



\$~95

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 3616/2024

SANTANU SINHA

.....Petitioner

Through: Mr. Swarnendu Chatterjee, Ms. Amrita Sarkar, Mr. Yashwardhan Singh, Mr. Amit Haldar, Mr. Amit Kumar Roy, Ms. Harshita Rawat and Mr. Alli Abbas Masoodi, Advocates.

versus

THE STATE OF NCT DELHI AND ANR.Respondents

Through: Mr. Amol Sinha, ASC for the State.
SI Rahul, Tughlak Road
Mr. Siddharth Dutta, Mr. Pratyush Singh and Mr. Kardarp Raj Dipankar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

16.01.2026

CRL.M.A. 1629/2026

By way of the present application filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks a direction to respondent No. 2 to comply with and abide by his undertaking as recorded in order dated 03.03.2025, thereby seeking to restrain respondent No.2 from pressing further proceedings in criminal complaint bearing CC No.40097/2024.

2. Mr. Swarnendu Chatterjee, learned counsel appearing for the petitioner submits, that as would be seen on a combined reading of orders dated 28.01.2025 and 03.03.2025 alongwith Affidavits dated 27.01.2025 and 29.01.2025 filed by the petitioner, in the course of the



proceedings before this court, the petitioner undertook to take-down the Facebook posts made by him on 07.06.2024, 30.08.2024 and 04.09.2024 concerning respondent No. 2, in order to put a “*quietus to the dispute*”; and it was so recorded in order dated 28.01.2025.

3. It is submitted that pursuant to Affidavits dated 27.01.2025 and 29.01.2025 filed by the petitioner, the petitioner confirms that he has taken down all 03 posts; and in orders dated 28.01.2025 and 03.03.2025, this court also recorded the submission on behalf of respondent No.2, that they had verified that all 03 Facebook posts had been taken-down.
4. In this backdrop, counsel points-out that respondent No.2 gave the following undertaking before this court, as recorded in order dated 03.03.2025 :

“3.1 *He states on instructions that Respondent no. 2 undertakes to this Court that Respondent No.2 will seek an adjournment before the Trial Court on the next date of hearing and request for hearing in the complaint to be fixed for a date after the date in this matter.*

4. *The statement of Respondent No. 2 is taken on record and he is bound down to the same.”*

(emphasis supplied)

5. Furthermore in order dated 03.03.2025, this court also recorded the following:

“5. *In addition, the Petitioner is exempted from personal appearance before the Trial Court until further orders.”*

6. Learned counsel for the petitioner submits however, that notwithstanding the undertaking given to this court, respondent No.2



is now pressing the criminal complaint, by reason of which, *vidé* order dated 25.09.2025, the learned trial court has recorded as follows:

“Ld. Counsel for the complainant has placed on record the receipt of order dated 23.09.2025 wherein the Hon’ble High Court has stated that the grievances of the petitioner can be considered by the Trial Court. Moreover it is also noted that there is no stay on the present proceedings.”

(emphasis supplied)

7. Counsel submits, that the 03 posts were taken down on the clear understanding that respondent No.2 would not press the criminal complaint; but now, respondent No.2 is reneging on that understanding.
8. Issue notice.
9. Mr. Siddharth Dutta, learned counsel appears for respondent No.2 on advance copy; accepts notice; and submits that after having taken down the three Facebook posts dated 07.06.2024, 30.08.2024 and 04.09.2024, the petitioner has put-out a fourth derogatory Facebook postdated 30.08.2025, a copy of which was appended to CRL.M.A. No.28749/2025.
10. Learned counsel for respondent No. 2 states that since the post is in Bengali, an English translation of the Facebook post is also enclosed with the application; and perusal of it would show that it is derogatory of respondent. No. 2. However, Mr. Chatterjee disputes the correctness of the translation; and contends that there is nothing derogatory about respondent No. 2 in that post. In view of the submission made, the petitioner is directed to file, what according to



them, is the true English translation of the subsequent Facebook post dated 30.08.2025.

11. Let reply to the present application be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks thereafter; with copies to the opposing counsel.
12. For the record, since the matter arises from a criminal complaint alleging defamation under section 356 of the Bharatiya Nyaya Sanhita 2023, the State has no role in the matter.
13. However, considering the run of proceedings in the case, it is directed that in the meantime respondent No.2 shall remain bound by the undertaking given to this court as recorded in para 3.1 and 4 of order dated 03.03.2025.
14. Re-notify on 19th March 2026, the date already fixed.

W.P.(CRL) 3616/2024

15. Re-notify on 19th March 2026, the date already fixed.

ANUP JAIRAM BHAMBHANI, J

JANUARY 16, 2026/ak