



2025:DHC:4010



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

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Date of Decision: 19.05.2025

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W.P.(CRL) 1664/2025 & CRL.M.A. 15548/2025

MRS X

.....Petitioner

Through: Mr. Arun Baali and Ms. Arisha
Ahmad, Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with SI Ravi Malik, PS Vasant Kunj.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The petitioner seeks registration of an FIR and investigation of her complaint dated 23.04.2025, lodged at PS Vasant Kunj against her husband, alleging that he has been disseminating her personal pictures with her friend prior to her marriage amongst their friends and relatives. Those pictures have been annexed as Annexure-C to the petition. In view of the nature of the present proceedings, I would refrain from commenting in detail on the nature of those pictures, depicting the petitioner and her friend prior to her marriage except that the same do not depict any obscenity.



2. In response to a specific query, learned counsel for petitioner submits that petitioner has opted not to file any civil suit seeking injunction against her husband from circulating those pictures.
3. Learned counsel for petitioner submits that the petitioner has been running from pillar to post to prevent circulation of those pictures but she has got no relief and her image in society is at stake.
4. Learned ASC, accepting notice, points out on instructions from Investigating Officer/SI Ravi that learned counsel for petitioner is apparently not truthfully briefed by his client. It is disclosed by learned ASC that vide order dated 02.05.2025, the learned Trial Magistrate dealing with the application of the petitioner under Section 12 of the Protection of Women from Domestic Violence Act has already restrained the husband of the petitioner from circulating those pictures to anyone or on social media platforms.
5. Be that as it may, the issue is as to whether in view of availability of alternate efficacious remedies in the form of civil suit, application under Section 156(3) CrPC and complaint case under Section 200 CrPC, should this court exercise writ jurisdiction and issue *mandamus* to register FIR. In this regard, learned counsel for petitioner places reliance on an Order passed by the Supreme Court in the case of ***Mohindro vs State of Punjab***, (2001) 9 SCC 581.



6. I have examined the order cited by learned counsel for petitioner. The same does not deal with the scope of issuance of *mandamus*. The said order deals with the duty of the police to register the FIR and investigate.

7. Learned ASC, accepting notice submits that the legal position is clear that in such cases, writ jurisdiction cannot be invoked to issue *mandamus*. Learned ASC refers to the judgments in the cases titled ***Sakiri Vasu vs State of UP & Ors.***, (2008) 2 SCC 409 and ***M. Subramaniam & Anr. vs S. Janaki & Anr.***, (2020) 16 SCC 728.

8. In the case of ***M. Subramaniam*** (supra), a three Judge bench of the Supreme Court examined the issue at length and placing reliance on the judgment in the case of ***Sakiri Vasu*** (supra) reiterated that if a person has a grievance that the local police is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC and if even that does not yield satisfactory result, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the magistrate.

9. Further, not a whisper of explanation has come from the side of petitioner for her decision not to file civil suit for injunction in order to restrain her husband from circulating those pictures, despite the fact that in such suit, she would have been able to seek and obtain an ad-interim injunction order. Insistence of the petitioner in such circumstances for registration of FIR appears to be for oblique purposes.



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10. Considering the above circumstances, I find no reason to invoke writ jurisdiction to issue *mandamus* to police for registration of an FIR against husband of the petitioner on the issue under discussion. The petition as well as pending application are dismissed. However, as requested by counsel for petitioner, it is directed that this order shall not be read to influence the other remedies, if resorted to by the petitioner.

**GIRISH KATHPALIA
(JUDGE)**

MAY 19, 2025/DR