

IN THE COURT OF ILL-AQUA MAGISTRATE,

JALANDHAR, PUNJAB.

**ABHISHEK BHARDWAJ aged about 29 years old S/O
RAJESH BHARDWAJ R/O 304 L MODEL TOWN,
JALANDHAR, PUNJAB. OFFICE ADDRESS- RAMA
MANDI CHOWNK. NEAR GANPATI SWEETS AND
BAKERS**

.....Complainant

Versus

- 1. Carry Minati alias Ajey Nagar R/o Faridabad,
Haryana, e[mail-workforcarry@gmail.com](mailto:email-workforcarry@gmail.com).**
- 2. Authorised Representative of Facebook
HAVING ITS REGISTERED OFFICE AT One
BKC, Bandra Kurla Complex, Bandra (E),
Mumbai, India 400051**
- 3. Authorised Representative of Youtube HAVING
ITS REGISTERED OFFICE AT Google**

**Mumbai, FIFC, Level 7,Unit 701, Plot no
C-54/55,G-Block, Bandra Kurla Complex
Rd,Bandra East, Mumbai, Maharashtra
400051.**

**4. Authorised Representative of Instagram
HAVING ITS REGISTERED OFFICE AT One
BKC, Bandra Kurla Complex,Bandra (E),
Mumbai, India 400051.**

**5. COMMISSIONER OF POLICE, JALANDHAR,
PUNJAB.**

.....Respondents

P.S.-RAMA MANDI, Jalandhar, Punjab.

**APPLICATION U/s 156 (3) of Cr.P.C. for issuing
directions to the respondent no 5 for registration
of the FIR against the respondent no 1 to 4 under
section 67,67-A, OF I.T.ACT. AND UNDER
SECTION 354,509,292,293,294,120-B OF INDIAN
PENAL CODE AND UNDER SECTION 3/6/7 OF**

INDECENT REPRESENTATION OF WOMEN

ACT, 1986.

Sir,

It is respectfully submitted as under:-

- 1. That complainant is a practicing lawyer at District Courts Jalandhar and besides that he is an R.T.I. activist and also represents government panel. The complainant is very active in social causes and spear heads campaigns against corruption in the society and complainant had filed number of writ petitions in Hon'ble High court highlighting the social causes.**
- 2. That the accused no-1 is the you-tuber and he is running his youtube channel namely Carryminati, carry is live on Instagram, youtube and Facebook and he has many youngsters and other persons as subscribers and followers and he upload many videos on his youtube channel and he also used to come live on his above said youtube channels and on Facebook.**

3. That the accused no-1 is using abusive and vulgar language in his videos to gain popularity and due to the above said abusive and vulgar language used by the accused no-1, that has created very bad impact over the youngsters of India and this will encourage the youngsters of India to use such abusive & vulgar language in their schools, private places and in the house in front of the parents and other relatives and that will effect their future and future of our country.

4. That it is also pertinent to mention here that Ajey Nagar alias Carry minati accused no-1 is involved in number of controversies and he has tendered an apology for insulting Hindu sentiments in his latest YouTube video after filing of complaint against him. That accused no-1 carry minati have no respect for law and he is using abusive, derogatory and objectionable words in his videos and live sessions without any fear of law.

5. That by way of using abusive and vulgar language accused no-1 Ajey Nagar alias Carry minati wants to gain popularity and he had succeeded in his such master plan and he had increase his followers and subscribers by doing this illegal

act , but the effect of using these kind of language on social media platforms effect the future of the youngsters of India.

6. That by using abusive and objectionable language accused no-1 has attracted the youth of India towards him and main purpose of accused no-1 was to gain popularity and to earn money from his objectionable acts.

7. That the abusive words used by accused no-1 carry minati on social media platforms are objectionable, derogatory and same amounts to criminal offence. That youtube videos in which abusive, objectionable words are used same are attached

8. That all the videos in which abusive words, derogatory and objectionable words are used by accused no-1 i.e carryminati and by his fellow companions, same are also available on youtube, Facebook and on other social media platforms.

9. That accused no-1 i.e carryminati is famous you-tuber now days , and he has the ability to influence the youngsters of India, that the way he use abusive and objectionable language on social media platforms, that will effect the young generation children as they will learn what he will speak over social media platforms. That will effect the future of the young children.

10. That such kind of videos should not be allowed to be posted on Facebook, Instagram, youtube. But to earn money , social media platforms such as accused no 2 , 3 and 4 are promoting these kind of you tubers to post such videos on their respective page, channels. That action should be taken against the representatives of face-book, Instagram, youtube who are responsible for promoting such videos and who allow these you tubers to post such derogatory content online. That all the videos posted are against the rules and regulations and same are liable to be removed and same are against the privacy rules

11. That it is very much necessary to take legal action against the accused no-1 i.e carryminati and his fellow companions,

and action should be taken against accused no 2,3, and 4 i.e authorised representative of Facebook, youtube, Instagram , and these kind of videos is liable to removed and stopped from uploading, if it is not done so, than in that event the youngster of the India will fell in the immoral hose and they will also forget the respect of the family members, relatives and other elder persons and this will also promote Crime among youngsters.

12.The use of social media is the most common trend among the activities of today's people. Social networking sites offer today's teenagers a platform for communication and entertainment. They use social media to collect more information from their friends and followers. The vastness of social media sites ensures that not all of them provide a decent environment for children. In such cases, the impact of the negative influences of social media on teenage users increases with an increase in the use of offensive language in social conversations. This increase could lead to frustration, depression and a large change in their behaviour.

