

Court No. - 9

Case :- CRIMINAL MISC. WRIT PETITION No. - 431 of 2025

Petitioner :- Mridul Madhok

Respondent :- State Of U.P. Thru. Prin. Secy. Home Govt. Lko And 2 Others

Counsel for Petitioner :- Shailender Singh, Ankit Tiwari, Neelam Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner and learned A.G.A., who appears on behalf of opposite parties no. 1 and 2.

2. This petition has been filed by the petitioner with the following main prayer :-

"i. issue a writ, order or direction in the nature of Certiorari, thereby quashing the Case Crime No:- 0276/2024, U/S.-318 (4), 336 (3), 356 (2), 79 BNS R/w 67 IT Act, 2008, 63 Copyright Act, Police Station-Kotwali Nagar, Dist. Sitapur as contained in Annexure No.-1 to this petition, so far as relates to petitioners.

ii. issue a writ, order or direction in the nature of Mandamus directing the opposite parties not to Harass the petitioners in Case Crime No :-0276/2024, U/S.-318 (4), 336 (3), 356 (2), 79 BNS R/w 67 IT Act 2008, 63 Copyright Act. Police Station-Kotwali Nagar Dist. Sitapur."

3. It is the case of the petitioner that he is running a Company.

Opposite party No.3 is a Instagram user and projects herself as a Social Media Influencer and regularly posts videos and content on 'How to reduce weight and stay fit' and his video is

followed by 65.2 thousands persons. The petitioner has posted a video promoting his product for Weight loss, which had a edited shot clip from the video of respondent as available on Instagram without morphing the same. Thereafter, the petitioner has received e-mail along with notice dated 08.11.2024 under Section 35 (3) of Bhartiya Nagrik Suraksha Sanhita, 2023 sent by the Investigating Officer requiring his presence before the police in connection with F.I.R. No. 276 of 2024, registered under Sections 318 (4), 336 (3), 356 (2), 72 of B.N.S. Act, 2023, Section 67 of the IT Act, 2008 and Section 63 of Copyright Act, at police station Kotwali Nagar, district Sitapur.

4. It has been submitted by the learned Counsel for the petitioner that the petitioner has contacted the opposite party no.3, who through some well wisher informs that she is ready for compromise with the petitioner.

5. Learned AGA has produced before this Court detailed instructions sent by the Investigating Officer Shri Durga Dutt Singh, Inspector/Investigating Officer, Police Station Kotwali Nagar, District Sitapur. The said instructions contain parawise reply and in the reply to para 9 of the writ petition, incriminating material against the petitioner has been mentioned.

6. From perusal of the impugned F.I.R., a cognizable offence is

made out against the petitioner and in view of the law laid down by the Apex Court in **M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra** : (2020) 10 SCC 180, we do not find any interference in writ jurisdiction.

7. However, we clarify that in case the petitioner is able to convince to opposite party no.3 and enter into a compromise with her, it shall be open for the petitioner to appear before the Investigating Officer along with the compromise, if any, occurring between the parties and it shall be open for the Investigating Officer to take appropriate decision thereon.

8. The writ petition stands **dismissed**.

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(Om Prakash Shukla, J.) (Sangeeta Chandra, J.)

Order Date :- 22.1.2025

Ajit