



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-7673 of 2025
Date of Decision: 25.02.2025

Rohan Palaha		...Petitioner
	Vs.	
State of Haryana		...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Abhinav Gupta, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 528 of BNSS with a prayer to issue directions to the Registry/Computer Branch of this Court as well as District Court Gurugram to redact the name of the petitioner from the e-courts portal, in connection with FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) registered at Police Station Cyber Cell West, Gurugram.
2. Learned counsel for the petitioner contends that the petitioner is a reputed corporate professional and had been working at the highest levels in Amazon, American Express and HSBC and is

having total experience spanning over 20 years in India and USA. The petitioner is a post graduate of reputed educational institutions including Jawahar Lal Nehru University and Delhi University. The petitioner was falsely involved in FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended), Police Station Cyber Cell West, Gurugram and the total amount in dispute was Rs. 3,000/-. Even, the petitioner was wrongly arrested and was remanded to judicial custody in the said case. Ultimately, the petitioner approached this Court for quashing of FIR by filing a petition, i.e., CRM M-38576 of 2024 and vide order dated 09.09.2024 (Annexure P-2), this Court quashed all the proceedings arising out of the FIR. The petitioner moved an application before the trial Court to discharge his sureties, which were provided at the time of grant of concession of the bail to the petitioner. Vide order dated 28.10.2024, the trial Court discharged the surety provided in favour of the petitioner. Learned counsel further submits that in the present case, the FIR has been ordered to be quashed by this Court vide order (Annexure P-2) and even the surety provided in his favour have already been discharged by the trial Court vide order dated 28.10.2024. Learned counsel further argues that the petitioner is a reputed corporate professional and in order to survive, the petitioner is exploring the job vacancies and is also looking forward to work

with international companies and firms for his professional growth and successful career. However, due to the availability of his name on e-courts portal, it is becoming impossible for the petitioner to get a job in India or abroad. Thus, uploading of the case details on websites/e-courts portals, besides being stigmatic in nature, is also adversely affecting his personal life, career and future prospects. Learned counsel has also relied upon the judgment passed by the Hon'ble Supreme Court in the matter of ***Justice K.S. Puttaswamy and another Vs. Union of India and others, (2017) 10 SCC 1***, wherein, the Hon'ble Supreme Court observed that every individual is having a fundamental right to privacy and observed as follows:-

“623. An individual has a right to protect his reputation from being unfairly harmed and such protection of reputation needs to exist not only against falsehood but also certain truths. It cannot be said that a more accurate judgment about people can be facilitated by knowing private details about their lives people judge us badly, they judge us in haste, they judge out of context, they judge without hearing the whole story and they judge with hypocrisy. Privacy lets people protect themselves from these troublesome judgments.

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632. The technology results almost in a sort of a permanent storage in some way or the other making it difficult to begin life again giving up past mistakes. People are not static; they change and grow through their lives. They evolve. They make mistakes. But they

are entitled to reinvent themselves and reform and correct their mistakes. It is privacy which nurtures this ability and removes the shackles of unadvisable things which may have been done in the past.

633. Children around the world create perpetual digital footprints on social network websites on a 24/7 basis as they learn their "ABCs" Apple, Bluetooth and chat followed by download, email, Facebook, Google, Hotmail and Instagram. [Michael L. Rustad, SannaKulevska, "Reconceptualizing the right to be forgotten to enable transatlantic data flow", (2015) 28 Harv JL & Tech 349.] They should not be subjected to the consequences of their childish mistakes and naivety, their entire life. Privacy of children will require special protection not just in the context of the virtual world, but also the real world.

634. People change and an individual should be able to determine the path of his life and not be stuck only on a path of which he/she treaded initially. An individual should have the capacity to change his/her beliefs and evolve as a person. Individuals should not live in fear that the views they expressed will forever be associated with them and thus refrain from expressing themselves.

635. Whereas this right to control dissemination of personal information in the physical and virtual space should not amount to a right of total eraser of history, this right, as a part of the larger right to privacy, has to be balanced against other fundamental rights like the freedom of expression, or freedom of media, fundamental to a democratic society.

