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

+ **W.P.(CRL) 343/2019**

JAI PRAKASH GUPTA

..... Petitioner

Through: Mr Mohit Sharma, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr Chaitanya Gosain, Advocate for
Mr Rahul Mehra, Standing Counsel
for State.

SI Vijay Kumar, PS Sadar Bazar.

Mr Manish Bansal and Ms Arti Tyagi,
Advocates for R-2 along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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25.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing no. 411/2003, under Section 3(1) of the West Bengal Prevention of Defacement of Property Act, 1976 and Section 500 of the IPC, registered with PS Sadar Bazar and all proceedings emanating therefrom, be quashed.
2. The allegation against the petitioner is that he had placed defamatory posters on the MCD Office opposite the residence of the complainant. It is stated that the petitioner and the complainant have since resolved their disputes and the complainant does not wish to pursue the said FIR.
3. However, the learned counsel appearing for State objects to the same and states that in this case, the offence under Section 3(1) of the West Bengal Prevention of Defacement of Public Property Act, 1976 relates to

defacement of public property and that dispute cannot be settled by a private arrangement between the complainant and the petitioner.

4. Insofar as the allegation under Section 500 of the IPC is concerned, he does not dispute that the petitioner can resolve the said dispute amicably with the complainant. The complainant is present in Court and states that he does not wish to press any allegation of defacement against the petitioner.

5. The contention that the petitioner and the complainant cannot absolve to the offence under Section 3(1) of the West Bengal Prevention of Defacement of Public Property Act, 1976 is merited.

6. In view of the above, this Court considers it apposite to direct that the charge in the present case be limited to commission of an offence under Section 3(1) of the West Bengal Prevention of Defacement of Public Property Act, 1976.

7. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

NOVEMBER 25, 2019
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