

**IN THE COURT OF LD CMM, PATIALA HOUSE COURTS,
NEW DELHI**

Complaint Case No. of 2021

In the matter of:

ARG Outlier Media Pvt. Ltd.

[Through Sh. Abhishek Kapoor,
Authorized Representative of
the Complainant Company]

... Complainant

VERSUS

Navika Kumar

... Accused Person

**COMPLAINT U/S 499, 500 OF THE INDIAN PENAL CODE,
1860 AGAINST THE ACCUSED PERSONS SEEKING THEIR
PROSECUTION FOR DELIBERATELY AND WILFULLY
HAVING COMMITTED THE OFFENCE AGAINST THE
COMPLAINANT COMPANY.**

Most Respectfully Showeth:

1. That the present complaint is being filed and instituted by the above named Complainant, against the Accused - seeking prosecution and conviction of the Accused persons under Sections 500 of Indian Penal Code for defaming the Complainant by making inherently defamatory statements and to cause serious harm to the reputation of the Complainant by imputing behavior incompatible with proper conduct and suggestions of involvement in improper activity.
2. That the present Complaint is being filed through Sh.Abhishek Kapoor, the Authorized Representative of the Complainant and he is fully authorized to file the present complaint before this Hon'ble Court and also personally aware of the facts in the present case and competent to

depose, in the present matter The copy of Board Resolution is annexed herewith and marked as **Annexure-A**.

3. The complainant company incorporated under the Companies Act, 2013, having its corporate office at the address mentioned in the cause title above, which is within the jurisdiction of this court. The Complainant company owns and operates the popular English and Hindi news TV channels, Republic TV and R. Bharat respectively.
4. Mr. Arnab Goswami, is a notable journalist, the Managing Director and the Editor-in-Chief of the Complainant, he has been at the forefront of crucial public campaigns, including the, the Anna Movement, the Commonwealth Games Scam, the Muzaffarpur Shelter Home Case, the Lalitgate Scandal and the Kargil for Profit scam. In 2019, Mr. Goswami got Prime Minister Narendra Modi's first pre-general Election interview. Mr. Goswami has also interviewed global public personalities including Julian Assange, Benjamin Netanyahu and Thomas Friedman.
5. Mr. Goswami has an impeccable reputation and has been on the Board of Directors of Asianet Media Pvt Ltd.
6. That from the above, it is clear that the Complainant Company has through Mr. Goswami, earned name, fame and reputation in public at large. The Complainant Company has unblemished record and holds great goodwill and reputation in the eyes of the general public.

Factual Background

7. The Republic Media Network has been the target of a vicious, vindictive and malice driven exercise under the State of Maharashtra and the Mumbai Police. What started with a 100 FIRs against Republic for seeking accountability on the Palghar Lynching was followed by physical attacks on Arnab Goswami, jailing Republic's crew pursuing a lead in Karjat, diktats by the Shiv Cable Sena ordering cable operators to block Republic, a fake TRP case and the arrest of its director and most popular face Mr. Arnab Goswami in the Anvay Naik suicide case.
8. Several complaints were filed and FIRs were registered against the Managing Director of Complainant Company Mr. Arnab Goswami in a concerted and indirect effort to beat the Complainant Company into submission who through its many journalists led by Mr. Arnab Goswami was questioning the inefficiency of the Maharashtra Government and investigating authorities in investigating the incident described above. Since then, the various officials and journalists of the Complainant Company have been thoroughly harassed by investigating authorities under the garb of investigation of allegations having no basis whatsoever.
9. This campaign of vendetta commenced following Republic TV seeking accountability from the ruling coalition in Maharashtra for the Palghar lynching where two Hindu monks and their driver were lynched to death in full police

presence and virtual complicity, as per the evidence now in the public domain. Following Mr. Arnab Goswami investigative journalism in the Sushant Singh Rajput case, this vendetta driven campaign accelerated in September 2020.

10. On 30.6.2020, the Hon'ble High Court of Bombay stayed investigation in relation to the FIRs registered against Managing Director of Complainant Company Mr. Arnab Goswamis there was no prima facie case made out against him. (This order is still operating. A Special Leave Petition, being SLP (Cri.) No. 4337 of 2020 is pending consideration before the Hon'ble Supreme Court.)

