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

+ **CRL.M.C. 200/2025, CRL.M.A. 1031-1032/2025**

CHETAN ROHILA

.....Petitioner

Through: Mr. Mohit Aggarwal, Mr. Kashish Sethi, Ms. Pooja Saini, Mr. Deepak Singh Poonia, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with Mr. Anil, HC and Ms. Mamta, SI, PS-Dwarka Sector-23.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.02.2025

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1. The present petition under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 82/2024 registered at P.S. Sector 23 Dwarka under Section 3 of the Delhi Prevention of Defacement of Public Property Act, 2007.³ In connection with this FIR, a chargesheet has already been filed, and upon its consideration, the Trial Court has issued summons to the Petitioner. The Petitioner states that notwithstanding the above, he is entitled to seek quashing of the FIR.

2. Briefly, the case of the prosecution is as follows:

¹ "BNSS"

² "Cr.P.C."

³ "the DPDP Act"



2.1. On 17th April, 2024, at approximately 5:15 PM, while patrolling the area, the Duty Officer of Police Station Sector 23, Dwarka, noticed a paper pamphlet measuring approximately 1.5 x 2 feet affixed to the wall of a DDA park near Hanuman Mandir, Dwarka Sector 23, New Delhi. The pamphlet contained the following advertisement:

“VC CAMPUS & HOME TUTORS. BOOK your FREE demo today for Class 8th to 12th. Call us now on 8929448307, 9871012629.”

2.2. Upon dialling one of the phone numbers mentioned in the pamphlet, the Duty Officer established contact with Mr. Chetan Rohilla (Petitioner), who admitted to pasting the pamphlet to promote his tuition services.

2.3. Subsequently, the Duty Officer photographed the pamphlet and informed the SHO who directed that appropriate legal action be taken under Section 3 of the DPDP Act. Pursuant to this direction, the present FIR was registered against the Petitioner.

3. In this background, the Petitioner seeks quashing of the FIR on the following grounds:

3.1. The timeline of events leading to the registration of the FIR raises serious doubts about the veracity of the allegations. On 17th April 2024, at approximately 2:30 PM, the Petitioner received a call from the Investigating Officer,⁴ who initially introduced himself as a parent of a student in Class 10th. The IO inquired about the coaching institute, fee structure and other details before revealing his true identity. The IO then demanded that the Petitioner share his Aadhaar card and subsequently directed him to sign a notice under Section 35(3) of the BNSS. The FIR, however, was registered at 5:15 PM, which is significantly later than the time when the Petitioner



was first contacted by the IO. This discrepancy in the sequence of events suggests that the FIR is frivolous and an afterthought, raising serious concerns about the fairness of the investigation.

3.2. The registration of the FIR by the same officer who conducted the initial investigation violates the principles of natural justice and fair trial. The duty of an IO is to conduct an impartial and fair inquiry. However, in the present case, the Complainant and the IO appear to be the same person, creating an inherent bias in the proceedings.

3.3 The Petitioner contends that the alleged act does not fall within the ambit of Section 3 of the DPDP Act as the object in question is a pamphlet and not a poster. He asserts that he had no knowledge of the pamphlet being affixed to the DDA park wall and had not authorized anyone to do so on his behalf. Furthermore, he was not caught in the act of pasting the pamphlet, nor is there any direct evidence linking him to the alleged defacement. In the absence of concrete proof that he personally affixed or directed the placement of the pamphlet he is not liable under Section 3 of the DPDP Act.

4. The Court has considered the afore-noted contentions but remains unpersuaded.

5. In the present case, the investigation has been completed, and a chargesheet has already been filed before the Trial Court. The prosecution has produced photographs of the material that formed the basis for registration of the FIR. A crucial aspect to consider is the nature of the object in question. The FIR describes the same as “दीवार पर एक कागज़ का पैम्फलेट जिसका साइज लगभग 1.5x2 फीट है.” The dimensions, content and

⁴ “IO”



the mode of display indicate that it functioned as a poster rather than a mere pamphlet. The size of the material is substantially larger than a standard pamphlet, making it identical to a poster intended for advertisement. Thus, the Petitioner's argument is misconceived, as the material he claims to be a pamphlet is, in fact, a poster, thereby falling within the purview of Section 3 of the DPDP Act.

6. Further, the sequence of events leading to the registration of the FIR does not indicate any procedural irregularity that would warrant its quashing. The Duty Officer, upon noticing the poster, initiated an inquiry, which eventually led to the identification of the Petitioner. This chain of events was sufficient to justify the registration of the FIR under Section 3 of the DPDP Act.

7. The Petitioner's contention that the FIR is frivolous is without basis also does not hold merit. The poster prominently displayed his coaching institute's name and contact details, making him the direct beneficiary of the unauthorized act. The question whether the Petitioner himself pasted the poster or caused it to be pasted by others is a matter of trial and cannot be conclusively determined at this stage. The fact that the poster was affixed on public property and advertised a private business constitutes a *prima facie* offence under Section 3 of the DPDP Act.

8. In light of the foregoing observations and having regard to well-settled legal principles governing the quashing of FIRs, the Court finds no grounds to interfere at this stage.



9. Accordingly, the present petition, along with pending applications, is dismissed.

SANJEEV NARULA, J

FEBRUARY 17, 2025

Nk/ab