13. That the complainant came to know about various shameful and outrageous roasts of a Youtuber CarryMinati @AjeyNagar on 25/12/2021. There are very vulgar and outrageous language is used about the women fraternity on his Facebook and Youtube Channel. The language being used by the accused is so cheap. That the language used by accused no 1 is indecent, derogatory , denigrating, is likely to deprave, corrupt or injure the public morality or morals.

14. That the Hon'ble Supreme court of India in 'Lalita Kumari versus Govt. of UP and others' reported in 2014 Supreme Court Page 187 decided by the Constitution Bench of 7 Judges clearly stated the action to be taken as per the law while scanning and scrutinizing the scope and parameter of Chapter XII of Cr.P.C. that promptly the FIR should be registered and thereafter taken to a logical end. Still further there are exception clauses for which the court has opined that for seven days only, enquiry can be conducted in case the officer remain unable to enquire into the matter, then there is no option but to go ahead with the investigation after registering the FIR and any deviation from the directions issued by the Hon'ble Supreme court of India

would be dealt with severally and the erring officers can be dealt with due to such mis-conduct. In that case, the Hon'ble Supreme court of India has clearly scanned and scrutinized the provisions of Section 154 Cr.P.C. and its scope.

15. That the investigating officer was duty bound to record FIR against the respondent but fail to comply with the directions laid down by the Apex court in the judgement titled Lalita kumari versus Govt of U.P and others S.L.P .(CRL) NO . 5986 OF 2006. That the guidelines laid down by Apex Court are reproduced here under-

- I. Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.*
- II. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.*
- III. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must*

disclose reasons in brief for closing the complaint and not proceeding further.

- IV. The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence.*
- V. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.*
- VI. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:*
- (a) Matrimonial disputes/ family disputes (b) Commercial offences*
 - (c) Medical negligence cases*
 - (d) Corruption cases*
 - (e) Cases where there is abnormal delay/laches in initiating criminal prosecution, for example, over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.*
- VII. While ensuring and protecting the rights of the respondent and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.*

VIII. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

13. That the complainant is residing at the above mentioned address, which comes under the jurisdiction of this Hon'ble court hence this Hon'ble court has the jurisdiction to entertain, try and decide the present complaint.

14. That the Hon'ble court has ample jurisdiction to issue directions to the police to register a criminal case as held in 2008(1)RCR CrI. 392 S.C.

15. That a requisite court fees has been affixed on the complaint.

16. That the complainant move a complaint to the commissioner of police, Jalandhar through e mail on dated 27.12.2021 against all the accused but the

respondent no 5 I.e commissioner of police failed to do so.

17.That the accused No.1 is influential persons, enjoying political patronage and as such the police did not take any action against her. As such, the applicant has approached the Hon'ble court.

18.That investigating officer never called the complainant to join the investigation and never bother to inform the complainant about the proceedings of the matter. That the police officials are under pressure of the respondent no-1.

19.That complainant believes in our Constitution and cherishes the principles enshrined therein which provides for justice and equality for each and every citizen of the country.

20.That the said act of the Accused No. 1 is uncalled for, specially from someone who has a huge media following and is a famous youtuber the.

It is therefore, respectfully prayed that the APPLICATION U/s 156 (3) of Cr.P.C. for issuing directions to the respondent no 5 for registration of the FIR against the respondent no 1 to 4 under section 67,67-A, OF I.T.ACT. AND UNDER SECTION 292,293,294,120-B OF INDIAN PENAL CODE MAY KINDLY BE ALLOWED , so that accused persons can be punished according to law and justice be provided to the applicant and, in the interest of justice.

AFFIDAVIT ATTACHED

DATED-

PLACE-

APPLICANT IN PERSON

ABHISHEK BHARDWAJ

(ADVOCATE)

IN THE COURT OF ILL-AQUA MAGISTRATE,

JALANDHAR, PUNJAB.

ABHISHEK BHARDWAJ S/O RAJESH BHARDWAJ R/O

304 L MODEL TOWN, JALANDHAR, PUNJAB. OFFICE

ADDRESS- RAMA MANDI CHOWNK. NEAR GANPATI

SWEETS AND BAKERS

.....Complainant

Versus

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INDECENT REPRESENTATION OF WOMEN
ACT, 1986.**

AFFIDAVIT

I, ABHISHEK BHARDWAJ S/O RAJESH

BHARDWAJ R/O 304 L MODEL TOWN,

JALANDHAR, PUNJAB. OFFICE ADDRESS-

RAMA MANDI CHOWNK. NEAR GANPATI

SWEETS AND BAKERS do hereby solemnly affirm

and declare as under :

- 1. That complainant is a practicing lawyer at District Courts Jalandhar and besides that he is an R.T.I. activist and also represents government panel. The complainant is very active in social causes and spear heads campaigns against corruption in the society and complainant had filed number of writ petitions in Hon'ble High court highlighting the social causes.**
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It is therefore, respectfully prayed that the APPLICATION U/s 156 (3) of Cr.P.C. for issuing directions to the respondent no 5 for registration of the FIR against the respondent no 1 to 4 under section 67,67-A, OF I.T.ACT. AND UNDER SECTION 354,509,292,293,294,120-B OF INDIAN PENAL CODE AND UNDER SECTION 3/6/7 OF INDECENT REPRESENTATION OF WOMEN ACT, 1986. MAY KINDLY BE ALLOWED , so that accused persons can be punished according to law and justice be provided to the applicant and, in the interest of justice.

DEPONENT

VERIFICATION

Verified at Jalandhar on. that the contents of the affidavit are true and correct to the best of my knowledge and no material fact is concealed therein.

DEPONENT