11. In September, 2020, the Republic Network came across the complaint filed by Hansa Research Pvt. Ltd. under Sections 409, 420, 120-B and 34 of IPC. This complaint was filed by Mr. Nitin Deokar before the police with request to register an FIR, which complaint does not make any reference to the news channels of the Complainant as having been involved in any TRP or viewership malpractices.

12. On 8.10.2020, the Mumbai Police Commissioner Param Bir Singh concealed the real channel named in the FIR and instead blamed Republic in a nationally televised press conference. Republic Media Network's revenue was labelled

“proceeds of crime” and it was said “BARC has identified certain suspicious viewership in viewing of Republic Television” without any actual basis.

13. Since then the Mumbai Police has filed a chargesheet dated 24.11.2020 and supplementary chargesheet dated 11.01.2021 in the abovementioned FIR, the so called TRP Scam matter. The chargesheets which has been filed by the Mumbai Police claims that Dual Logical Channel number (Dual LCN) was being used to increase TRPs, which is not only a matter under the jurisdiction of the Telecom Regulatory Authority of India but was never even the original allegation falsely peddled against Republic TV. The constant shifting of goalposts by the Mumbai Police itself spills the beans on the malafide intent, the deep-seated malice, and the desperation on the part of the administration to reverse engineer a case against India's most-watched news network. Despite such vendetta, it is noteworthy that the Complainant is not named as an accused in the FIR or either of the chargesheets.

14. The Complainant Company filed Criminal Writ Petition No. 3143 of 2020 before Hon'ble High Court of Bombay for quashing of aforesaid FIR, which is pending disposal. However, as per orders dated 15.12.2020, 06.01.2021 and 15.01.2021 passed by Hon'ble Bombay High Court, State of

Maharashtra is obliged not to take any coercive action against the Complainant Company and its representatives.

15. The entire matter relating to alleged TRP manipulations is pending before competent courts or investigating agencies including Hon'ble High Court of Bombay, Ld. Trial Court at Mumbai, Mumbai Police, Central Bureau of Investigation, and the Enforcement Directorate.

16. Given the multitude of fora already dealing with this matter, the Accused Person cannot be permitted to steal a march over the adjudication process and pronounce guilt by elevating itself a parallel adjudication forum. Two charge sheets have already been filed but investigation is still ongoing. Trial has not yet begun, and Complainant Company is factually innocent and also presumed innocent until proven guilty. The matter will be decided in accordance with law and no third-party interloper can be permitted to preempt the process of law.

CAUSE OF ACTION:

17. Navika Kumar, the Accused, anchored a show on 18 January at 9pm called the Newshour - which has been uploaded on Youtube and has over 84,874 views just on the platform. In addition to the live telecast at the prime time at Times Now.

18. By misusing, misconstruing and distorting the documents from the Mumbai Police's chargesheet in the TRP Scam, mainly the WhatsApp Chats, and without regard to the matter being *sub judice* both before the lower courts at Mumbai and the Hon'ble Bombay High Court, the Accused Person has gone on a reckless spree to spew grossly defamatory material mentioned below that has been telecast, published, circulated and disseminated on the TV Channel Times Now as well as the internet in various portal such as the Youtube.
19. It is of utmost importance to mention that, Prior to launching Republic TV in May 2017, Mr Goswami launched Bennett, Coleman and Company Limited's Times Now, a 24x7 English news channel, in 2006. Within a year of launching Times Now, Mr. Goswami led his news team to the number 1 viewership position in the English news genre. The Accused, currently still part of the company Times Now. The said fact is in itself enough to show the motive of the Accused Persons to unnecessarily defame the Editor in chief of the Complainant company and in turn to impact the reputation of the Complainant company. It is in fact for the reason that the Complainant company in itself has now gathered attraction that the Accused is jealous and the lack of ability of the Accused to match the success of the Complainant company, has caused this defamatory show to be aired.

20. The Accused Person, as a part of a planned scheme and to take advantage of the ongoing deep-seated malice intends to **further her own corporate / commercial interests, and indulge in personal vendetta.**

- (i) The Accused has falsely claimed that the Complainant company was unauthorizedly privy to official secrets pertaining to the Balakot Air Strikes before the strikes actually took place on 26.02.2019, and further that the Complainant Company "leaked" such information. The accused has called the Editor in chief, a threat to national security. on 18.01.2020, The Accused person has called the Managing Director of Complainant Company a threat to national security. Though, there was lot of public speculation, discussion and debates, the complainant are by way of illustration, placing for consideration of the Court a few such articles in the public domain prior thereto.

Times of India published articles saying “Response to Pulwama attack: Precision air strikes the favoured option” on 16 February 2019.

[Link:

<https://timesofindia.indiatimes.com/india/respons>

[e-to-pulwama-attack-precision-air-strikes-the-favoured-option/articleshow/68017170.cms\]](https://www.indiatoday.in/magazine/cover-story/story/20190304-hard-choices-1461408-2019-02-22)

4 days before the Balakot Air Strikes, **India Today** was writing articles saying “Hard choices that PM Narendra Modi has to make after Pulwama terror attack. After Pulwama, how can Modi strike back at Pakistan?” discussing how India could strike back at Pakistan including various military options possible. [India Today (22 February, 2019)]

Link: [https://www.indiatoday.in/magazine/cover-story/story/20190304-hard-choices-1461408-2019-02-22\]](https://www.indiatoday.in/magazine/cover-story/story/20190304-hard-choices-1461408-2019-02-22)

India Today published an article ‘Retribution for the Attack Is Only a Matter of Time’ on 22 February, 2019.

Link: <https://www.indiatoday.in/magazine/cover-story/story/20190304-the-kinetic-alternatives-1461411-2019-02-22> and in this article various military options were discussed.

On 17th Feb 2019, 10 days before the Balakot strike, **Firstpost** deliberated on military options including strikes. *“Pulwama aftermath: From surgical strike to economic isolation, four ways India can hit back at Pakistan”*.

[Link: <https://www.firstpost.com/india/pulwama-aftermath-from-surgical-strike-to-economic-isolation-four-ways-india-can-hit-back-at-pakistan-6099841.html>]

On 21st Feb 2019, 5 days before the Balakot Strikes, **The Telegraph** ran headlines saying “Intense public pressure on Narendra Modi to live up to his ‘surgical strike’ reputation”.

[Link: <https://www.telegraphindia.com/opinion/after-pulwama-there-is-intense-public-pressure-on-prime-minister-narendra-modi-to-live-up-to-his-surgical-strike-reputation/cid/1685048>]

The Hindu in an article on 19 February spoke of how “The second option is to use strike aircraft to carry out

precision strikes in locations across the Line of Control (LoC).”

[Link: <https://www.thehindu.com/opinion/op-ed/indias-options-after-pulwama/article26305355.ece?homepage=true>]

- (ii) The entire narration has been presented in a manner, which is suggestive of wrongdoing on the part of the Complainant Company and its Group to the public at large which reads it, thereby making grave insinuations without any factual base.
- (iii) Furthermore, the Accused further defamed the Complainant, without any research, verification, authentication or caveat, had telecast a Defamatory show, which was widely circulated. The same were also circulated online on their website.

21. The Defamatory show is a show conducted by Accused, the entire defamatory show is enclosed in a pen drive annexed herewith and marked as **Annexure –B**

22. Copy of the Affidavit of under Section 65B of the Indian Evidence Act is annexed herewith and marked as **Annexure-C**
23. The Accused, Navika Kumar, made comments as under refereeing to the Editor in chief of the Complainant Company, in turn causing to defame the Complainant company, the comments and statements made are also against the Complainant and are all a result of covetousness and to steal the rightly deserved success of the complainant company. The defamatory excerpt by Accused is reproduced as under:

