



\$~12

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

+ **CONT.CAS.(CRL.) 9/2026 & CRL.M.A.17927/2026**

DELHI HIGH COURT BAR ASSOCIATION

.....Petitioner

Through: Mr. N. Hariharan, Mr. Rakesh Tiku and Mr. Sacchin Puri, Sr. Advocates with Mr. Kunal Malhotra, Mr. Nitesh Mehra, Ms. Vidhi Gupta, Mr. Karan Shankar Mani and Mr. Vikash Kumar, Advocates.

versus

DR. KAPIL KAKAR & ORS.

.....Respondents

Through: Mr. Vivek Reddy, Sr. Advocate with Mr. Varun Pathak, Ms. Ameer Rana, Mr. Akhil Shandilya, Mr. Vishwajeet Deshmukh, Mr. Pival Peddireddi, Advocates for R-2 / Meta Platform. Mr. Rohan Ahuja, Ms. Ankit Tripathi and Ms. Aishwarya Debadarshini, Advocates for R-3 / Google LLC. Mr. Abhishek K. Singh and Mr. Saksham Chaturvedi, Advocates for R-5 / LinkedIn. Mr. Chetan Sharma, ASG.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

%

08.06.2026

CRL.M.A. 17928/2026

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

CONT.CAS.(CRL.) 9/2026

Page 1 of 11



CONT.CAS.(CRL.) 9/2026 & CRL.M.A.17927/2026

3. Contempt Petition under Article 215 of the Constitution of India read with Sections 12 and 15 of Contempt of Courts Act, 1971, has been filed on behalf of the initiating contempt proceedings against the Respondents/contemnors for their contumacious and scandalous acts intended to lower the authority, overawe and interfere with administration of Justice, with the following prayers:

“a. Initiate criminal contempt proceedings against Respondent No. 1 under Sections 2(c), 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, for publishing and circulating the impugned scandalous and contumacious videos;

b. In the alternative and without prejudice to the aforesaid, take suo motu cognizance of the facts placed before this Hon'ble Court under Article 215 of the Constitution of India, read with Section 15 of the Contempt of Courts Act, 1971, and issue notice to Respondents/Contemnors to show cause why they should not be punished for criminal contempt;

c. Direct Respondent Nos. 2 to 5 to permanently take down, remove or disable access to the impugned videos/posts/reposts/derivative clips identified in the contempt petition and its annexures;”

4. Along with the petition, an Application bearing **CRL.M.A.17927/2026** has been filed under S.528 BNSS and S.482 Cr.P.C. on behalf of the Petitioner, seeking interim directions to Respondents for *Removal/Takedown/Disabling access to the impugned contemptuous material, restraint against further publication, preservation of metadata and disclosure of publication details.*

5. It is submitted that Contempt Petition has been filed by the



Petitioner/Applicant seeking initiation of criminal contempt proceedings against Respondents uploading, circulating and promoting scandalous, false and contumacious videos/posts targeting a sitting Judge of this Court and the institution of the Judiciary.

6. Respondent/Contemnor No.1 has published and circulated videos/posts on social media platforms including Instagram, Facebook, YouTube and X/Twitter, making grave and scandalous imputations against a sitting Judge of this Court. Said publications allege, *inter alia*, corruption, collusion, criminality, murder, *quid pro quo* and improper motives, in relation to judicial proceedings/orders passed by this Court.

7. These impugned publications do not constitute fair criticism of a Judicial Order. They are *ex facie* scandalous and contumacious and are calculated to lower the authority of this Court, undermine public confidence in the administration of justice, and interfere with the independent and fearless discharge of judicial functions.

8. These impugned videos/posts are continuing to remain accessible and capable of further circulation, reposting, clipping, downloading, forwarding and amplification across social media platforms. Unless urgent interim directions are issued, the contumacious material will continue to cause grave and irreparable injury to the authority of this Court and the administration of justice.

9. Respondent/Contemnor No.1 has used the impugned publications to promote his web series and/or related promotional material, thereby aggravating the contempt and demonstrating that the impugned publications form part of a sustained and continuing campaign, to scandalize the judiciary and undermine public faith in Courts.



