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

+ **CRL.M.C. 7252/2025, CRL.M.A. 30433/2025**

MOHD. SALAHUDDIN

.....Petitioner

Through: Advocate (appearance not given).

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State with W/SI
Shakuntala.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.10.2025

CRL.M.A. 30434/2025

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 7252/2025, CRL.M.A. 30433/2025

3. Petition under Section 528 B.N.S.S. has been filed on behalf of the Petitioner for quashing of FIR No.0032/2024 under Section 3 of The Delhi Prevention of Defacement of Property Act, 2007 ('DPDP Act'), registered at PS: Jamia Nagar, Delhi and all consequential proceedings emanating therefrom.
4. Learned APP for the State appears on advance Notice and accepts Notice.
5. It is submitted in the Petition that the FIR was registered on the Complaint lodged by Patrolling Officer, regarding alleged defacement of public property by affixation of a Poster on a Metro Pillar, to promote coaching classes of 'Hunar Academy' on 18.01.2024. The ownership details



from the mobile numbers mentioned in the Poster, was obtained and it was revealed that the number was registered in the name of one Asif Mujtaba R/o Shaheen Bagh, Delhi. Upon interrogation, he stated that he had no role in the pasting of the Poster, since he was merely a teacher in the said Hunar Academy and the owner is Mohd. Salahuddin (Petitioner herein).

6. On 14.03.2024, Police recorded the statement of one Bushra Ahmad, landlady of the premises mentioned in the poster, who confirmed that the Petitioner had taken second floor of the said building on rent approximately eight months ago, for the purpose of operating a Coaching Centre. On the same day, Police officials recorded the Petitioner's statement, wherein he admitted being the owner of the Hunar Academy Coaching Centre and that he used the help of certain persons to affix the Poster, for the purposes of spreading word regarding the classes.

7. On 17.03.2024, the Chargesheet was filed before the learned MM and Petitioner was summoned vide Order dated 05.04.2024. Summons were issued to public witnesses Bushra and Aasif Mujtaba on 28.02.2025 and 05.05.2025, but since they did not appear, Bailable Warrants were issued against them on 09.07.2025 and again on 19.08.2025.

8. Present Petition has been filed for quashing of FIR on the ground that there is no allegation against the Petitioner that he defaced the public property with ink, chalk, paint or any other material. The only allegation is of affixation of Poster on a Metro Pillar. *Prima facie*, no offence is made out under Section 3 of DPDP Act.

9. Reliance is placed on T. S. Marwah & Ors. vs. State, 2008 (4) JCC 2561 and HDFC Bank Ltd. vs. State, 2024 SCC OnLine Del 5860.

10. It is submitted that a *prima facie* offence is made out under Section 3 of



DPDP Act. Learned CMM has not only taken cognizance, but has also framed Notice and summoned the prosecution witnesses.

11. Reference is made to State of Haryana vs. Bhajan Lal, 1992 Supl (1) SCC 335.

12. Reliance is also placed on Subrata Roy Sahara vs. Union of India, (2014) 8 SCC 470, wherein the Apex Court deprecated the practice of registering of frivolous criminal cases. Reliance is also placed on State of Karnataka v. L. Muniswamy, (1977) 2 SCC 699.

13. It is therefore, submitted that FIR No.0032/2024 under Section 3 of DPDP Act, registered at PS: Jamia Nagar, Delhi and all consequential proceedings emanating therefrom, be quashed.

Submissions heard and record perused.

14. As per the case of Petitioner himself, not only the Chargesheet has been filed before the learned Trial Court, but even the Notice has been framed and the matter is pending for recording of prosecution witnesses. Merely because the witnesses have failed to appear before the Court, could not be a ground for quashing of present FIR.

15. As per the submissions of the Petitioner himself, he had appeared before the learned Trial Court pursuant to summons issued in August, 2024, but present Petition has been filed now on 07.10.2025. Clearly, no grounds are made out for quashing of FIR.

16. Petition is hereby dismissed. Pending Applications also disposed of.

NEENA BANSAL KRISHNA, J.

OCTOBER 13, 2025/R