https://twitter.com/TimesNow/status/1351195325520818178	Navika Kumar: Ladies and gentlemen, I want to speak about this one story and I want to ask you this one question that confronts a billion Indians tonight. Would any right thinking journalist break into a tranceful TRP joy over the mortal remains of our brave jawans, would any journalist be revelling at the prospect of rating when the nation is mourning the martyrdom of 40 jawans, brutally butchered by Pakistan. I still can never forget that visual, of the coffins lying there, I don't think that there is a single Indian who would not have a tear in his or her eye. Because that scene would move anybody whichever profession, whichever religion, whichever state of the country, whichever region of the country, whichever
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	gender, where ever you come from because when you saw those coffins, you would think about a country called Pakistan doing this to us and the families of our braves. Somebody might be having children who are so small they wouldn't even remember their father's voice but this is not what Mr Goswami was thinking in his chats when he was chatting with Partho Dasgupta, the ex-BARC CEO. It is <u>extremely unfortunate that this man, my former colleague, today the owner of a very <i>so-called successful channel who built the success of this channel manipulating TRPs</i> as alleged in the chargesheet presented by the Mumbai police. Who literally jumped out of India's television screens every night claiming to be India's only nationalist anchor Arnab Goswami. What exactly has he done? With these conversations? That mask of patriotism has fallen and fallen hard.</u> Tonight he must face the same questions which he dishes out to several journalists whom he called the Lutyens media for several several years, who he alleged had indiscretions on national security during the Kargil war during even 26/11 attack, he questioned today he must face the same piercing questions that he posed to several commentators and politicians who let down India's interest. Tonight, isn't it only fair that he once again hide behind the facade of nationalism, isn't it fair that he should face some of those questions? But the chats that
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have been accessed by the Mumbai police and filed in the courts in Mumbai, are there for all to see. There's no running away from the truth because his silence over the conversations which he hasn't denied till date, they have been out in the public domain for the last five days. No denial. No denial at all. But preaching to the others when you cannot follow the same, judging others when you can't really hold up the standards of ethical journalism. Take a look at this report, on what Mr Arnab Goswami's chats with his friend ex-CEO of BARC and what they said and how it is all unfolding

PKG: On Feb 14 2019, every Indian was shocked to the core, 40 of our brave jawans were massacred by Pakistan backed terrorists in Pulwama. This self-proclaimed nationalist TV anchor and founder of Republic TV Arnab Goswami who claims to wear patriotism up his sleeve described the cowardly attack of Pakistan as a win like crazy for his channel. Not only did he betray our fallen jawans but never stopped short of appraising his freind ex-BARC chief Parth Dasgupta with classified Military action. It is before India crushed terror factory in Balakot, Arnab texted that India's retaliation would be more than a strike. He didn't stop there, in order to impress his friend in exchange for favours, he revealed inside

information on state security secrets. Three days before India abrogated Article 370, he was again caught tipping Partho Dasgupta the alleged conspirator in the TRP fixing scam. The opposition says it won't settle for anything apart from a joint parliamentary probe. *Bytes of Ashok Chavan and RPN Singh* Arnab Goswami has some pointed questions to answer. On air he is a self-proclaimed patriot but can jubilation over the martyrdom of our braves be counted as nationalism. Bureau report, Times Now.

Navika Kumar: Ladies and gentlemen, there is just one point to say when Arnab left and I started anchoring the show the NewsHour that once belonged to him, I was asked that I had big shoes to fill. Today ladies and gentlemen, I find these shoes extremely tight, extremely tight because they weren't big at all because they weren't big at all and I just hope I never fill in these shoes and I just hope god gives me the strength that I *don't become the vulture that he possibly has gone on to become. Today's Arnab is not the man I knew when I worked with him. So let me dissect the alleged chats further and focus on the key words used by Mr Arnab Goswami.* All I am trying to do is to emphasise why these comments cannot be taken lightly. These are his exact words, this attack we have won like crazy. Which attack? The Pulwama attack. What happened in those attacks? 40 of our braves. And what does

