



2025:DHC:11501



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

% ***Judgment Reserved on: 15.12.2025***
Judgment pronounced on: 18.12.2025

+ **FAO 346/2025, CM APPLs. 78829/2025 & 78831/2025**

IE ONLINE MEDIA SERVICES PRIVATE LIMITED.....Appellant

Through: **Mr. Nachiket Joshi and Ms. Chanan Parwani, Advocates.**

versus

NITIN BHATNAGAR & ORS.

.....Respondents

Through: **Mr. Trideep P., Sr. Advocate with Ms. S. Singh, Ms. Sakshi Jain, Mr. Nitesh Kumar Jha, Mr. Akshit Mago and Ms. E. Kashyap, Advocates for R-1.**

Ms. Apar Gupta, Ms. Avanti Deshpande, Mr. Naman Kumar and Ms. Indumugi C., Advocates for R-11.

Ms. Mamta Rani Jha, Ms. Shruttima Ehersa, Mr. Rohan Ahuja, Ms. Aishwarya Debadarshini, Ms. Jahanvi Agarwal, Advocates for R-10.

Mr. Manu Seth, Advocate for R-5 and R-6.

CORAM:
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.



2025:DHC:11501



1. The present appeal under Order XLIII rule 1(r) of the Civil Procedure Code, 1908 (the CPC), has been filed by defendant no. 2 in C.S. No. 510/2025 on the file of the learned Principal District and Sessions Judge, Patiala House Courts, New Delhi, aggrieved by the order dated 10.11.2025 by which the trial court allowed the application under Order XXXIX Rules 1 and 2 CPC filed by the plaintiff/respondent no. 1 herein.

2. In this appeal, the parties herein shall be referred to as described in the plaint.

3. Brief facts necessary for adjudicating the present appeal are: The plaintiff instituted the aforesaid suit seeking permanent and mandatory injunctions along with damages, *inter alia*, alleging that he is a professional banker with an unblemished career spanning over seventeen years, having worked with reputed international banking institutions, and that he enjoys a high standing and reputation in the society. In August 2023, the plaintiff



2025:DHC:11501



was arrested by the Directorate of Enforcement (the ED) in connection with proceedings arising out of alleged irregularities relating to M/s Moser Baer India Limited, pursuant to which several news reports were published by various media houses and digital platforms, including the defendants, reporting his arrest and associating his name with the alleged offence.

3.1. According to the plaintiff, although the impugned news reports were published at different points of time, they continued to remain accessible on digital platforms and search engines, thereby perpetuating an impression of guilt against him. The jurisdictional court discharged the plaintiff by finding that no *prima facie* case had been made out and that there was no legally admissible evidence linking the plaintiff to the alleged offence *vide* order dated 17.08.2024. However, despite such discharge, the impugned articles and reports continue to be hosted, indexed and circulated rendering them misleading and defamatory and causing harm to his reputation, dignity and professional prospects. Hence,



the plaintiff sought interim relief restraining the defendants from further publication or circulation of such content and directions of de-indexing and de-referencing of the impugned articles and URLs *pendente lite*.

3.2. The defendants on the other hand contended that there was no malice or intent to defame the plaintiff and that the right to freedom of speech and expression, as well as the public's right to be informed, could not be curtailed by an order of prior restraint. The defendants also contended that in respect of certain publications, updates reflecting the plaintiff's discharge had already been incorporated, thereby adequately balancing the reputational concerns. However, the plaintiff has approached the court by suppressing material facts and that no case of grant of interim injunction was made out, particularly in a defamation case, as the tests of *prima facie* case, balance of convenience and irreparable injury were not satisfied.



4. The trial court, *vide* the impugned order, granted interim relief to the plaintiff by taking note of the plaintiff's discharge in the criminal proceedings and concluded that the continuous availability and circulation of the impugned publications/articles/reports would cause irreparable harm to the plaintiff's reputation. The trial court also noted that the plaintiff had established a *prima facie* case and that the balance of convenience lay in his favour because the injury to the reputation cannot be adequately compensated by damages.

