

CRM-M-21531-2025

PANJ DARIA VIGILANT MEDIA PVT. LIMITED AND ANOTHER
VS.
STATE OF PUNJAB AND OTHERS

Present: Mr. Bipan Ghai, Senior Advocate
with Mr. Nikhil Ghai, Advocate
for the petitioners.

Prayer in the instant petition is for quashing of order dated 07.04.2025 (Annexure P-2) passed by learned JMIC, Ludhiana, whereby the learned Magistrate has disposed of an application filed by one Davinder Singh Kalra, under Section 3(1)(d) and 3(2)(b) of The I.T. (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 read with Section 90 of BNSS, 2023, by treating it as 'Public Interest Litigation', which was beyond the jurisdiction of learned Magistrate.

Learned senior counsel for the petitioner contends, *inter alia*, that the impugned order dated 07.04.2025 (Annexure P-2) passed by learned JMIC, Ludhiana, is without jurisdiction and suffers from grave infirmities, including violation of natural justice, assumption of powers not vested in the Magistrate, and a clear overreach of judicial authority.

Referring to the application annexed as Annexure P-1, it is submitted that the same was filed not by an aggrieved party or any person directly affected by the alleged online content, but by a third party claiming to be a social activist. Such an individual lacked *locus standi* to maintain the application, and the Magistrate could not have entertained it as a Public Interest Litigation, a jurisdiction exclusively reserved for

Constitutional Courts under Articles 226 and 32 of the Constitution of India.

It is further submitted that the Magistrate passed the impugned order (Annexure P-2) on the day the application was filed, without issuing notice to the petitioners or the concerned social media platforms. This denial of any opportunity of hearing constitutes a flagrant breach of the principles of natural justice, especially as the order adversely impacts the rights of the petitioner under Article 19(1)(a) of the Constitution.

Learned senior counsel also points out that the learned Magistrate, without any expert report or forensic input, concluded that the audio clip in question was ‘likely AI-generated’, and ‘digitally manipulated’.

Such technical findings made without requisite expertise or investigation are legally impermissible and reflect the learned Magistrate's unwarranted assumption of the role of an expert and investigator.

Moreover, the order not only targets specific URLs but also imposes a blanket prohibition on the dissemination of any ‘similar’ content in the future. This vague and overly broad restraint, lacking clear definition or scope, amounts to an unconstitutional prior restraint on free speech.

Finally, it is argued by the learned senior counsel that the statutory mechanism for content removal under The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which requires filing a complaint with the

Intermediary's Grievance Officer and, if needed, an appeal to the Grievance Appellate Committee, has been entirely circumvented, rendering the impugned order both procedurally irregular and legally unsustainable.

Notice of motion for 29.07.2025.

Meanwhile, the operation of the impugned order shall remain in abeyance till the next date of hearing.

April 24th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE