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

+ CRL.M.C. 1274/2025 & CRL. M.A.5673/2025

KULDEEP KUMAR @ MONU

.....Petitioner

Through: Mr. Rishikesh Kumar, Ms. Sheenu
Priya and Mr. Aman Kumar,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
along with SI Aditi D-3240, PS
Shakurpur

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.08.2025**

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of FIR No. 223/2024 dated 9th May, 2024, registered under Section 3 of the Delhi Prevention of Defacement of Property Act, 2007³ at P.S. Shakarpur, Delhi and all proceedings emanating therefrom.

2. The FIR was registered on the basis of information received through a PCR call on 9th May, 2024, initially recorded as DD No. 29, alleging that certain banners/posters had been pasted on a government electricity pole, thereby causing defacement of public property. Pursuant thereto, investigation was carried out and a chargesheet under Section 3 of the DPDP Act has since been filed. The record includes the statement of Ct. Neeraj under Section 161 of CrPC, who refers to a photograph depicting the

¹ "BNSS"

² "CrPC"



impugned poster affixed to the electricity pole. A copy of the said photograph has also been placed on record with the present petition.

3. Counsel for the Petitioner submits that, even if the allegations are taken at face value, they do not disclose the commission of any offence. The allegation pertains solely to the affixation of a banner/poster, which, it is argued, does not satisfy the essential ingredients of Section 3(1) of the DPDP Act. That provision penalises defacement only where it is caused “*by writing or marking with ink, chalk, paint or any other material*”. It is contended that the placing of a poster on an electric pole does not amount to such defacement. Reliance is placed on the decision of this Court in ***T.S. Marwah & Ors. v. State***, in CRL M.C NO. 1920/2008, which concerned charges under Section 3(1) of the West Bengal Prevention of Defacement of Property Act, 1976 a provision in *pari materia* with Section 3(1) of the DPDP Act. In that case, the Court observed:

“A bare look at Section 3(1) goes to show that the offence committed therein would be punishable only if the defacement is done in respect of property in public view by writing or marking with ink, chalk, paint or any other material. There is nothing in the charge sheet filed against the petitioner to indicate that any property was defaced by writing or marking with ink, chalk, paint or any other material. The only allegation is that the banner was put on an electric pole. Mere putting of the banner will not get covered by section 3 (1) of The West Bengal Prevention of Defacement of Property Act, 1976. It is true that Sec. 2(AA) defines defacement which includes impairing or interfering with the appearance, beauty, damaging, distinguishing, spoiling or injuring in any other way whatsoever, but Section 3(1) is not all embracing and it refers only such type of defacement for the purpose of prosecution as is done by writing or marking with ink, chalk, paint or any other material.”

4. The above interpretation has since been reiterated by this Court in

³ “DPDP Act”



HDFC Bank Ltd. v. State & Anr⁴, where proceedings under the DPDP Act were quashed on the ground that no allegation of writing or marking upon the property itself had been made.

5. In the present case, there is admittedly, no allegation, either in the FIR, the chargesheet, or the statement recorded under Section 161 of CrPC, that the Petitioner wrote or marked upon the electricity pole with any material such as ink, chalk, paint or any other material. The gravamen of the accusation is limited to the affixation of a banner/poster, which, as per the law laid down in ***T.S. Marwah*** (Supra), and followed in ***HDFC Bank*** (supra), does not contravene Section 3(1) of the DPDP Act.

6. In these circumstances, this Court is of the view that the allegations, even if taken at their face value, fail to disclose the essential ingredients of the offence under Section 3(1) of the DPDP Act. Continuation of the criminal proceedings, therefore, would serve no useful purpose and would amount to an abuse of the process of law. This is, accordingly, a fit case for exercise of inherent jurisdiction under Section 528 of BNSS (corresponding to Section 482 of CrPC) to secure the ends of justice.

7. For the foregoing reasons, FIR No. 223/2024 dated 9th May, 2024, registered under Section 3 of DPDP Act at P.S. Shakarpur, Delhi and all proceedings emanating therefrom are hereby quashed.

8. Accordingly, the petition is disposed of along with any pending application(s).

SANJEEV NARULA, J

AUGUST 12, 2025/MK

⁴ 2024 SCC OnLine Del 5860