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

+ CS(COMM) 240/2023 & I.A. 18184/2023

RED CHILLIES ENTERTAINMENTS PVT LTD

..... Plaintiff

Through: Mr. Rajshekhar Rao, Sr. Adv.
with Mr. Nizamuddin Pasha, Mr. Parag
Khandhar, Ms. Chandrima Mijra, Mr.
Sidharth Kaushik, Mr. Krishan Kumar and
Mr. Shivendra Pandey, Advs.

versus

ASHOK KUMAR / JOHN DOE & ORS. Defendants

Through: Mr. Aadhar Nautiyal and Mr.
Deepak Gogia, Advs. for D-2

Mr. Saransh Jain and Ms. Sneha Dey, Advs.
for D-5

Ms. Anushka Sharda and Mr. Madhav
Khosla, Advs. for Telegram FZ-LLC

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

19.09.2023

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I.A. 18184/2023 [under Order XXXIX Rules 1 & 2, CPC]

1. *Vide* order dated 25 April 2023, I had restrained the defendants, and all others acting on their behalf from copying, recording, reproducing, allowing recording, transmitting, communicating or making available for distribution, duplication, display or release, exhibiting or playing in any manner, any stills, audio/video clips, songs, recordings or other proprietary information relating to the cinematographic film "Jawan" or any part thereof without a proper

licence from the plaintiff.

2. This application has been moved because the plaintiff claims to have come to learn that one Mr. Rohit Sharma is indulging in the aforesaid activities. As the defendants were hitherto unknown, they were represented by an ominous moniker Ashok Kumar / John Doe, as Defendant 1. Now that Mr. Rohit Sharma has been identified as an alleged infringer, the plaintiff has moved

(i) IA 18336/2023 under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) to implead Mr. Rohit Sharma and Meta Platforms, which operates WhatsApp, over which Mr. Rohit Sharma is stated to be circulating, without authorisation, copyrighted content relating to the film “Jawan”, and

(ii) the present application under Order XXXIX Rules 1 and 2 of the CPC for extension of the directions contained in the interim order dated 25 April 2023 to Mr. Rohit Sharma and Meta Platforms.

3. It is stated that IA 18336/2023 is listed before the learned Joint Registrar. Nonetheless, the said application has necessarily to be allowed. It stands allowed accordingly.

4. The present application IA 18184/2023 seeks interim relief against Mr. Rohit Sharma.

5. The plaintiff has also sought impleadment of Meta Platforms, which controls WhatsApp, as the prayer includes a request to disable the various chat groups on which the plaintiff’s copyrighted material is being illegally circulated by Mr. Rohit Sharma. Details of the said

WhatsApp chat groups are provided in Schedule A to the application. Additionally, Schedule B to the application provides links to WhatsApp groups (operating outside the Indian Jurisdiction) circulating material which infringes the rights of the plaintiff, Schedule C provides the Telegram accounts/groups/channels on which the plaintiff's copyrighted content is stated to be unauthorisedly circulating, and Schedule D provides the list of non-compliant websites infringing plaintiff's rights. Mr. Rajshekhar Rao, learned Senior Counsel for the plaintiff has also pointed out that, apart from the said schedules, the plaintiff has placed on record actual screenshots from the various links, indicating that the plaintiff's movie is circulating on the said links. He also points out that a glance at the nature of the groups involved indicate that they are essentially groups which have been brought into existence to circulate pirated content.

- 6.** Issue notice, returnable on 19 October 2023.
- 7.** Reply, if any, be filed within four weeks with advance copy to learned Counsel for the plaintiff who may file rejoinder thereto within four weeks thereof.
- 8.** Till the next date of hearing, the following interim directions are passed:
 - (i) Mr. Rohit Sharma, as well as all others acting on his behalf, shall stand restrained from copying, recording, reproducing, allowing recording, transmitting, communicating or making available for distribution, duplication, display or release, exhibiting or playing in any manner, any stills, audio/video clips, songs, recordings or other proprietary

information relating to the cinematographic film "Jawan" or any part thereof without a proper licence from the Plaintiff, through any medium whatsoever.

(ii) Mr. Rohit Sharma is additionally directed to take down from all his social media accounts including WhatsApp, Facebook, Instagram and Telegram or any other website accessed or operated by him, any content which infringes the copyright of the plaintiff including content relating to the film "Jawan".

(iii) Meta Platforms is directed to forthwith suspend the WhatsApp account of Mr. Rohit Sharma linked to mobile number 8395842828.

(iv) Meta platforms is also directed to forthwith block access to any content on the Facebook page titled "Rohit movies" and the Instagram handle titled "@rohitsharma72001" which infringes the copyright of the plaintiff in the movie "Jawan".