636. Thus, the European Union Regulation of 2016 [Regulation No. (EU) 2016/679 of the European Parliament and of the Council of 27-4-2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive No. 95/46/EC (General Data Protection Regulation).] has recognised what has been termed as "the right to be forgotten". This does not mean that all aspects of earlier existence are to be obliterated, as some may have a social ramification. If we were to recognise a similar right, it would only mean that an individual who is no longer desirous of his personal data to be processed or stored, should be able to remove it from the system where the personal data/information is no longer necessary, relevant, or is incorrect and serves no legitimate interest. Such a right cannot be exercised where the information/data is necessary, for exercising the right of freedom of expression and information, for compliance with legal obligations, for the performance of a task carried out in public interest, on the grounds of public interest in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims. Such justifications would be valid in all cases of breach of privacy, including breaches of data privacy."

3. Learned counsel further relies upon the law laid down by the Hon'ble Delhi High Court in the matter of **ABC Vs. State and**

another, CRL. M.C. 595/2019 while dealing with similar issue and held as follows:-

"11. It is well settled that the right to privacy is a fundamental right and forms an intrinsic part of Article 21 of the Constitution of India. The concept of right to privacy incorporates the right to be forgotten. In the age of internet, every piece of information that finds its way to the internet, gains permanence. The need to allow the masking of names of individuals acquitted of any offence or when criminal proceedings against such persons are quashed, emanates from the most basic notions of proportionality and fairness. While the access to information is a fundamental aspect of democracy, the same cannot be divorced from the need to balance the right to information of the public with the individual's right to privacy. This is especially when after the quashing of the proceedings, no public interest can be served by keeping the information alive on the internet.

12. There is no reason why an individual who has been duly cleared of any guilt by law should be allowed to be haunted by the remnants of such accusations easily accessible to the public. Such would be contrary to the individual's right to privacy which includes the right to be forgotten, and the right to live with dignity guaranteed under Article 21 of the Constitution of India.

13. Accordingly, the registry of this Court is directed to remove the name of the petitioner as well as Respondent No. 2 from the records of CRL. M.C. 495/2019 and its search results. The registry in future, instead of the names of the petitioner and Respondent No. 2 being shown in

the cause title of the said case, the pleadings or the orders passed in the said case, is directed to show the petitioner as 'ABC' and Respondent No. 2 as XYZ."

4. Learned counsel for the petitioner further contends that the petitioner was interviewed by two multinational companies, Paypal and Wells Fargo and petitioner had successfully cleared both the interviewes and got offer letters from the two companies. However, due to aforesaid facts, the petitioner has not been provided the employment. Consequently, it would be necessary to redact the name of the petitioner from the e-court portal in order to clear the background verification process.

5. On the other hand, learned State counsel has raised no serious objection to the prayer made by the learned counsel for the petitioner.

6. I have heard the learned counsel for the parties and perused the record.

7. In the present case, no doubt, the FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram, was ordered to be registered against the present petitioner, however, vide order dated 09.09.2024 (Annexure P-2), the FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram and all

consequential proceedings arising therefrom, were ordered to be quashed by this Court. Thereafter, even the bail bonds/surety bonds of the petitioner were ordered to be discharged and as on today, no proceedings arising out of FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram are pending before any Court anywhere. Thus, when a person has been exonerated by the Court of his guilt, the remnants of such charge should not be allowed to haunt any such person. This would be contrary to individual's right to privacy, which includes the right to be forgotten and right to live with dignity, guaranteed by Article 21 of the Constitution of India. Accordingly, the present petition is allowed. The Registry of this Court as well as all concerned officials of District Gurugram are directed to remove the name of the petitioner from the records of all the proceedings/petitions, arising out of FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram and its search results. The Registries of both the Courts are directed to show the name of the petitioner as "ABCD".

8. The petitioner is also directed to approach the concerned portals, public search engines to mask the name of the petitioner, wherever it appears in connection with the proceedings arising out of

FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram. Whenever, the petitioner applies or approaches of any of the social media or search engine, it is expected that they would also respect the “right to privacy” and “right to be forgotten” of the petitioner and shall remove any other material, which may be there on the record, pertaining to the Court proceedings of FIR No. 100 dated 10.04.2024 under Sections 384/419 of IPC and Sections 66-C and 67 of the Information Technology Act, 2008 (amended) Police Station Cyber Cell West, Gurugram, wherein, the name of the petitioner is reflected.

9. The petition stands allowed in the above terms.

25.02.2025

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No