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

+ **W.P.(CRL) 437/2018**

SEEMA SAPRA

..... Petitioner

Represented by: Petitioner in person.

versus

UNION OF INDIA & ORS

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.03.2018

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1. Petitioner had filed a petition before the Hon'ble Supreme Court of India praying for the following reliefs:

“(i) Issue a writ of Mandamus to Respondents 1,2,3 and 4 to ask Google, i.e., Respondents 5 and 6 to immediately remove this anonymous blog from Blogger as it violates the right to life and other fundamental rights of the petitioner-whistleblower and complainant of sexual harassment;

(ii) Issue a writ of Mandamus to Respondents 1,2,3 and 4 to inquire and investigate as to who created and procured the creation of this anonymous blog titled “Seema Sapra Alert” and published at <http://seemasapraalert.blogspot.in/>

(iii) Issue a writ of Mandamus to Respondents 1,2,3 and 4 to inquire and investigate into the use of the email address seemasapraalert@gmail.com and its use to target the petitioner who is a whistleblower against General Electric Company and a complainant of sexual harassment and sexual assault against Soli J Sorabjee;

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(iv) *Direct the Respondents 3 and 4 to register FIRs against the creators and procurers of this blog and the associated email ID for the crimes committed against the petitioner listed hereinabove in the writ petition and to investigate these crimes in accordance with law and to bring criminal charges against all those involved in procuring, abetting and committing these crimes against the petitioner;*

v) *Direct the respondents 1,2,3 and 4 to take legal action against the violation of the petitioner's right to life and her other fundamental rights by the creators and procurers of this anonymous blog;*

(vi) *To pass such other orders and further orders and to issue such other and further writs as may be deemed necessary on the facts and in the circumstances of the case."*

2. The said writ petition was transferred by the Hon'ble Supreme Court to this Court vide order dated 29th January, 2018. Since the petitioner had filed the petition as a civil writ petition before the Hon'ble Supreme Court, the same was listed on 8th February, 2018 as a civil writ petition, when the Roster Bench noted that in view of the prayers particularly prayer clauses (ii), (iii), (iv) and (v) the writ petition cannot be presented or registered as a civil writ petition and should be registered as criminal writ petition. Hence the writ petition was registered as writ petition criminal and placed before this Court.

3. Apprehension of the petitioner is limited to the extent that treating the present writ petition as criminal writ petition should not come in the way of her seeking primary reliefs as prayed in Clauses (i), (ii), (iii) and (v) on the objections of the respondents in the garb that the present writ petition is a criminal writ petition and hence no reliefs as prayed for in prayer clause (i), (ii), (iii) and (v) can be granted.

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4. Article 226 of the Constitution of India provides for the remedy of writ jurisdiction before the High Court which does not classify a writ petition as civil or criminal. If a party is entitled to maintain a petition under Article 226 of the Constitution of India for the reliefs prayed, it cannot be non-suited on the ground that a civil writ petition has not been filed. It is thus clarified that merely because of the nomenclature of the writ petition the reliefs prayed cannot be circumscribed.

5. Petitioner who appear in person states that she has no faith in action by respondent No. 3.

6. Issue notice to the respondent No.1 and 2 through the Standing Counsel (UOI) returnable on 27th April, 2018.

7. Petitioner states that she be permitted to serve respondent No.6 by email or dasti process. Notice be also issued to respondent No.6 on the petitioner taking steps through dasti process returnable on 27th April, 2018.

8. Since the official e-mail address of the respondent No.5 is not given and the e-mail address given in Para 64 of the petition is of the CEO, respondent No.5 is directed to be served through the e-mail address of the Legal Head of the respondent No.5 to be provided by the petitioner.

MUKTA GUPTA, J.

MARCH 09, 2018
‘ga’

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