5. Aggrieved, defendant no. 2 has preferred the present appeal.

6. The learned counsel for defendant no. 2/appellant submitted that the suit is barred by limitation under Article 75 of the Limitation Act, 1963 (the Limitation Act), which prescribes a period of one year from the date of publication for an action in libel. The learned counsel would submit that the first and second



2025:DHC:11501



news reports were published on 27.10.2023 and 19.08.2024 respectively. However, the suit was filed only on 06.10.2025, which is beyond the prescribed limitation period. The learned counsel contended that mere continued availability of the archived content does not give rise to continuing cause of action, and subsequent updates reporting the plaintiff's discharge, being favourable to him, could not constitute a fresh publication so as to revive a time-barred claim.

6.1. It was submitted by the learned counsel that the impugned news reports constituted fair, accurate and *bona fide* reporting of judicial proceedings and actions of law enforcement authorities, based on official press releases and court orders and were protected by qualified privilege. It was submitted that every factual assertion in the reports was demonstrably true, including the plaintiff's arrest, prosecution, and subsequent discharge, and that truth is a complete defence to an action for defamation. The second defendant in exercise of their fundamental right under



2025:DHC:11501



Article 19(1) (a) of the Constitution had published the articles. The freedom of press is the freedom of the public to be informed about matters relating to public interest.

6.2. It was also pointed out that though the plaintiff alleges that the articles are defamatory, the plaint does not specify the actual part or the specific words which are alleged to be defamatory. Further, the alleged offending articles/materials are now stale and archival content and hence cannot be accessed by ordinary readers. The same is available or is accessible only to premium subscribers. It was further urged that the plaintiff's invocation of the '*right to be forgotten*' is misplaced as the said right is not absolute and must yield to public interest in maintaining accurate historical records. The right to be forgotten' cannot be exercised in a manner which would amount to rewriting of history or creating a false narrative.



6.3. It was lastly contended by the learned counsel for defendant no. 2 that the trial court fundamentally erred in its approach to the question of balance of convenience by treating it as a contest between the inconvenience of the plaintiff and that of the defendants. It was urged that such a formulation is flawed in law, as defendant no. 2 is a member of the press discharging its constitutional role of informing the public about the functioning of statutory authorities and judicial proceedings. The learned counsel would further urge that any restraint on publication directly prejudices the readers' right to know and the larger public interest, and that the balance of convenience, when viewed from this perspective, lies decisively against the grant of interim injunction.

7. Respondents no. 2, 5, 6 and 11 adopted the arguments of the appellant/second defendant.

8. *Per contra*, it was submitted by the learned senior counsel for the plaintiff by supporting the impugned order that the



2025:DHC:11501



challenge raised by defendant no. 2 proceeds on an incorrect understanding of the reliefs sought in the suit. It was submitted that the plaint contains two distinct and independent sets of prayers, one founded on defamation and the other on the plaintiff's right to privacy, dignity, and the right to be forgotten. The learned counsel contended that the prayers premised on the right to be forgotten are not governed by the traditional limitation applicable to actions in libel, and are, at best, subject to the doctrine of laches. It was urged that the prayers pertaining to "right to be forgotten" do not depend upon a prior adjudication of defamation, and that the plaintiff is entitled to maintain such reliefs independently once the criminal proceedings against him have culminated in exoneration.

8.1. The learned counsel emphasised that this is not a case where the plaintiff was discharged on a technical ground, but one where the entire criminal proceedings against the plaintiff were found to be baseless and stood dismissed. It was submitted further that the plaintiff was discharged on 17.08.2024 and, thereafter, the



2025:DHC:11501



entire case was dismissed on 24.07.2025, and neither order has been stayed nor set aside by any court. C.S. No. 510/2025 was instituted on 06.10.2025, shortly thereafter. It was urged that the plaintiff has acted with due diligence and vigilance, and therefore neither limitation nor laches can be invoked to defeat the reliefs sought on the grounds of right to be forgotten. The continued online availability of the impugned articles after such exoneration perpetuates a stigma and violates the plaintiff's right to live with dignity under Article 21 of the Constitution of India (the Constitution).

