

CC No. 7485-18

Dr. SHASHI THAROOR VS. ARNAB GOSWAMI & ORS.

21.01.2019

ORDER

Vide this order I shall dispose off application u/s 156 (3) Cr.P.C moved by complainant/applicant. Arguments have already been advanced on behalf of complainant. Record perused.

As per case of complainant, he is Member of Parliament in the Lok Sabha and an eminent personality in Indian Politics and over the years, he has earned substantial reputation as an author, politician and former Civil Servant. As per case of complainant proposed accused no. 3 is a company which operates News Channel 'Republic TV' and proposed accused no. 1 is Director of said company and also Editor-in-chief of said News channel. It is submitted that proposed accused no. 2 is a journalist working with said News channel.

It is submitted that wife of complainant died at Leela Hotel, Delhi on 17.01.2017 and qua said death FIR bearing no. 04/15 was registered with PS Sarojini Nagar. It is submitted that during investigation of said case, police collected number of items/materials of deceased and recorded statement of complainant and one of his aide Mr. Narain Singh. All those documents/materials were part of confidential record and within the sole possession of investigation

team. It is alleged that proposed accused persons in an attempt to increase the viewership of their News Channel deliberately made malicious and defamatory remarks against complainant. Due to defamatory accusation made by proposed accused persons on their News channel, complainant initiated legal action against them and filed civil suit for damages before Hon'ble Delhi High court and also filed criminal complaint for defamation before District court in Kerala. It is alleged that during several broadcast on said News channel, which was conducted by proposed accused persons, certain documents were shown on News channel which were stated to be documents related to investigation of the death of complainant's wife. Such documents are Copy of internal file notings of Delhi police, copy of statement of complainant given to Delhi police, copy of statement of complainant's aide Mr. Narain Singh, pictures of deceased which were taken during autopsy.

It is alleged that proposed accused persons illegally accessed those confidential documents and shown/broadcast them on their News channel. It is alleged that proposed accused persons accessed the complainant's Email account without his authority or consent and shared the personal Emails on their News channel. It is submitted that proposed accused persons even filed said materials/documents as part of their reply in Civil Suit before

Hon'ble High Court. It is submitted that in response to RTI queries Delhi police has informed that “it is not permissible to share the information/documents related to any investigation to any public member/media till the case is pending investigation”.

It is submitted that abovesaid RTI replies by Public Information Officer of Police authorities clearly shows that proposed accused persons accessed the above mentioned documents illegally. It is submitted that complainant filed the complaint with police regarding theft of those documents/materials and regarding hacking of his Email account. However, no action has been taken by police. So, present application was filed with request to pass direction for registration of FIR and investigation of this matter.

Report was called from SHO concerned. Same is perused.

As per said report vigilance inquiry is being conducted regarding present issue.

This court is of the considered view that in view of allegations levelled by complainant and material produced on record in the form of RTI replies and other material, matter discloses commission of cognizable offence and in view of this court, matter requires investigation by police as it is not clear that how said material came in the possession of proposed accused persons. This court is of the further view that number of persons are to be examined in this

matter. In these circumstances, SHO concerned is directed to register FIR in this matter and investigate the same as per law. Copy of this order be sent to SHO concerned for compliance.

Put up for filing of compliance report on behalf of SHO concerned on 04.04.2019.

(Dharmender Singh)
MM-05PHC/ND/21.01.2019