our nationalist Mr Arnab Goswami have to say? This attack we won like crazy. Can you believe it viewers? How can one simply think of ratings victory when the tears of 40 families wouldn't even have dried thinking about their loved ones? He even tells his former BARC boss that his coverage was aimed to gain a massive TRP spike how can one even think of conversing by putting on record writing in a message a rating agency boss in the middle of an attack? When your only duty was to expose Pakistan for daring to do this to India. And all of this is platinum standards in breaking, that's what he says on the chat, this is platinum standards of breaking news. 40 dead, platinum standard of breaking news and somebody is celebrating that? I just want to ask what if that news was broken five minutes later? 10 minutes later by another channel. I would rather have said that I pray to god that I would never have to break a news of this kind but it is nothing but utter disrespect, **contempt and callousness and crude commercial profiteering** over martyrdom of our braves that Mr. nationalist Arnab Goswami gives way into his soul for others to watch today when these chats have become public. And there is only one question that confronts

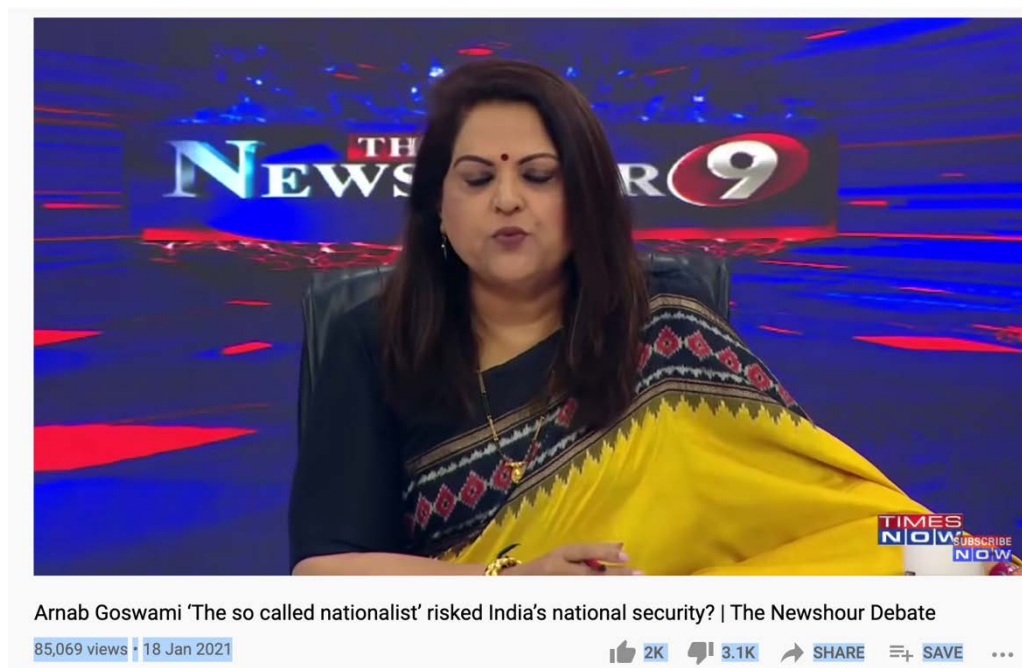
THE SIZE OF THE AUDIENCE TO WHOM THE DEFAMATORY CONTENT WAS CIRCULATED BY THE ACCUSED IS WIDE RANGING:

24. Navika Kumar, The Accused made sweeping statements in matter that is subjudice and under investigation and tried to cloud the minds of the public.
25. Apart from its national and international broadcast audience, Navika Kumar's statements and commentary bereft of fact was circulated on the Twitter handle of Times Now which has 9.9 million Followers. This means these followers were fed a narrative that blemishes the truth and was spin-doctored for commercial considerations.
26. Apart from its national and international broadcast audience, Times Now has 1.98 million subscribers on Youtube, and the Newshour Debate in question has over 84,874 views just on the platform.
27. Apart from the Times Now national and international audience, anchor Navika Kumar widely circulated the defamatory show she conducted on Times Now using her twitter handle @navikakumar which has 177.2K Followers. Thereby, she acted in a manner that aimed to prejudice the

true facts, and attribute falsehoods to the Complainant company and its associates.

28. As per news reports, the Times Network broadcasts to “over 100 countries” and therefore the defamatory content and sweeping unsubstantiated allegations declared by news anchor Navika Kumar has defamed India’s most watched and respected news.

