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

+ W.P.(C) 10715/2021

SHWETA SINGH

..... Petitioner

Through Mr.Rajesh Kumar and Mr. Smarhar
Singh, Advs.

versus

UNION OF INDIA THRU SECRETARY & ORS..... Respondents
Through Mr. Amit Mahajan, ASC

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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22.09.2021

CM APPL. 33081/2021

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10715/2021 & CM APPLs. 33080/2021 (interim direction)

3. The present petition has been preferred by a lady being aggrieved by an alleged invasion of her privacy caused as a result of the supposed illegal investigation conducted by a private agency/respondent no. 4, seeking the following prayers:

(i) Issue Writ in the nature of Mandamus or any other writ(s) writ(s)/order(s)/direction(s)/restraining order(s) against respondent No-4, an alleged Private Detective Company, its director, employees, agent and/or any person connected or associated with them in any manner whatsoever, not to share/transfer/circulate in public domain as well as pass on to a

foreign national the details i.e chats/ visuals/Pictorials etc of the Petitioner lady procured illegally , and/or;

ii) Issue a direction further restraining the Respondent No-4, its director, employees, agent and/or any person connected or associated with them in any manner whatsoever, from testifying the veracity of the details of the personal intimate details of the Petitioner procured illegally in the Circuit Court of Fairfax County, Virginia, U.S.A in case No-CL-2011/0009275 filed by Namrata Sinha citizen of U.S.A and declare the same as illegal and null and void ab-initio and/or;

iii) Direct Respondent No-1 to 3 to initiate appropriate legal action against Respondent No-4 for infringing the fundamental right of the petitioner, without having any authority of any nature and selling the same to a foreign national. And/or;

iv) Issue direction(s) to Respondent No-2 to set up a mechanism to prevent transmission of personal details of Indian citizens procured illegally to foreign country and used by foreign nationals in foreign court of law taking advantage of the vacuum of codified law, and or;

v) Issue Writ in the nature of Mandamus or any other writ (s) writ (s) /order (s) / direction (s) to Respondent Nos-1 to 3 to frame guidelines to regulate the work and domain of the Private detectives till codified act comes into existence, and/or;

vi) Pass ad interim order directing the respondent no-4. Directing thereby not to circulate, sell, give statement and/or testify in any manner relating to the petitioner based upon the personal intimate details of the Petitioner procured illegally.

(vii) Pass such other or further orders as this Hon'ble court deems fit and proper in the facts and circumstances of the case.

4. After some arguments, learned counsel for the petitioner prays that the present petition may be treated as confined only to prayer no. (v).

In the light of this limited relief now being sought before this Court, respondent no. 4 is not a necessary party and is accordingly, at the request of learned counsel of the petitioner, deleted from the array of parties. An amended memo of parties be filed within one week.

5. Learned Counsel for the petitioner submits that the petitioner has been compelled to approach this Court as despite a number of detective agencies operating in the country, there are no guidelines to regulate their activities and, consequently, these agencies are violating the privacy of Indian citizens with impunity. He further submits that though a bill in this regard was tabled in the Rajya Sabha as far back as in the year 2007, till date no guidelines have been framed by the respondents to regulate the activities of these detective agencies.
6. Issue notice confined to prayer (v). Mr. Mahajan accepts notice on behalf of the respondent nos. 1 to 3. He prays for, and is granted time to file an affidavit in response only to the aforesaid prayer (v).
7. Since notice is being issued only qua prayer (v), the respondents need not file a parawise counter affidavit, and may instead file a counter affidavit dealing with only prayer (v) within six weeks from today. Rejoinder thereto, if any, be filed within four weeks, thereafter.
8. Needless to state, it will be open for the petitioner to seek appropriate remedy qua the other prayers in the petition.
9. List on 10.01.2022.

REKHA PALLI, J

SEPTEMBER 22, 2021

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