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

+ W.P.(CRL) 64/2026  
KASHMIRI DEVI

.....Petitioner

Through: Mr. Parikshit Mahipal, Advocate.

versus

THE STATE GNCTD & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) with  
Mr. Sangeet Sibon, Mr. Aniket  
Kumar Singh, Mr. Priyansh Raj  
Singh & Mr. Harsh Kumar,  
Advocates.  
SI Ranvijay, PS Cyber Central.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **08.01.2026**

**CRL.M.A. 543/2026**(Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**W.P.(CRL) 64/2026 & CRL.M.A. 544/2026**(for stay)

1. The petitioner assails an order dated 15.12.2025 passed by the Chief Judicial Magistrate, Central, Tis Hazari Courts, Delhi ["Trial Court"], whereby the Trial Court directed registration of an FIR on the basis of a complaint and the material placed on record by Respondent No.

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2. Respondent No. 2 is the son of the petitioner. The complaint in question pertains to a disputed Facebook account alleged to have been



created by his sister in the name of his mother, i.e., the petitioner.

3. Mr. Rahul Tyagi, learned Additional Standing Counsel (Criminal) for the State, submits that the impugned order of the Chief Judicial Magistrate concerns only the allegations against the sister of the complainant and records that she has prima facie exploited the trust associated with the identity of the petitioner, who is the complainant's mother. He has drawn my attention to the following extract of the said order:

**"9. In the present case, Ms. Pooja, the sister of complainant no. 1, seems to have created a Facebook account in her mother's name by using her mother's phone number. She has fraudulently and dishonestly made use of the password or any other unique identification feature of her mother, to create a Facebook Account. Ms. Pooja has intentionally created a Facebook account utilizing the name, photographs, and personal details of her own mother and father. This account was not created for social interaction, but as a digital weapon to launch a campaign of defamation and character assassination against her own brother and sister-in-law. The Daughter strategically chose the Mother's identity as a "front" to lend a false sense of authority and familial legitimacy to the malicious claims. By masquerading as the matriarch of the family, the Daughter ensured that the defamatory statements regarding the brother and sister-in-law carried more weight and caused maximum emotional and social distress. The content posted via this fake profile includes: Unsubstantiated allegations against the complainants' character; and malicious claims regarding the brother's financial and personal integrity. The actions of Ms. Pooja transcend a mere family dispute and enter the realm of criminal liability. Using the mother's unique identification features (name and likeness) without consent to create a digital persona is a form of identity theft. She has used a communication resource to systematically destroy the reputation of the complainants through electronic records and has thus, prima facie committed cyber defamation. She has created a false electronic record (the Facebook profile) to harm the reputation of the parties involved and this may also fall within the realm of forgery. The complainants are facing a 'double-edged' trauma. Firstly, they are being subjected to public ridicule and social stigma. Secondly, the use of the mother's identity creates a rift in the familial fabric, as third parties believe the mother is the source of these accusations,**



*thereby isolating the complainants from their primary support system. **This is a clear case of malicious impersonation. Ms. Pooja has prima facie exploited the trust associated with the mother's identity to settle personal scores with the complainant.***

[Emphasis supplied.]

4. On the basis of the aforesaid observations of the Court, Mr. Tyagi submits that, an FIR was registered on 03.01.2026 [FIR No. 01/2026] at Police Station Cyber Cell under Section 66(C) of the Information Technology Act, 2000. He states that, at present, the investigation in the FIR is ongoing and is directed against the actions of Ms. Pooja Anand, the sister of the complainant/Respondent No. 2.

5. In view of the above statement, Mr. Parikshit Mahipal, learned counsel for the petitioner, seeks permission to withdraw this writ petition, while reserving the right of the petitioner to avail appropriate remedies, in the event of any action against her.

6. The writ petition, alongwith pending application, is dismissed as withdrawn, with liberty as aforesaid.

7. It is made clear that this order is not intended to foreclose any proceedings against the petitioner, as may be deemed appropriate upon further investigation, and is also without prejudice to the rights and remedies of Ms. Pooja Anand, who is not a party to the petition.

**PRATEEK JALAN, J**

**JANUARY 8, 2026**

*'pv/JM'/*