10. *Respondent Nos. 2 to 4 being the intermediary/platform entities operating as Instagram, Facebook, YouTube and X/Twitter, respectively. Therefore, interim directions against Respondent Nos.2 to 5 are necessary for effective preventive, preservative and disclosure directions, including removal/takedown, disabling access, preservation of metadata, disclosure of upload/publication details, and filing of compliance Affidavits before this Court.*

11. Hence, **prayer is made** that **Respondent No.1** be forthwith directed to remove/delete the impugned videos, posts, captions, reposts, clips, derivatives and promotional material containing the contemptuous allegations against the sitting Judge of this Court and institution of the judiciary and further refrained from publishing, reposting, circulating, forwarding, promoting or causing to be published any further material containing scandalous allegations against the sitting Judge of this Court or imputing corruption, collusion, criminality, murder, *quid pro quo* or improper motives in relation to judicial proceedings.

12. Furthermore, *Respondent No.1, his agents, representatives, associates and all persons acting on his behalf from further publishing, reposting, circulating, forwarding, promoting or causing to be published such videos/posts and/or any substantially the same material* and Respondent Nos.2 to 5 be directed to take all reasonable steps, not only to remove the material, but also to take reasonable steps to prevent future circulation of this contemptuous material or substantially similar derivative content made by Respondent No.1.

13. **A Prayer** is also made to direct **Respondent Nos.2 to 5** to immediately take down, remove or disable access to the impugned



videos/posts/ reposts/derivative clips identified in the Contempt Petition and its annexures and they be refrained from publishing, reposting, circulating, forwarding, promoting or causing to be published any further material containing scandalous allegations / material. Further, ***Respondent Nos.2 to 5 be also directed to preserve all metadata***, uploader details, URLs, upload dates, viewership data, repost/share data, IP logs and other relevant records pertaining to the impugned videos/posts, and to file Affidavits of compliance before this Court. *They be also directed to disclose requisite details of accounts/pages/channels/handles through which the impugned videos/posts were uploaded, cross-posted, reposted or promoted.*

14. ***Learned counsel for Respondent Nos.2, 3 and 5*** have appeared on advance Notice and undertaken to remove all the aforesaid material forthwith and also to take care that such material is not reposted on their respective platforms.

15. Learned ASG, *Mr. Chetan Sharma* also submits that such conduct needs to be deprecated and dealt with sternest hand for such acts which result in undermining the dignity of the Courts and also impacts that entire justice delivery system. He further submits that role of Intermediary in this context, also needs to be taken care of and guidelines formulated, which is under consideration in a Writ Petition, pending before Hon'ble the Chief Justice of this Court.

Submissions heard and record perused.

16. Before considering the prayer for interim directions, it is necessary to bear in mind that any restraint on publication engages the constitutional guarantee of free speech and must therefore, be exercised with caution. At the same time, freedom of speech does not extend to publications which



prima facie scandalise the Court, undermine public confidence in the administration of justice, or interfere with the independent discharge of judicial functions.

17. The Supreme Court in Morgan Stanley Mutual Fund vs. Kartick Das, (1994) 4 SCC 225, though in the context of Injunctive relief, observed that *ex-parte* injunctive relief is an exceptional remedy and identified various factors to be borne in mind, including whether irreparable or serious mischief would ensue, whether refusal of relief would result in greater injustice, whether the applicant has approached the Court in good faith, and whether the circumstances warrant immediate intervention.

18. Further, in Bloomberg Television Production Services India Pvt. Ltd. vs. Zee Entertainment Enterprises Ltd. SLP (C) NO. 6696/2024 decided on 22.03.2024, the Apex Court observed that grant of a pre-trial restraint on publication, has serious implications for freedom of speech and the public's right to know. The Court held that an *ex-parte* restraint order ought not to be granted unless the material sought to be restrained is shown to be *ex facie* malicious or palpably false.

19. Likewise, in Amish Devgan vs. Union of India, (2021) 1 SCC 1, the Supreme Court reiterated that while freedom of speech and expression occupies a cherished position in a democratic society, dignity, reputation and preservation of constitutional institutions are equally significant constitutional values.

20. Fair criticism of judicial orders and institutions is permissible in law. However, allegations attributing corruption, collusion, criminality or improper motives to Judges, without any lawful basis, stand on an altogether different footing and cannot be equated with legitimate criticism.



21. Examined in the light of the aforesaid principles, the impugned material, *prima facie*, warrants immediate intervention by this Court.

22. Bare perusal of the videos, which have been uploaded allegedly by Respondent No.1, making allegations of corruption and collusion between sitting Judges of this Court and Government Agencies and labeling a person as habitual offender and murderer, are nothing but absolutely scandalous, contumacious and is a direct interference in Justice Delivery System.

