



IN THE COURT OF THE VIII ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE (CCH-15) AT BENGALURU

Dated this the 22nd day of August, 2026.

PRESENT:

Smt. VANI A. SHETTY, B.A.L.,L.L.B.,
VIII Additional City Civil and Sessions Judge,
Bengaluru.

ORIGINAL SUIT No.5023/2026

PLAINTIFF : M/s.QESCAPADES PVT. LTD.,
Having its office at No.306,
Lakvin Shelters,
Dr.Vishnuvardhan Road,
Srinivasapura,
Opp.Adithya Bakery,
Bengaluru -560 060.

Represented by its authorized
person Sri.S.Paramesh.

(By Sri.Mohan Murthy-
Advocate)

-VERSUS-

DEFENDANTS : 1. M/s.Instagram INC,
Having its office at
Embassy Golf Links Business
Park, Microsoft Signature
Building, Ring Road,
Domlur,
Bengaluru -560 071.

2. M/s.Meta India,
Having its corporate office at:
Inspire BKC, Unit 401-404,
4th Floor, G Block,
Bandra-Kurla Complex,
Bandra East,
Mumbai – 400 098.

Both represented
by Grievance Officer.

(*Ex-Parte*)

Date of Institution of the Suit :	14-07-2026
Nature of the Suit (Suit on pronote, Suit for declaration and possession, Suit for injunction etc,)	Declaration and injunction
Date of the commencement of recording of the evidence :	17-08-2026
Date on which the Judgment was pronounced :	22-08-2026

	Year/s Month/s Day/s
Total duration :	00, 1 month, 8 days

(VANI A. SHETTY)
VIII Additional City Civil and Sessions Judge,
Bengaluru.

J U D G M E N T

The plaintiff has filed the suit for declaration that the suspension of the plaintiff's Instagram account bearing username @qexperiences is illegal, arbitrary and unsustainable in law and for mandatory injunction directing the defendants to restore the Instagram account and for permanent injunction.

2. The case of the plaintiff is that it has been operating and maintaining an Instagram account bearing username @qexperiences, which has been used for promoting the plaintiff's resort, business activities, events, customer engagement and marketing. The defendant No.1 owns, manages and operates the social media platform known as Instagram, which is a subsidiary company of the defendant No.2. On 04.04.2026, 11.04.2026 and 30.04.2026, the plaintiff posted the contents, for which it received a notification from the defendants stating that they have removed the content posted by the plaintiff. On 03.05.2026, the plaintiff received another notification from the defendants alleging the trademark infringement and suspended its Instagram account.

3. The plaintiff with bonafide intention had merely uploaded the promotional content informing guests and visitors that IPL matches could be viewed at the plaintiff's resort premises through duly authorized television/broadcast services available at the resort. At no point of time, had the plaintiff posted, transmitted, re-broadcast, uploaded, distributed or facilitated any

unauthorized live stream of IPL matches and it has not violated any copyright or trademark belonging to the BCCI in relation to IPL.

4. The plaintiff's business heavily depends upon the digital marketing and customer interactions through Instagram. The plaintiff has accumulated a significant number of followers, customer reviews, business communications and promotional contact through the said Instagram account. The action of the defendants is arbitrary, unreasonable and contrary to the principles of natural justice. Suspending the plaintiff's Instagram account has caused reputational harm and loss of customer's bookings and business opportunities. On 09.05.2026, the plaintiff submitted appeals and representation through the grievance redressal mechanism provided by the defendants. However, the defendants failed to consider the plaintiff's explanation and continues the suspension of the plaintiff's Instagram account till date. Hence, the present suit.

5. Despite service of summons, the defendant Nos.1 and 2 have not appeared before the Court and hence, they were placed ex-parte.

6. In order to prove the case, the authorized representative of the plaintiff got examined himself as P.W.1 and got marked Exs.P.1 to P.7 documents.

7. Heard the argument.

8. The following points arise for my consideration:-

(1) Whether the plaintiff is entitled to an order of mandatory injunction directing the defendants to restore and re-activate the plaintiff's Instagram account bearing the username @qexperiences, along with all associated content, followers, messages and business data?

(2) What order or decree?

9. My answers to the above points are:-

Point No.1 - Affirmative;

Point No.2 - As per final order,

for the following:-

R E A S O N S

10. Point No1: The plaintiff has instituted the present suit aggrieved by the suspension of its

Instagram account. According to the plaintiff, its company has been operating and maintaining an Instagram account bearing the username @qexperiences, which has been used for promoting the plaintiff's resort business, activities, events, customer engagement and marketing.

11. The defendant No.1 is the operator of the Instagram social media platform and is a subsidiary of the defendant No.2. The defendants suspended the plaintiff's account on the ground that the plaintiff had posted content under the banner "enjoy IPL live screening at your favourite q mango forest", along with another post captioned "catch every IPL moment live at Q Mango Forest." Likewise, on 08.04.2026, the plaintiff posted another post under the banner "Experience IPL like never before at Q Nandi Retreat" on the said Instagram account. Thereafter, the defendants issued notifications dated 11.04.2026, 30.04.2026 and 03.05.2026, alleging that the postings made by the plaintiff infringed the trademark rights relating to IPL and promoted live streaming of IPL matches at the plaintiff's resort. Consequently, the account was

suspended. Despite the representation submitted by the plaintiff, the defendants have not responded thereto and the suspension of the account has continued.