8.2. To augment the contention of the right to be forgotten, the learned counsel placed reliance on the dictum of the Constitution Bench judgment of the Apex Court in **K.S. Puttaswamy & Anr. v. Union of India & Ors., (2017) 10 SCC 1**, to submit that the right to privacy is a fundamental right encompassing an individual's control over dissemination of personal data, including on the internet. It was urged that while



such right is not absolute and must be balanced against freedom of expression, once criminal proceedings have ended in exoneration, continued digital dissemination of content associating an individual with criminal allegations ceases to serve any legitimate public interest and must yield to the individual's right to dignity. The learned counsel submitted that this balancing exercise has also been authoritatively articulated by the High Court of Kerala in **Dejo Kappan v. Deccan Herald, (2024) 6 KLT 279**, wherein it was held that in a conflict between the media's right under Article 19(1) (a) of the Constitution and an individual's dignity and reputation traceable to Article 21 of the Constitution, the former stands correspondingly delimited and, in appropriate cases, must yield to the latter.

8.3. The learned counsel further relied on the decision of this Court in **Jorawer Singh Mundy v. Union of India & Ors., W.P.(C) 3918/2021, order dated 12.04.2021**, to submit that even at an interim stage, courts have granted protection to individuals



2025:DHC:11501



who stand acquitted, in order to prevent irreparable prejudice to their social life and career prospects caused by continued online availability of adverse material. Reliance was also placed on **Rakesh Jagdish Kalra v. India Today Group, 2024 SCC OnLine Del 5113**, wherein it was observed that once an accused has been discharged or honourably acquitted, the shadow of criminal accusation cannot be permitted to follow him for life, as it would offend the right to live with dignity under Article 21 of the Constitution.

8.4. It was further contended that the mere addition of a small/short “update” or clarification does not undo the reputational harm caused by the dominant narrative of the impugned publications. The headlines, body of the articles, and repeated association of the plaintiff with serious allegations continue to stigmatise him, notwithstanding such updates. It was urged that the plaintiff was neither a principal accused nor named in the complaint and was referred to only in the context of his arrest, nor



therefore the continued prominence of such reportage is disproportionate and unjustified.

8.5. On the question of balance of convenience, the learned counsel submitted that the prejudice caused to the plaintiff by continued online availability of the impugned articles far outweighs any inconvenience to defendant no. 2. It was urged that the relief sought pertains only to a limited number of articles concerning individuals who stand exonerated and does not amount to a blanket restraint on press freedom. Reliance was placed on the dictum of **Teva Pharmaceutical Industries Ltd. v. Natco Pharma Ltd., 2014 SCC OnLine Del3373**, to submit that even if pleadings are not artfully worded, substantive rights expressly housed in the plaint ought not to be defeated on technical grounds, particularly when denial of relief would cause greater prejudice to one party.



8.6. The learned counsel lastly submitted that the scope of interference under Order XLIII Rule 1(r) CPC is limited, and an appellate court ought not to substitute its own discretion for that of the trial court unless the impugned order is shown to be arbitrary, capricious, or perverse. Reliance was placed on **Wander Ltd. v. Antox India Pvt. Ltd., 1990 Supp SCC 727**, to contend that the trial court exercised its discretion in a judicial manner after weighing the competing rights under Articles 19(1)(a) and 21 of the Constitution. It was urged that the impugned order does not suffer from perversity and calls for no interference.

9. Heard both sides.

10. On perusal of records, it is apparent that it is not in dispute that the plaintiff was arrested by the ED in August 2023 and that the impugned news reports were published contemporaneously reporting such arrest of the plaintiff. It is also undisputed that the plaintiff was discharged *vide* order dated



2025:DHC:11501



17.08.2024. The ED is stated to have preferred appeal against the same on 24.09.2024. The entire complaint stands dismissed by the trial court on 24.07.2024. However, the publication, circulation and indexing of the impugned articles continued even after the plaintiff was discharged from the said criminal proceedings.

