

Hybrid hearing is conducted.

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CT NO. / 135/2025

OFB TECH PVT LTD Vs. Slowform Media Pvt Ltd

PS Hauz Khas

24.12.2025

Present : Ms. Lisa Ld. Counsel for complainant through VC.
Ms. Tanya Singh Ld. Counsel for proposed
accused no. 1 to 4 through VC.

1. The present complaint has been instituted by OFB Tech Pvt. Ltd. under Sections 223 read with Section 210 of the Bharatiya Nagarik Suraksha Sanhita, 2023, alleging commission of offences punishable under Sections 356 and 61 of the Bharatiya Nyaya Sanhita, 2023, on account of publication and circulation of a false, defamatory and malicious news article by the proposed accused persons through electronic media. It is the case of the complainant that accused No.1 is a media company running the digital platform “The Morning Context”, whereas Accused Nos. 2 to 5 are its Editor-in-Chief, Editor (Investigations), author of the impugned article and Directors respectively, who exercised editorial, managerial and supervisory control over the content published on the said platform. It is the case of the complainant that the grievance of the complainant arises from publication of a news article dated 07.10.2024, titled “OfBusiness co-founders and management allegedly assaulted an employee, says FIR”, wherein serious criminal allegations including kidnapping, physical assault, extortion and intimidation

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were leveled against the complainant company and its promoters. It is the case of the complainant that the impugned article dt. 07.10.2024 was published without conducting due diligence, independent verification or fact-checking, and without seeking or fairly presenting the complainant's version despite written correspondence exchanged prior to publication. It is the case of the complainant that the impugned article travelled much beyond the contents of the FIR and contained sweeping remarks and insinuations concerning the complainant's work culture, business model, valuation, IPO prospects and internal corporate functioning, which were neither the subject matter of the FIR nor supported by any verified material. It is the case of the complainant that the complainant informed the accused persons that the matter was under investigation and that disclosure of details would jeopardize the process but the accused persons proceeded to publish the impugned article in disregard of such communication, thereby exhibiting recklessness and disregard for journalistic responsibility. It is further argued that the complainant alongwith its directors has earlier filed a civil suit before the Hon'ble High Court of Delhi in the matter titled as "Ashish Mohapatra Vs Slowform Media Pvt Ltd", CS (OS) 825/2024 for the same impugned article dt. 07.10.2024 and sought the relief(s) of declaration, permanent injunction and mandatory injunction alongwith the damages and compensations on account of defamation inter alia for restraining the accused

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persons from making/publishing/circulating or causing to be made publish or circulated any malicious, defamatory material against the complainant company and its directors /promoters and vide order dated 15.10.2024 passed by the Hon'ble High Court of Delhi, the impugned article was prima facie found to be defamatory and directions were issued restraining the accused persons from publishing, circulating or re-sharing the said content and were also directed to takedown/remove the impugned article. It is further the case of the complainant that the impugned article and its extracts were aggressively circulated and re-shared by the accused persons on multiple social media platforms, including LinkedIn, thereby multiplying its reach and impact and subjecting the complainant and its promoters to public ridicule, reputational harm and mental harassment. It is further the case of the complainant that the timing of publication shows the malafide intention of the accused persons as the article was published during the time when the complainant company was in the process of launching its Initial Public Offer (IPO), and the sole purpose of the impugned publication was intended to damage investors' confidence, market standing and goodwill of the complainant's company which was built over years. It is further the case that accused No.1 is the owner and operator of the digital media platform "The Morning Context" on which the impugned article dated 07.10.2024 was published. It is further the case that proposed Accused No.2 namely Ashish Kumar

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Mishra is the Editor-in-Chief of “The Morning Context” and was responsible for overall editorial control, approval and supervision of content published on the platform. It is further the case that Accused No. 3 namely Abhir Das Gupta is Editor (Investigations) and Author of Impugned Article dt. 07.10.2024. It is further the case that proposed accused No.4 namely Priya Bubna and proposed accused no. 5 namely Surender Thrimurthy are Directors of Accused No.1 and are stated to exercise managerial and policy-level control over editorial functioning of the platform. It is further the case that proposed Accused No.4 is involved in decision-making regarding publication strategy and dissemination of the impugned content and she actively participated in and permitted the publication of the impugned article through digital and social media platforms. It is further the case that the material on record prima facie shows that proposed Accused No.5 Surender Thrimurthy was aware of the nature of allegations contained in the impugned article and nevertheless allowed its publication and continued circulation. It is further argued that at this stage, this Court is not required to test the veracity of rival versions or conduct a meticulous examination of evidence and the scope of consideration at this stage is confined to whether the allegations, taken at face value, disclose the commission of offence and accordingly, the present complaint merits consideration and continuation in accordance with law.