29. It is submitted that the said defamatory show has over 85,000 views in addition to the live telecast at the prime time in the satellite television. and therefore, the scale of defamation faced by the Complainant company is irreparable. The screenshot of the number of views is reproduced as under. The said views are increasing in number by the day.



EVEN BEFORE A TRIAL COMMENCED, NAVIKA KUMAR, WITHOUT ANY EVIDENCE ACCUSED REPUBLIC OF BUILDING ITS SUCCESS ON TRP MANIPULATION IN AN ACT AIMED TO COLOUR PUBLIC MIND USING FALSEHOODS

30. As part of the Prime Time show The Newshour on Times Now on 18 January 2021, the main anchor Ms. Navika Kumar made a series of defamatory statements and declarations which were drenched in falsities. As part of MsNavika Kumar's 'lead story', she openly accused Republic of TRP manipulation. In open defamation and without a single corroborative fact to substantiate her utterly false claims, Navika Kumar said that "extremely unfortunate that this man, my former colleague, today the owner of a very so-called successful channel who built the success of this channel manipulating TRPs as alleged in the chargesheet presented by the Mumbai police".
31. It is crucial to note that even the malicious Mumbai Police chargesheet has not chargesheeted Republic Media Network Moreover, it is crucial to note the Mumbai Police chargesheet has been used to make wild and scurrilous claims despite the fact that a trial has not even commenced. Moreover, Navika Kumar's comments were declarations bereft of fact.

32.This implies Navika Kumar has attacked the channel in a planned and deliberate manner and declared the channel guilty in a case where trial has not begun yet. This is the worst kind of prejudice because it directly linked to her commercial interests as a senior employee of a rival channel. She has blatantly misused her position by prejudging the case in which they are questions over several other channels including a Hindi news channel accused of pre-fixing ratings about which she has not done a single program in detail, because her channel is part of a group that works to push their common interests. Therefore, she has directly ARG Outlier Media Pvt Ltd and made multiple defamatory comments in an act of ill-will with malafide intent to cause irreparable damage to the prejudice the goodwill of the network.

33.By doing so the accused has tried to cause loss of reputation to the complainant at large and by falsely saying that TRPs were manipulated by the complainant company, the accused has committed a deliberate act knowingly disseminating information to the viewers of her channel which is menacing in nature for the ulterior motive to cause harm to the complainant company's reputation.

34.The accused showing her vindictiveness openly accused the complainant company of TRP manipulation. Through false statements she acted to harm the reputation of the complainant

company as the complainant company has the number 1 viewership position in the English News Genre.

FALSEHOODS ABOUT STATE SECRETS BEING SHARED BY THE FOUNDER OF REPUBLIC MEDIA NETWORK WERE STATED BY NAVIKA KUMAR ON PRIME TIMES SHOWS ON TIMES NOW

Navika Kumar on The Newshour on 18 January 2020 made rabid and unfounded claims accusing Republic Media Network's founder of endangering national security and leaking state secrets thereby jeopardizing the goodwill of the Network and endangering the entire organization that subsequently subject to attacks even from the Pakistan Government. This is not only an utter fabrication of facts and an outright falsehood, but is also a defamatory statement made to a large universal audience in order to prejudice their mind, eclipse them from true facts and influence them through the wholly misleading broadcast. In the aforementioned broadcast, Navika Kumar declared without facts or evidence at hand that? That commercial success discussing about the martyrdom of our jawans, giving away state secrets about Balakot to somebody who he can't ensure and he is not ensuring it in the chat that don't speak to anybody, I have this information so it is out there in the open for anyone to use it for as much as gossip as they want. That is the blurring of lines and the ethics which I am questioning tonight." This was declared as a statement of fact without any evidence to

corroborate the same in a way that was aimed to cloud the mind of the audience, prejudice the minds of the public and set a narrative that without doubt attempted to defame Republic Media Network which is a direct competitor and leading news network in the nation. The complete transcript of the said excerpt has been reproduced below.