(v) Meta platforms is also directed to forthwith suspend and deactivate the following WhatsApp groups, which have been indicated in Schedule "A" and "B" to the application:

S. No.	Group Link
1.	https://chat.whatsapp.com/CcAyzFFc3TeJ0hGeSHTi6j
2.	https://chat.whatsapp.com/Lfw7NbrQHV93kgVMp0t362
3.	https://chat.whatsapp.com/CageYx1flEqAjwyyNOaO9z
4.	https://chat.whatsapp.com/HFmHrJHm9s884CsjRGvJob
5.	https://chat.whatsapp.com/CfnAkAPSyqB5YJF7WckHI
6.	https://chat.whatsapp.com/CXVWobd5n0WDhgtGYYPphx
7.	https://chat.whatsapp.com/DHuooGcTRJ8AITPulbLwW3
8.	https://chat.whatsapp.com/invite/5tan6twwXJ5HleZqXQASi6

9.	https://chat.whatsapp.com/B52IO5kqScUBczLdllSI9b
10.	https://chat.whatsapp.com/Gk1GkeUywI14OL2wmMQVqe
11.	https://chat.whatsapp.com/BSwZ2fsTqN396F0U14fggR
12.	https://chat.whatsapp.com/HMyg8qqMKMy5elMmymgb2W
13.	https://chat.whatsapp.com/HcS1TYtoLTyDk25UVbjWxT
14.	https://chat.whatsapp.com/CUtqxtH6wTN97ie38yHetG
15.	https://chat.whatsapp.com/DIeieU46GRYJERhZkgU0Rq
16.	https://chat.whatsapp.com/HEbeWlqfd8XEtSEPP40c9h
17.	https://chat.whatsapp.com/Kj7QH711u5AKB6T2qxrPwZ
18.	https://chat.whatsapp.com/Fe0okbIRwPFLbVDbrpVMT
19.	https://chat.whatsapp.com/HU5BnQt2gOfItM33XXJunC
20.	https://chat.whatsapp.com/DIeieU46GRYJERhZkgU0Rq
21.	https://chat.whatsapp.com/CLH23VfAKCe4xFPsRK9yW1
22.	https://chat.whatsapp.com/BmyVRFkKytp4yYAqohjVav
23.	https://chat.whatsapp.com/Ek1YNCOrcN4973vCKn4jw
24.	https://chat.whatsapp.com/DPoI8CdTsBWCZmh0UQT5hM
25.	https://chat.whatsapp.com/ChuonXpbzxFIwVDzjqBvEr
26.	https://chat.whatsapp.com/HCGCCUs53U85815UwSK3JE
27.	https://chat.whatsapp.com/FbZepWyj2Oc6VKrDuw0QV6
28.	https://chat.whatsapp.com/Hk1mGaguUoVDFCehU0Q6z3
29.	https://chat.whatsapp.com/DWPPG3s7F4WBUOBgdYwaz1
30.	https://chat.whatsapp.com/DI2Pv4v7iaGID6JGdpm79b
31.	https://chat.whatsapp.com/LsgQL9nQM1T98Fh2iGJniw
32.	https://chat.whatsapp.com/GJdT2R5E9nQHVUJe08zK56
33.	https://chat.whatsapp.com/H99TGHwXhb20a77GSHqJIG
34.	https://chat.whatsapp.com/KPnciLJ2fP1Ky0U5OZhnDu
35.	https://chat.whatsapp.com/Cn22YEiifj2bJNiSX3TBJ
36.	https://chat.whatsapp.com/EawDaMVIYPtI2s1NnBDWLG
37.	https://chat.whatsapp.com/JODNqyecBge32nhBa7a9fb
38.	https://chat.whatsapp.com/BZ4SdfaTaCILU3mabkqinY
39.	https://chat.whatsapp.com/JF5ScNJjHzV7WbI737687X
40.	https://chat.whatsapp.com/Ie3qMT7WW2jET20yLeO8Ce
41.	https://chat.whatsapp.com/EeYuzLQXaQB7JEZH77BRtu

(vi) Meta platforms and Defendants 6 to 8, 12 and 33 are directed to disclose, on an affidavit, before this Court, the Basic Subscriber Information, including IP addresses, user names, registered email IDs, phone numbers and other relevant details of the holder of the phone number 8395842828 as well as the details of the administrator of the WhatsApp groups identified in Schedules “A” and “B” to the application. The plaintiff

undertakes to keep these details confidential, and to use them, if required, only in legal proceedings.

(vii) Telegram FZ-LLC is directed forthwith to suspend and deactivate the telegram groups/channels identified in Schedule “C” to the application, if not already suspended/deactivated.

(viii) Telegram FZ-LLC and Defendants 6-8, 12 and 33 are also directed to disclose to this Court the basic subscriber information relating to the administrators of the telegrams groups/channels identified in Schedule “C”. The plaintiff undertakes to keep these details confidential, and to use them, if required, only in legal proceedings.

(ix) The owners/controllers of the websites identified in Schedule “D” are directed forthwith to desist from unauthorised copying, transmission, communication or making available any content in which the plaintiff holds copyright including content relating to the cinematographic film “Jawan” or any part thereof.

9. Compliance with Order XXXIX Rule 3 of the CPC be effected within a period of ten days from today.

10. Re-notify on 19 October 2023.

C.HARI SHANKAR, J

SEPTEMBER 19, 2023

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