



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 1497/2020

Aaradhya Verma D/o Late Atul Kant Verma, aged about 7 Years,
Minor through her Natural Guardian and Mother Nilima Verma
W/o Late Atul Kant Verma D/o Shri Dinesh Kumar Verma, aged
30 Years, R/o 29/1, Subhash Colony, Opp. Kamkla Nehru Nagar,
Ajmer Road, Jaipur (Raj.)

----Petitioner

Versus

1. State of Rajasthan, through PP
2. Director General of Police, Rajasthan, Jaipur (Raj.)
3. Commissioner of Police, Jaipur Metropolitan, Jaipur (Raj.)
4. S.h.o., Police Station Bhankrota, Jaipur (Raj.)
5. Kailash Babu Verma S/o Niranjana Lal, R/o B-18, Kalpatru
Park Millennium Near Chandkheda, Adalaj, Gandhi Nagar,
Gujarat-382421
6. Smt. Shakuntala Devi Verma W/o Kailash Babu Verma,
R/o B-18, Kalpatru Park Millennium Near Chandkheda,
Adalaj, Gandhi Nagar, Gujarat-382421
7. Ajaay Kant Verma S/o Shri Kailash Babu Verma, R/o A-
103, Prahlad Park Soc, Behind Satyamev Hospital, New
Chandkheda, Ahmedabad, Gujarat-382424

----Respondents

For Petitioner(s)	:	Mr.Rajesh Kumar Sharma Mr.Gaurav Sharma
For Respondent(s)	:	Mr.Vivek Choudhary, PP Mr.Tripurari Sharma

JUSTICE ANOOP KUMAR DHAND

Order

05/03/2026

Reportable

1. By way of filing the instant criminal misc. petition, the minor petitioner has approached this Court through her natural guardian-mother seeking protection from the respondent Nos.5 to 8.



2. Learned counsel for the petitioner submits that marriage of the petitioner's mother was solemnized with Atul Kant Verma on 12.11.2010. Subsequently, the petitioner was born out from the wedlock on 26.03.2013 and thereafter, on 11.09.2015, her father Atul Kant Verma unfortunately left for heavenly abode. Since then, the petitioner has been residing with her natural guardian-mother. Counsel submits that the respondent Nos.5 and 6 are the grandparents of the petitioner and they have made a post on Facebook stating therein that their grand-daughter, i.e. the petitioner is missing from Ahmedabad and whosoever finds her, he or she would be rewarded with cash prize of Rs.1,00,000/-. Counsel submits that immediately after the aforesaid post was uploaded on the Facebook, various unwanted & unknown persons have started visiting the house of the petitioner to trace her out, hence, under these circumstances, the petitioner has approached this Court seeking adequate protection from such unknown persons.

3. *Per contra*, learned counsel appearing on behalf of the respondent Nos.5 to 7 opposed the prayer made by counsel for the petitioner and submitted that the respondent No.6, i.e., grandmother of the petitioner has already passed away and the age of the respondent No.5, i.e., grand-father of the petitioner is around 70 years old and he has neither uploaded any post on the Facebook regarding the petitioner being missing nor has he offered any reward of Rs.1,00,000/- to any person who finds the petitioner. Counsel submits that the petitioner has approached this Court unnecessarily to harass the respondents, hence, under



these circumstances, no interference of this Court is warranted and the instant petition is liable to be rejected.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. This fact is not in dispute that the minor petitioner is residing with her natural guardian-mother in Jaipur and she is not missing and in fact no 'Missing Person Report' (for short, "MPR") has been lodged by the respondent Nos.5 to 7 with any police station. Even then, a misleading material has been posted on Facebook under the name of the respondent No.5, i.e., grand-father of the petitioner stating that his grand-daughter 'A' is missing and whosoever finds her out would be rewarded a cash prize of one lakh rupees.

Posting of such misleading material on the Facebook or on any other social, electronic or print media amounts to violation of personal rights, dignity and reputation of an individual, as guaranteed under Article 21 of the Constitution of India.

If any misleading material on the Facebook or social media is found to be false, malicious and intended to damage the reputation or invade privacy of an individual to damage his/her reputation or invade privacy, it constitutes the breach of his/her fundamental right which is provided under Article 21 of the Constitution of India.