11. The principal issues that fall for determination before this Court are:

- (a) Whether the reliefs sought by the plaintiff, insofar as they are premised on the right to be forgotten, are liable to be defeated at the threshold on the ground of limitation; and
- (b) Whether the discretion exercised by the trial court in balancing the competing rights under Articles 19(1)(a) and 21 of the Constitution warrants interference by this Court in exercise of jurisdiction under Order XLIII Rule 1(r) CPC.



12. According to defendant no.2, the present suit has been filed after the expiry of more than a year of the publication of the alleged defamatory articles, which obviously is beyond the period prescribed under Article 75 of the Limitation Act and hence the suit is liable to be dismissed *in limine*.

12.1. On going through the plaint, I find it contains distinct prayers, including the plaintiff's right to privacy, dignity and right to be forgotten, apart from the claim for damages for defamation/libel. Defendant no.2 has no case that the other reliefs sought for in the plaint are also barred by limitation, though they have a case that the plaintiff is not entitled to the same. The question whether the plaintiff is entitled to the reliefs sought is an entirely different question, which can be decided based on the materials produced by the parties during the trial of the case. It is evident from the records that the plaintiff has approached the civil court shortly after the culmination of the criminal proceedings in his favour. In such circumstances this Court is unable to accept the



2025:DHC:11501



contention of defendant no. 2 that the suit is barred by limitation as per Article 75 of the Limitation Act.

13. As far as the second issue is concerned, the decision of a Larger Bench of the High Court of Kerala in **Dejo Kappan** (*supra*) (of which Bench I was also a member) has squarely addressed the conflict between the freedom of press and right to dignity. It has been held in unequivocal terms that while the media enjoys freedom of speech and expression under Article 19(1)(a) of the Constitution, such right is not absolute and stands correspondingly delimited by the right of an individual to dignity and reputation traceable to Article 21 of the Constitution. It has been observed that in appropriate cases, particularly where continued dissemination of content results in disproportionate harm to an individual, the right under Article 19(1)(a) of the Constitution must yield to the right under Article 21 of the Constitution.



2025:DHC:11501



14. Applying the aforesaid principles to the present case, this Court finds that the trial court has not imposed any blanket or preemptive restraint on journalistic activity. The impugned order is narrowly tailored and confined to the continued availability and circulation of specific articles relating to the plaintiff, after the criminal proceedings against him have culminated in exoneration. While reporting of arrests and investigations may serve public interest at the relevant time, the perpetual digital availability of such materials, even after the factual foundation has ceased to exist, raises serious concerns of enduring reputational harm and stigma.

15. The submission by the learned counsel for defendant no. 2 that the incorporation of updates reflecting the plaintiff's discharge sufficiently balances reputational concerns cannot be accepted at this stage. As noticed by the trial court, the mere addition of a brief/short clarification at the bottom of the alleged



offending articles does not necessarily neutralise the dominant narrative or the continuing impact of the original publication.

16. On the question of balance of convenience, this Court is in agreement with the approach adopted by the trial court. The balancing exercise is not to be reduced to a comparison of inconvenience between the litigating parties alone, but must be viewed through the prism of constitutional proportionality. The inconvenience, if any, to defendant no. 2 is limited and reversible, whereas the prejudice to the plaintiff's dignity, reputation and professional life is immediate and irreparable. As has been held by this court in its earlier decisions relying on the dictum in **K.S. Puttuswamy** (*supra*), 'the right to be forgotten' and the 'right to be left alone' are inherent aspects of a person's right to privacy. Even going by the case of defendant no. 2 -*"Content uploaded on the websiteindianexpress.com marked "ARCHIVAL" is stale content, and if marked PREMIUM is not accessible to any ordinary reader. It is behind a paywall."* If that be so, the interim relief granted,



2025:DHC:11501



will in no way affect their interest. The relief granted is interim in nature and subject to final adjudication of rights, thereby preserving the media's freedom while containing ongoing harm.

17. For the foregoing reasons, this court finds no infirmity in the impugned order that had been passed by the trial court calling for an interference by this Court.

18. In the result, the appeal *sans* merit is, thus, dismissed. Applications, if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

DECEMBER 18, 2025/RN