these documents on record, if they meet the parameters as specified in various judgments, the Petition is disposed of with liberty to



the Petitioner to file the same before the Court of learned ASJ in accordance with law.

7. The Petition along with pending Application(s) stands disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 9, 2025/va