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

+ CRL.M.C. 124/2019

SHRI S K SAXENA

..... Petitioner

Through: Mr. Kartickay Mathur, Adv.  
along with petitioner.

versus

STATE

..... Respondent

Through: Mr. Raghuvinder Varma, APP for  
State with SI Raj Kumar, P.S. Bara  
Khamba Road.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**14.01.2019**

The petitioner, claiming himself to be Director of an NGO, lodged FIR No.182/2014 under Section 3 of Delhi Prevention of Defacement of Property Act, 2007 in Police Station Barakhamba Road, Delhi alleging therein that Shri Manoj Tiwari (Member of Parliament) and Shri Jitender Tanwar, Advocate had illegally put up a hoarding near Auliya Masjid, Minto Bridge, Minto Road, Delhi. By this hoarding, they had extended greetings of Navratri and Vijaydashmi to all the residents. Photographs of various political leaders were appearing on the posters. After the investigation, closure report was filed in court by the investigating officer. The petitioner filed protest petition.

The learned Trial Court accepted the closure report by rejecting the protest petition.

Petitioner preferred a revision petition before the learned Sessions Judge, which was assigned to the learned Additional Sessions Judge, New Delhi and has been disposed of by the order impugned in this petition under

Section 482 Cr.P.C.

The learned Sessions Judge has observed that hoarding could not be seized as the same was removed by the Railway Authority. In 16 video clips hoardings were not visible. The petitioner produced two more video clips from his mobile phone of the hoardings, wherein neither the names nor the photographs of the beneficiaries were legible. In the CD also the photographs were not visible. CD was provided during the investigation.

Learned Additional Sessions Judge has held that in view of the photographs on record and CD filed along with the closure report as well as the video clips produced by the petitioner, no case was made out to keep the criminal proceeding pending as names of the beneficiaries were not even visible, inasmuch as hoardings were not available. In my view, there is no perversity in the impugned order, inasmuch as, no miscarriage of justice has resulted to the petitioner by accepting the closure report, in the facts detailed hereinabove.

The petition is dismissed.

**A.K. PATHAK, J.**

**JANUARY 14, 2019**

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