2. Ld. counsel for proposed accused persons no. 1 to 4

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argued on the point of cognizance and stated that the essential ingredients of defamation is missing in the impugned article as the impugned article was published on the basis of an existing FIR/document and the statements available in the public domain and the article speaks about the tenets of investigation, presumption of innocence etc. It is further argued that in the present case the complainant has heavily relied upon the order of the Hon'ble High Court of Delhi but it is a settled law that the findings in civil proceedings are not binding upon criminal courts and criminal courts must independently must assess whether the ingredients of a criminal offence is satisfied or not. It is further argued that in the present case the complainant has arbitrarily arraigned the Directors and the Editor-in-Chief as a party to the said complaint but their specific roles/specific allegations qua them is missing in the present case. It is further argued that in the present case the issuance of process must be postponed as all the accused persons lives beyond the territorial jurisdiction of this Court and it is further stated that the present court does not have the jurisdiction to try the case as all the proposed accused persons are resident of Mumbai and also the impugned article is published from Mumbai. It is further argued that the said article is not defamatory as they have repeatedly used disclaimers such as 'allegedly' and 'claimed' which demonstrates caution and adherence to responsible journalism, thereby negating allegation of malice or reckless in this regard for truth. It is further argued

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that the present complaint is devoid of merits and must be dismissed.

3.(a) At the outset, it is settled law that at the stage of taking cognizance and issuance of process, the Court is required to examine only whether the allegations made in the complaint, if taken at face value and accepted in entirety, disclose the commission of an offence and the Court is neither required to conduct a meticulous examination of evidence nor to adjudicate upon the veracity of rival versions and the defences available to the accused are matters for trial and cannot ordinarily be adjudicated at this stage. The threshold for taking cognizance is therefore limited and preliminary in nature. In the present case, the complainant has placed on record the impugned article dt. 07.10.2024 published by the accused persons, which attributes serious criminal allegations against the complainant company and its promoters and, prima facie, travels beyond mere reproduction of an FIR by incorporating sweeping observations and insinuations touching upon the complainant's work culture, business practices, valuation and corporate credibility and a prima facie reading of the impugned article, if accepted at face value, reveals imputations which have the potential to adversely affect and lower the reputation and goodwill of the complainant company in the eyes of the public at large. The material placed on record further indicates that the publication was widely circulated and amplified through digital and social media

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platforms, thereby increasing its reach and potential impact on the complainant's reputation and the plea regarding absence of mens rea, vicarious liability and applicability of exceptions to defamation are defences available to the accused, which require evidence and cannot be adjudicated conclusively at this stage.

b) At this stage, the defence contention that the article uses expressions such as “allegedly” and is based on an FIR cannot be conclusively examined, as the overall tenor, context and impact of the publication are matters to be tested during trial. Whether the imputations fall within permissible journalistic reporting or cross the threshold into criminal defamation involves mixed questions of fact and law, which cannot be conclusively determined at the stage of cognizance. Further use of disclaimers, by itself, does not ipso facto absolve criminal liability if the overall tenor and content of the publication is alleged to be reckless or malicious and these aspects shall only be examined during a trial. Further in the present case the accused had argued that the finding in the civil proceedings before the Hon’ble High Court of Delhi is not binding in the present case, however in the present case the complainant has relied upon the order of the Hon’ble High Court of Delhi only as a corroborative circumstances to show prima facie defamatory nature of the publication. Here, it is pertinent to mention that the Court has independently examined the allegations in the complaint and the cognizance taken herein is not based solely on findings in civil

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proceedings but on the averments made in the complaint and the material placed on the record.

(c) Further, the objection of the proposed accused persons that all proposed accused reside outside the territorial jurisdiction of this Court and that the impugned article was published from another city does not hold any ground as in light of new law laid down in BNSS i.e. proviso Section 223 BNSS, the court has given them sufficient opportunities to address on point of cognizance. Further in cases involving online publications and electronic media, the cause of action is not confined to the place of origin of the publication but extends to all places where the impugned content is accessed, read, and causes reputational harm. In the present case the complaint specifically alleges that the defamatory article was accessed, read and circulated within the territorial jurisdiction of this Court, and that the reputational harm occasioned thereby was suffered herein and at this stage such averments are sufficient to assume jurisdiction.

(d) Further, it is a settled position of law that in cases of criminal defamation, a Director or officer of a company can be prosecuted only where the complaint contains specific averments attributing knowledge of the impugned content, control over publication, authorization, consent, or active participation in the

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publication of the alleged defamatory material. Mere designation or holding of an office, without such specific role being pleaded, is insufficient to attract criminal liability. In the present case, the complaint contains specific allegations attributing editorial, managerial, supervisory, and decision-making roles to proposed Accused Nos. 1 to 4, namely Slowform Media Pvt. Ltd., Ashish Kumar Mishra, Abhir Das Gupta, and Priya Bubna, in relation to the publication and dissemination of the impugned article and the averments, if taken at face value, prima facie indicate their knowledge of, control over, and participation in the publication of the impugned content. However, as regards proposed Accused No. 5, namely Surender Thrimurthy, the complaint does not disclose any specific role, act, or omission demonstrating his knowledge of the impugned publication, or his control over the editorial process, or his authorization, consent, or active participation in the publication or continued circulation of the alleged defamatory article. In the absence of such specific averments, this Court is not satisfied that a prima facie case is made out against proposed Accused No. 5 at this stage.

4. Hence, upon a prima facie assessment of the complaint, documents on record and the sworn statements, this Court is satisfied that the essential ingredients of the offence of criminal defamation are disclosed and sufficient grounds exist to proceed further and to take cognizance of offence u/s 356 BNS

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qua accused persons namely Slowform Media Pvt. Ltd., Ashish Kumar Mishra, Abhir Das Gupta, and Priya Bubna.

5. Put up for appearance of accused persons/furnishing of bail bonds/further proceedings on 09.01.2026.

(Sukhjeet Singh)
JMFC-06, South/Saket, Delhi
24.12.2025