6. This is a disputed question of fact as to whether any such post with regard to the petitioner went missing has been made by the respondent No.5 on the Facebook or not, but in any case, the said post is still visible on the Facebook, which is in utter violation





of the personal liberty of the petitioner, who is residing in the lawful custody of her natural guardian-mother. It has been apprised to this Court by counsel for the respondents that an application seeking custody of the petitioner has already been submitted by the respondents before the competent Court. This fact has been disputed by the counsel for petitioner that no such application is lying pending before any Court, and the application which was submitted in this regard has already been rejected by the competent Court.

7. In case, such application is rejected and no further appeal/petition has been preferred against the petitioner, the petitioner will remain in custody of her mother and in case, any petition is still lying pending before any Court of law, the decision passed by the said Court of law would govern the rights of the parties.

8. Social media companies may harm the dignity of anyone. Regulation of social media is essential to make a balance between freedom of expression with the dignity and rights of vulnerable group. A combination of robust legal framework, technological solutions, digital literacy and ethical practice can ensure accountability, curb misrepresentation and foster a safe, inclusive and credible online ecosystem.

9. In exercise of powers conferred under Section 87 of the Information Technology Act, 2000 (for short, "the Act of 2000") and in suppression of the Information Technology (Intermediaries Guidelines) Rules, 2011, the Central Government has framed the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (for short, "the Rules of 2021").



Rule 3 of the Rules of 2021 deals with the provisions pertaining to due diligence by an intermediary, which reads as under:-

“3. (1) Due diligence by an intermediary: An intermediary, including 1 [a social media intermediary, a significant social media intermediary and an online gaming intermediary], shall observe the following due diligence while discharging its duties, namely:—

²[(a) the intermediary shall prominently publish on its website, mobile based application or both, as the case may be, the rules and regulations, privacy policy and user agreement in English or any language specified in the Eighth Schedule to the Constitution for access or usage of its computer resource by any person in the language of his choice and ensure compliance of the same;

(b) the intermediary shall inform its rules and regulations, privacy policy and user agreement to the user in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice and shall make reasonable efforts 1 [by itself, and to cause the users of its computer resource to not host], display, upload, modify, publish, transmit, store, update or share any information that,—

(i) belongs to another person and to which the user does not have any right;

(ii) is obscene, pornographic, paedophilic, invasive of another’s privacy including bodily privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, relating or encouraging money laundering or gambling,² [or an online game that causes user harm,] or promoting enmity between different groups on the grounds of religion or caste with the intent to incite violence;

(iii) is harmful to child;

(iv) infringes any patent, trademark, copyright or other proprietary rights;

(v) deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any misinformation or





information which is patently false and untrue or misleading in nature ³ [or, in respect of any business of the Central Government, is identified as fake or false or misleading by such fact check unit of the Central Government as the Ministry may, by notification published in the Official Gazette, specify];

(vi) impersonates another person;

(vii) threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognisable offence, or prevents investigation of any offence, or is insulting other nation;

(viii) contains software virus or any other computer code, file or program designed to interrupt, destroy or limit the functionality of any computer resource;

¹[(ix) is in the nature of an online game that is not verified as a permissible online game;

(x) is in the nature of advertisement or surrogate advertisement or promotion of an online game that is not a permissible online game, or of any online gaming intermediary offering such an online game;

(xi) violates any law for the time being in force;

Explanation.—In this clause, “user harm” and “harm” mean any effect which is detrimental to a user or child, as the case may be;]]

(c) an intermediary shall periodically inform its users, at least once every year, that in case of non-compliance with rules and regulations, privacy policy or user agreement for access or usage of the computer resource of such intermediary, it has the right to terminate the access or usage rights of the users to the computer resource immediately or remove non-compliant information or both, as the case may be;

(d) an intermediary, on whose computer resource the information is stored, hosted or published, upon receiving actual knowledge in the form of an





order by a court of competent jurisdiction or on being notified by the Appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any unlawful information, which is prohibited under any law for the time being in force in relation to the interest of the sovereignty and integrity of India; security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence relating to the above, or any information which is prohibited under any law for the time being in force:

Provided that any notification made by the Appropriate Government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by an authorised agency, as may be notified by the Appropriate Government:

Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from the receipt of the court order or on being notified by the Appropriate Government or its agency, as the case may be:

Provided also that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause, under clause (b) on a voluntary basis, or on the basis of grievances received under sub-rule (2) by such intermediary, shall not amount to a violation of the conditions of clauses (a) or (b) of sub-section (2) of section 79 of the Act;

(e) the temporary or transient or intermediate storage of information automatically by an intermediary in a computer resource within its control as an intrinsic feature of that computer resource, involving no exercise of any human, automated or algorithmic editorial control for onward transmission or communication to another computer resource shall not amount to hosting,



storing or publishing any information referred to under clause (d);

¹[(f) the intermediary shall periodically, and at least once in a year, inform its users in English or any language specified in the Eighth Schedule to the Constitution in the language of his choice of its rules and regulations, privacy policy or user agreement or any change in the rules and regulations, privacy policy or user agreement, as the case may be:]

²[Provided that an online gaming intermediary who enables the users to access any permissible online real money game shall inform its users of such change as soon as possible, but not later than twenty-four hours after the change is effected;]

(g) where upon receiving actual knowledge under clause (d), on a voluntary basis on violation of clause (b), or on the basis of grievances received under sub-rule (2), any information has been removed or access to which has been disabled, the intermediary shall, without vitiating the evidence in any manner, preserve such information and associated records for one hundred and eighty days for investigation purposes, or for such longer period as may be required by the court or by Government agencies who are lawfully authorised;

(h) where an intermediary collects information from a user for registration on the computer resource, it shall retain his information for a period of one hundred and eighty days after any cancellation or withdrawal of his registration, as the case may be;

(i) the intermediary shall take all reasonable measures to secure its computer resource and information contained therein following the reasonable security practices and procedures as prescribed in the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011;

(j) the intermediary shall, as soon as possible, but not later than seventy two hours ³ [and in case of an online gaming intermediary who enables the





users to access any permissible online real money game not later than twenty-four hours] of the receipt of an order, provide information under its control or possession, or assistance to the Government agency which is lawfully authorised for investigative or protective or cyber security activities, for the purposes of verification of identity, or for the prevention, detection, investigation, or prosecution, of offences under any law for the time being in force, or for cyber security incidents: Provided that any such order shall be in writing stating clearly the purpose of seeking information or assistance, as the case may be;

(k) the intermediary shall not knowingly deploy or install or modify technical configuration of computer resource or become party to any act that may change or has the potential to change the normal course of operation of the computer resource than what it is supposed to perform thereby circumventing any law for the time being in force: Provided that the intermediary may develop, produce, distribute or employ technological means for the purpose of performing the acts of securing the computer resource and information contained therein;

(l) the intermediary shall report cyber security incidents and share related information with the Indian Computer Emergency Response Team in accordance with the policies and procedures as mentioned in the Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013.

¹[(m) the intermediary shall take all reasonable measures to ensure accessibility of its services to users along with reasonable expectation of due diligence, privacy and transparency;

(n) the intermediary shall respect all the rights accorded to the citizens under the Constitution, including in the articles 14, 19 and 21.]”

10. Perusal of the aforesaid Rule 3 of the Rules of 2021 clearly indicates that the intermediaries like the Facebook or ‘X’ must



[CRLMP-1497/2020]

publish Rules prohibiting users from posting “patently false or misleading” information, impersonation, defamation, content invading privacy/ gender harassment, etc. under this Rule.

It appears that no such Rule has been framed by the Facebook and that is why, the above misleading information with regard to the petitioner went missing, which has been posted on the Facebook has started causing hindrance in the personal liberty of the petitioner due to visiting of several unwanted & unknown persons at her residence to trace her in order to get the reward of Rs.1,00,000/- by providing information about her whereabouts to her grandparents, i.e., respondent Nos.5 and 6.

11. Considering the overall facts and circumstances of the case, the parent Company of the Facebook, i.e., Meta Platform Inc. is further directed to take appropriate action to block/take down the aforesaid post and photographs of the petitioner from their social media platform.

12. Let a copy of this order be sent to the registered Office of the parent company of the Facebook i.e., Meta Platform Inc. in India along-with copy of the information relating to the petitioner went missing (Annexure-7) posted on the Facebook.

13. With the aforesaid observation and direction, the instant misc. petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

Aayush Sharma /28