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

+ **W.P.(CRL) 1277/2019 and CRL.M.A. 9406/2019**

M/S. FEDERAL BANK Petitioner
Through: Mr Harshad V. Hameed and Mr
Muhammed Siddick, Advocates.

Versus

STATE & ANR Respondents
Through: Mr Ranbir Singh Kundu, ASC for
State.
SI Ravindra Kumar, PS Patel Nagar.
Ms Swagata Bhuyan and Ms Shiva
Pandey, Advocates for NDMC.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **24.09.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing No. 0108/2019 under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007 registered with P.S. Patel Nagar, be quashed.
2. The said FIR was registered at the instance of the North Delhi Municipal Corporation (NDMC). It is alleged that the petitioner – which is a scheduled bank – had erected an advertisement displaying its name on the property opposite Metro Pillar No. 196, Patel Nagar, Delhi.
3. The complainant (NDMC) had alleged that the occupier/owner of the

said property had not obtained prior permission under Section 142/143 of the Delhi Municipal Corporation Act, 1957.

4. It is seen that the FIR in question has been registered under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007. The said provision reads as under:-

“Penalty for defacement of property:-

(1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both....

(2) When any offence is committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

(3) XXXX”

5. It is, at once, clear that the facts as reported do not substantiate or support the allegation of commission of any offence as contemplated under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007. The petitioner has merely put up a board displaying its name on the boundary wall of the premises occupied by it. It is further stated by the learned

counsel appearing for the petitioner that the alleged offending display board has already been removed.

6. In view of the above, the present petition is allowed and FIR bearing No. 0108/2019 under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007 registered with P.S. Patel Nagar and all proceedings emanating therefrom, are quashed.

7. It is clarified that this Court is not expressed any opinion whether provisions of any other statute have been violated. This order will not preclude North Delhi Municipal Corporation from instituting any other appropriate proceedings as may be available in accordance with law.

8. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 24, 2019
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