35. The allegations made in the above said Cause of Action are false, which falsity is explained herein below.

- i. It is submitted that the accused has, with malafide intention adopted an approach to attack the Complainant Company and its representatives, which, from the manner of reporting makes it clear that the intention is to defame the complainant for their own vested interests.
- ii. The acts of the Accused is of blatantly twisting the facts, in order to suit the malafide intent of the Accused to defame and tarnish the goodwill of the Complainant Company.
- iii. It is submitted that under **Section 499 IPC, Explanation 3**, an imputation made in the form of an alternative or expressed ironically may amount to defamation. From the entire defamatory show, it is clear that the allegations levelled by the Accused certainly amount to Defamation.

- iv. The Accused has caused immense loss of reputation of the Complainant in public at large and has dented the long standing reputation of the Complainant Company of doing honest journalism working with utmost integrity and ethics and amounts to spreading ill-will against the Complainant Company.
- v. The said acts of the Accused are deliberate in nature and have been made with the intent to injure and to irreversibly and irreparably prejudice and spoil the goodwill and corporate reputation of the Complainant Company.
- vi. The statements made by the Accused are per se defamatory statements, which are clearly libelous on their face and cause serious harm to the reputation of the Complainant Company by imputing behavior incompatible with proper conduct of business and suggestions of involvement in criminal activity.
- vii. The intention to harm the reputation is patent and it is apparent that there exists both knowledge and also reason to believe that the imputation would harm the reputation of Complainant Company. The imputation, moreover, lowers the Complainant Company in the estimation of others and imputes a state to it, which is utterly disgraceful.

- viii. It is submitted that it is obvious from the imputation made that criminal defamation is clear at first sight and the same is apparent beyond argument.
- ix. Furthermore, it is also apparent considering the utter brazenness of the allegation that the libel is serious enough for invocation of criminal law. And considering that the accused are reporting news online, occupying a position which requires both responsibility and discretion, the need to impose the sanction of law to restrain such wanton abuse of the right to free speech makes it imperative in public interest that criminal proceedings be initiated against the Accused.
- x. The Accused has committed a deliberate act, by knowingly disseminating information which is false, grossly offensive and has a menacing character which has caused grave insult, injury, enmity, hatred and ill will against the Complainant Company.
- xi. The Complainant Company submits that the imputations made are clearly with ulterior motive and are motivated only by self- interest for wrecking private spite, which requires deterrent action.
- xii. Freedom of speech does not permit abuse and want of regard to another's honour or reputation and the allegation made are clearly malicious and only motivated with the intent and knowledge to malign the Complainant.

- xiii. The right to reputation is guaranteed under Article 21 of the Constitution of India and the Complainant Company is entitled to preserve and vindicate its reputation and there is no right in the accused to tarnish the same in the manner they have undertaken.
36. The accused is malafidely inclined against the Complainant Company and have made up their mind to defame and malign the Complainant Company, so as to tarnish its image.
37. It is submitted that upon watching the aforesaid news, various persons made remarks against the goodwill and reputation of the Complainant Company and the defamatory statement by the Accused has made a bad impact on the Complainant Company and has harmed, disparaged, humiliated and injured the reputation of the Complainant Company. The said imputations contained very serious and utterly false allegation against the Complainant Company. The goodwill & reputation of the Complainant Company has been lowered down in the eyes of the general public at large.
38. That the above mentioned accused persons had got published through the show, false statement concerning the Complainant Company intending to harm and knowing and having reason to believe that such imputation will harm the reputation of the Complainant Company and have thus defamed the Complainant Company. Such imputation has directly and indirectly in the estimation of others, lowered the credit, goodwill and reputation of the Complainant Company.

