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

+ CRL.M.C. 2175/2025

ABC

.....Petitioner

Through: Mr. Arjun Nanda,  
Advocate along with  
applicant in person.

versus

STATE GOVT. OF NCT OF DELHI

AND ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,  
APP for the State with SI  
Sumit Singh, PS IP Estate.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER**

% **08.05.2025**

**CRL.M.A. 14454/2025**

1. The present application is filed, *inter alia*, seeking issuance of directions to the Registry for redaction and masking of the name of the petitioner from the order dated 01.05.2025, as well as from all the order and pleadings available in the judicial record of the present case. The petitioner has also sought liberty to approach the concerned portals, social media platforms and public search engines for masking the name of the petitioner.

2. This Court, by order dated 01.05.2025, had disposed of the present petition and quashed the FIR No. 102/2025, registered at Police Station I.P. Estate, including all proceedings emanating therefrom on the basis of settlement between the parties.

3. The learned counsel for the petitioner/ applicant submits that irreparable prejudice will be caused to the reputation of the petitioner, which may harm his social life and career, if his name

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is indicated as a person involved in criminal case despite the fact that the case against the petitioner has ultimately been quashed by this Court.

4. He submits that this Court in order dated 01.05.2025 had noted that the parties have a long life ahead and a humanitarian approach is required. He submits that the reasoning ought to be extended to the post-disposal stage to prevent lasting damage to the petitioner.

5. He submits that the petitioner is a young man and the orders reflecting his case details, as present on websites, besides being stigmatic, has the ability to adversely affect his life.

6. He submits that the petitioner is entitled to protection under ‘right to privacy’ and the ‘right to be forgotten’. He relies upon the judgment of the Hon’ble Apex Court in **Justice K S Puttaswamy and another v. Union of India and others : (2017) 10 SCC 1** to contend that the right to privacy incorporates the right to be forgotten.

7. I have heard the counsel.

8. The Hon’ble Apex Court while discussing the ambit of privacy and the need of informational privacy in **Justice K S Puttaswamy and another v. Union of India and others (supra)** observed as under:

**“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 re-invent 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.*

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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, e-mail, 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

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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.”

(emphasis supplied)

9. Relying upon the judgment in the case of **Justice K S Puttaswamy and another v. Union of India and others** (*supra*), this Court in the case of **ABC v. State & Anr : 2024:DHC:8921** had granted similar reliefs to the petitioner therein in view of the criminal proceedings against him having been quashed. The relevant portion of the aforesaid judgment is reproduced hereunder:

“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.”

(emphasis supplied)

10. Admittedly, the criminal proceedings against the petitioner were ultimately quashed by this Court vide order dated

01.05.2025.

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11. In view of the aforesaid discussion, since the proceedings against the petitioner have already been quashed, this Court finds merit in the arguments advanced by the learned counsel for the petitioner.

12. The name and details of Respondent No.2/ prosecutrix are already masked in the case record. Having accepted the settlement between the parties and quashed the criminal proceedings against the petitioner, in the opinion of this Court, there is no reason to reject the prayers sought by the petitioner in the present application. As noted in the case of **ABC v. State & Anr** (*supra*), allowing an individual to be haunted by the accusations after their exoneration would fall foul of their right to be forgotten, as is imbibed in a person's right to live with dignity under Article 21 of the Constitution of India.

13. Accordingly, the registry of this Court is directed to remove the name of the petitioner and any details *qua* his identity from the records of CRL.M.C. 2175/2025 and its search results. In future, instead of the name of the petitioner being shown in the cause title of the said case, the pleadings or the orders passed in the said case, the registry is directed to show the petitioner as 'ABC'.

14. The petitioner is permitted to approach all concerned portals, public search engines to mask the orders passed in CRL.M.C. 2175/2025 insofar as the name of the petitioner is concerned.

15. Whenever the petitioner would apply or approach any of the social media or search engines, it is expected that they would also follow the principle of 'right to privacy' and 'right to be

forgotten' as envisaged hereinabove and remove any other

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material which may be on the record pertaining to the said case wherein the name of the petitioner is reflected.

16. The present application is accordingly disposed of with the aforesaid directions.

**AMIT MAHAJAN, J**

**MAY 8, 2025**

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