12. It is the contention of the plaintiff that the promotional content was uploaded bonafide and merely intended to inform guests and visitors that IPL matches could be viewed at the plaintiff's resort premises through duly authorized television and broadcasting services available at the resort. It is further contended that, at no point of time, had the plaintiff posted, transmitted, re-transmitted, re-broadcasted, uploaded, distributed or facilitated any unauthorized live streaming of IPL matches. According to the plaintiff, therefore, there was no violation of any copyright or trademark belonging to the BCCI or any broadcaster, nor had the plaintiff committed any act amounting to infringement of the intellectual property rights of the BCCI in relation to IPL.

13. It is true that the defendants have the right to suspend an Instagram account if the account holder has violated the terms and policies governing the platform or infringed the rights of any person. However,

in the present case, the alleged infringement is attributed to the postings made by the plaintiff inviting customers to enjoy IPL matches at its resort. Although the words used by the plaintiff may not be entirely clear and, on certain occasions, may give rise to an allegation of infringement of trademark rights, on an overall and detailed consideration of the postings made by the plaintiff, it is apparent that the intention was to promote its resort business by informing prospective customers that they could watch IPL matches at the resort.

14. Apart from the wording employed in the said posts, nothing therein indicates that the plaintiff intended to infringe the trademark rights of IPL or of any other authority or to violate any applicable rules. The expressions used by the plaintiff may not have been appropriate. However, in the absence of any intention to infringe a trademark right, and when the alleged infringement appears to have occurred inadvertently or by mistake, it would not be appropriate to treat the same as a serious violation warranting continued suspension of the account.

15. It is significant to note that the plaintiff submitted a letter to the defendants on 09.05.2026, wherein he furnished certain clarifications. It has specifically stated that the postings, if found to have infringed any legal, proprietary or intellectual property rights, were not made intentionally and were made unknowingly and inadvertently. The plaintiff further undertook to abide by the rules and policies of the defendants. The plaintiff also stated that no third-party promotional materials, logos or posters had been shared without proper authorization. The plaintiff pointed out that the Instagram account constituted an important part of its business and requested the defendants to reconsider their decision and restore access to the account.

16. However, the defendants have not responded to the said representation. Even if the defendants were not inclined to restore the account, it would have been appropriate for them to consider the representation and communicate their decision to the plaintiff. At this stage, this Court is unable to record a specific finding that there was any clear-cut infringement of any

intellectual property right in the postings made by the plaintiff. Though the expressions used by the plaintiff may not have been appropriate, the intention behind the postings has also to be taken into consideration. Merely on the basis of the words employed, it cannot be concluded that the plaintiff intended to infringe the trademark rights of IPL or any other authority.

17. Under these circumstances, when the plaintiff's account was suspended on 03.05.2026, even assuming that there was some violation, the continued suspension of the account is wholly disproportionate to the nature of the alleged violation, particularly when the plaintiff has undertaken that such conduct will not be repeated. In the circumstances, it would be appropriate to direct restoration of the account.

18. It is further relevant to note that, if the plaintiff had posted any obscene, indecent or offensive content, this Court would not have interfered with the decision taken by the defendants. However, in the present case, the postings clearly indicate that the plaintiff made them only with a view to attracting customers to its business and under a bonafide belief

that the postings merely conveyed that customers could watch IPL matches at the resort through legally permissible television or broadcasting sources.

19. Under these circumstances, the continued suspension of the plaintiff's account is highly disproportionate to the alleged violation and adversely affects the plaintiff's rights and business interests. Having regard to the aforesaid circumstances, although this Court is not inclined to declare that the acts of the defendants in suspending the account were illegal, it would nevertheless be appropriate to issue a mandatory injunction directing the defendants to restore and reactivate the plaintiff's account, subject to the condition that the plaintiff shall not post any content in violation of the terms and conditions, policies or guidelines of the defendants. Accordingly, the point No.1 is answered in the affirmative.

20. Point No.2 : In view of the answers given to the point No.1 in the affirmative, the following order is passed:-

O R D E R

The suit is decreed in part, without costs.

The defendants are hereby directed to restore and re-activate the plaintiff's Instagram account bearing the username @qexperiences, along with all associated content, followers, messages and business data, subject to the condition that the plaintiff shall not post or upload any content in violation of the terms, conditions, policies or guidelines of the defendants.

Draw decree accordingly.

[Dictated to Adlath-AI, corrections carried out through the Stenographer Grade-I and after corrections, pronounced in open Court on this the 22nd day of August, 2026.]

(VANI A. SHETTY)
VIII Additional City Civil and Sessions Judge,
Bengaluru.

vs/-

A N N E X U R E

1. WITNESS EXAMINED FOR THE PLAINTIFF:

P.W.1 : S.Paramesh Examined on:
17-08-2026

2. DOCUMENTS MARKED ON BEHALF OF PLAINTIFF:

Ex.P.1 : Digital copy of certificate of incorporation
Exs.P.2
to 6 : Mails
Ex.P.7 : Certificate under Section 65(B)

3. WITNESS EXAMINED FOR THE DEFENDANTS:

Nil.

4. DOCUMENT MARKED ON BEHALF OF DEFENDANTS:

Nil.

(VANI A. SHETTY)

VIII Additional City Civil and Sessions Judge,
Bengaluru.

vs/-