39. That the acts and statement of the Accused persons are not covered by any of the exception u/s 499 IPC. Even otherwise, the burden of proving that any act is covered by the exceptions falls upon the Accused, which can only be done at the stage of trial, and the Court shall presume absence of it, as per Section 105 of Evidence Act.
40. That though Article 19 (a) of Indian Constitution guarantees freedom of expression, which include the freedom of press and publication but Clause 2 of Article 19 lays down certain embargo providing that right to freedom speech can be curtailed on ground of it being derogatory.
41. That the Complainant respectfully submits before this Hon'ble Court that the Complainant company is 'aggrieved' and has good fame and reputation.
42. That the facts and circumstances stated herein above clearly reveal that the Accused by words intended to be seen by visible representations have made and at their behest, published imputation concerning the Complainant intending to harm, knowing that such imputation will harm, the reputation of the Complainant, have committed the offence of 'Defamation' as defined in Section 499 IPC punishable u/s 500 IPC.
43. That Sh. Harsh Bhandari, who has been associated with the Complainant for the past many years, was in a meeting with the Authorized Representative of the Complainant at the office of the Complainant company at Bhikaji Cama Place,

there Sh. Harsh Bhandari watched the abovementioned Defamatory show and show, which was also seen by Authorized Representative of the Complainant.

44. From the said show, it was seen that Accused have published defamatory allegations against the Complainant.
45. On viewing the same, Sh. Harsh Bhandari confronted the Authorized Representative of the Complainant (*i.e. Senior Officer of the Complainant Company*), with the allegations leveled against the Complainant of involvement in such leaking of information and being called names, on which it was informed to the said Sh. Harsh Bhandari that there is no truth in the said allegations, but despite several explanations being offered, the version of the Complainant Company was not believed and the reputation of the Complainant Company has been tarnished. The said Sh. Harsh Bhandari questioned Complainant's credentials and about the credentials of the persons involved with the Complainant Company, and further unequivocally stated that he had no idea that the Complainant Company was such company which indulged in such frowned upon activities.
46. That said Sh. Harsh Bhandari further stated that he would reconsider his association with the Complainant Company and its people.
47. Upon the receipt of such queries / confrontation, it was a humiliating situation for the Complainant Company, and the reputation of the company has been lowered in the eyes of the

society, by the perception created in the minds of the people by the Accused.

48. The Complainant Company due to said vexatious, false and fabricated statement lost the respect and goodwill it held in the eyes of Sh. Harsh Bhandari and in the eyes of various others, and also in the eyes of public in general.
49. The imputations impugned have also lowered the reputation of Complainant in the estimation of others and have also affected its credit, suggesting that the activities of the Complainant are inappropriate and disgraceful.
50. It is further submitted that this Hon'ble Court has jurisdiction to try the present complaint of the Complainant, as the Defamatory show was published and watched within the jurisdiction of this Hon'ble Court, where the cause of action for filing the present complaint has taken place, hence this Hon'ble Court has jurisdiction to try, entertain and decide the present complaint. Further the defamatory allegation leveled by Accused was watched by Sh. Harsh Bhandari, who is situated within the jurisdiction of this Hon'ble Court, and confronted the Authorized Representative of the Complainant, which was a humiliating situation, which resulted in defamation of the Complainant, which act took place within the jurisdiction of this Hon'ble Court. Further, the consequences of the aforesaid acts of defamation of the Complainant have ensued within the jurisdiction of P.S. R.K.Puram, which in turn is within the jurisdiction of this

Hon'ble court, as the defamatory allegation was published & seen by various persons etc. within the said jurisdiction of P.S. R.K. Puram. Thus, the cause of action has arisen within the jurisdiction of this Hon'ble Court; therefore, this Hon'ble Court has the jurisdiction to entertain and adjudicate the present complaint.

51. It is submitted that the Complainant seeks to reserve the right to file further complaints/take action under civil and criminal law in the material quoted in the instant complaint and also on the instant defamatory show, as well as other material as and when the complainant becomes aware, as there are numerous cause of actions against the Accused/Associates/Channel.
52. That the present complaint has been filed in most bonafide and legal manner and in the interest of justice.

PRAYER:

In view of the aforesaid facts and circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

1. Pass necessary orders and directions thereby taking cognizance upon the present complaint and to summon, try and punish the Accused person in accordance with law for the commission of offence under Section 499/500 IPC;

AND

2. Pass any other order and directions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and in favour of the Complainant.

Place: NewDelhi

Dated:28.01.2020

Through

Complainant

Ayush Jindal

Advocates

A-12, Nariana Vihar,
Delhi-110028