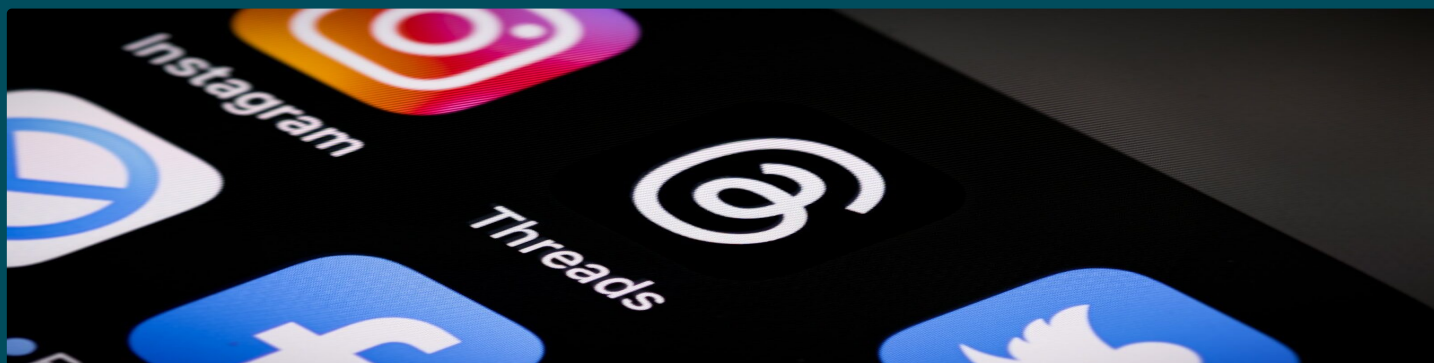




COMMERCIAL/CORPORATE

When Silence Is Not Enough: Rajasthan High Court Orders Meta to Remove Misleading Post Threatening a Minor's Liberty

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Table of contents

- [Introduction](#)
- [Background and Facts](#)
- [The Threat to the Petitioner](#)
- [Rival Contentions](#)
- [Constitutional Dimensions: Article 21 and the Right to Privacy](#)
- [Social Media Regulation and the IT Rules, 2021](#)
- [The Court's Directions and Disposal](#)
- [Significance and Takeaways](#)

Introduction

In an era where social media platforms have become ubiquitous channels of public communication, the misuse of such platforms to disseminate false or misleading information poses an increasingly serious threat to individual rights. The Rajasthan High Court's order dated 05th March 2026 in S.B. Criminal Miscellaneous (Petition) No. 1497/2020 Aaradhya Verma (Minor) through her Natural Guardian v. State of Rajasthan & Ors. is a significant judicial pronouncement at the intersection of constitutional rights, child protection and social media accountability. The matter arose from a distressing set of circumstances involving a minor child whose personal safety and liberty were imperilled by a misleading post uploaded on Facebook.

Background and Facts

The petitioner, Aaradhya Verma, was a minor girl born on 26th March 2013 from the lawful wedlock of her mother, Nilima Verma, and her late father, Atul Kant Verma. Aaradhya continued to reside under the care of her natural guardian-mother in Jaipur, Rajasthan. The paternal grandparents of the minor Respondent Nos. 5 and 6, both residents of Ahmedabad, Gujarat uploaded a post on Facebook falsely representing that their granddaughter was 'missing' from Ahmedabad, and offering a cash reward of Rs. 1,00,000/- to any person who could trace her. Critically, no Missing Person Report (MPR) had been filed by the respondents before any police authority, as the child was, in fact, safely in her mother's custody.

The Threat to the Petitioner

The consequences of the Facebook post were immediate and alarming. Several unknown and unwanted individuals, emboldened by the promise of a substantial cash reward began visiting the petitioner's residence in Jaipur with the intention of locating the child. This created a palpable threat to the minor's personal safety, liberty and dignity. Left with no adequate alternative remedy, the minor petitioner, through her natural guardian-mother approached the High Court by way of a criminal miscellaneous petition seeking judicial protection from the respondents and direction for removal of the offending content.

Rival Contentions

The respondents contested the petition vigorously. It was submitted on their behalf that Respondent No. 6 (the grandmother) had already deceased and that Respondent No. 5 (the grandfather), aged approximately 70 years, had neither authored the Facebook post nor offered any reward. The respondents further contended that the petition was a motivated exercise intended to harass them and that no judicial intervention was warranted. They additionally apprised the Court that an application for custody of the minor was pending before a competent court, though this was disputed by the petitioner's counsel, who maintained that any such application had already been rejected.

Constitutional Dimensions: Article 21 and the Right to Privacy

The Court, delivered a considered order affirming the constitutional dimensions of the case. It held that posting false and misleading material on Facebook or any other social, electronic or print media platform constitutes a violation of an individual's personal rights, dignity and reputation, as guaranteed under Article 21 of the Constitution of India. The Court further observed

that where such content is demonstrably false, malicious and designed to damage the reputation or invade the privacy of an individual, it amounts to a breach of that person's fundamental right. The Court's analysis extends existing constitutional jurisprudence on privacy and dignity into the digital field, recognising that virtual harms can translate into real and tangible dangers for vulnerable persons, particularly children.

Social Media Regulation and the IT Rules, 2021

The Court examined at length the obligations cast upon social media intermediaries under Rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, framed under Section 87 of the Information Technology Act, 2000. Rule 3 mandates that intermediaries, such as Facebook, exercise due diligence and publish rules prohibiting users from hosting or disseminating content that is patently false, misleading, defamatory, impersonating in nature, invasive of privacy or harmful to children. The Court observed that Facebook appeared to have failed in framing and enforcing adequate internal rules in compliance with these statutory obligations, and it was precisely this regulatory lacuna that allowed the harmful post to remain publicly visible, thereby amplifying the threat to the minor's safety.

The Court's Directions and Disposal

Considering the totality of facts and the applicable legal framework, the Court directed Meta Platforms Inc., the parent company of Facebook, to take immediate and appropriate action to block and take down the offending post along with the photographs of the minor petitioner from its social media platform. The Court further directed that a copy of the order, along with the relevant annexure depicting the misleading post, be transmitted to the registered office of Meta Platforms Inc. in India. The Court also clarified that the child would remain in the lawful custody of her natural guardian-mother unless a competent court directed otherwise pursuant to any pending proceedings. The petition, along with all pending applications, was accordingly disposed of.

Significance and Takeaways

This judgment is noteworthy for several reasons as it reinforces the proposition that Article 21 of the Constitution is not confined to physical interference with liberty but extends to the digital sphere too. It signals judicial willingness to hold social media intermediaries accountable for harms caused by misleading content circulated on their platforms. And it also underscores the imperative for platforms to comply with the IT Rules, 2021 in letter and spirit, particularly in matters concerning the safety of children.

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