23. While easy access to social media has undeniable benefits, as it enables information to spread instantaneously, it cannot be overlooked that such tools must be used responsibly and not as instruments to undermine institutions or cause harm to society. Any endeavour to use them, to cause harm to the society or to interfere the independence of Judiciary and to malign the institutions and individuals, cannot be accepted in this country, where Rule of Law and principles enshrined in the Constitution of India, prevail.

24. While individuals who commit such contumacious and scandalous acts, are to be dealt with sternly as per law, but intermediaries can also not be a silent spectator and wait for the directions from the Courts.

25. Section 79 of Information Technology Act, 2000, while accepts Exemption of the Intermediary from liability in certain cases, but Clause (b) of sub-Section (3) of Section 79 given an exception to this extension, which reads as under:

“S.79 Exemption from liability of Intermediary in certain cases:

...

(3) The provisions of sub-section (1) shall not apply if–



(a) the intermediary has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.—*For the purposes of this section, the expression — “third party information” means any information dealt with by an intermediary in his capacity as an intermediary.*

26. Therefore, as soon as it comes to the knowledge of intermediary that there is an information, which is being used to commit an unlawful act, it is under an obligation to immediately remove the information, data or communication link residing in or connected to resource controlled by the intermediary and expeditiously remove or disable access to that material on that resource without evidence in any manner.

27. Learned counsels for Respondent Nos.2, 3 and 5 have shown their sensitivity in undertaking to remove the videos, tweets, clips, posts and captions, etc., immediately from all their respective sites / Applications and also ensured that any endeavour made to upload similar material again by Respondent No.1 or any other person shall be removed forthwith.

28. In view of the aforesaid, directions are given as under:

- (i) Respondent No. 2 to 5 and all persons acting for / on his behalf and / or any persons claiming through or under him, **are**



restrained from uploading, publishing, hosting, communicating to the public, circulating, distributing, posting, tweeting, sharing, reproducing, transmitting, or otherwise disseminating or making available, whether directly or indirectly, the Subject Video(s) above, or any identical, mirrored, modified, edited, clipped, reproduced, re-uploaded, or substantially similar version thereof on any platform, website, social media account, channel, handle, application, WhatsApp or medium whatsoever.

- (ii) Respondent Nos. 2 to 5 shall ***take down, remove, disable access*** to, and block the URLs containing the Subject Video(s) forthwith, as well as the accounts/handles of the Respondent No.1 and in any case, within 24 hours of receipt of a copy of this Order. shall be also blocked immediately, till further Orders from this Court. Links of the material, as identified are as under:

“YouTube Link:

https://www.youtube.com/watch?v=Dkt9Z5c3C_s

Instagram Link:

<https://www.instagram.com/reel/DZFV1hAzelH/?igsh=ZGdtbmo5dDU3NGN1>

X (formerly Twitter) Link:

<https://x.com/BlackJustice23/status/2061831391332163607?s=20>

LinkedIn Link:



https://www.linkedin.com/posts/drkapilkakar_saketbuilding-blackjustice-supremecourtugcPost-7467561032433967104-UVZe/?utm_source=share&utm_medium=member_desktop&rcm=ACoAAEWXs14BhtVtxJD_Vz0tD-B_ounxK37bvyU

Google Drive Link:

https://drive.google.com/file/d/1_PSDPwjLdPc88xiCG53W9kjxNL2oCUCZ/view?usp=sharing

- (iii) Respondent No. 2 to 5 ***shall further file in a sealed cover / password protected document***, all the available Basic Subscriber Information including names, email addresses, contact number, IP logs and registration details pertaining to the accounts / users responsible for uploading, publishing, hosting, or disseminating the Subject Video(s), within 7 days of receipt of a copy of this Order.
- (iv) Respondent Nos. 2 to 5 ***shall take down, remove, disable access to, and block any subsequently discovered URLs containing the Subject Video(s) or any identical, mirrored, modified, edited, clipped, reproduced, re-uploaded, or substantially similar content***, upon notification by the Registrar General of this Court within 24 hours of receiving such notification(s) and such notification(s) shall be deemed to be included as part of this order.

29. Despite service, none has appeared on behalf of Respondent Nos.1 and 4.

30. On filing PF, Notice be issued of the Contempt Petition and the Applications, to Respondent Nos.1 and 4 by all permissible modes,



returnable before Roster Bench for 09.07.2026.

31. List before Roster Bench on 09.07.2026.

NEENA BANSAL KRISHNA, J.

MADHU JAIN, J.

JUNE 8, 2026/R