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

\# **CNR No. DLHC010483912026**

\+ W.P.(CRL) 3174/2026 & CRL.M.A. 31534/2026

MOHIT GARG & ANR. .....Petitioners

Through: Mr. Anand Kumar, Adv.

versus

STATE NCT OF DELHI & ANR. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC
Insp. Parvesh Lamba, Crime Branch

Mr. Jai Sahai Endlaw and Ms. Shivalika Rudrabatla, Advs. for R-2

CORA M:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 07.10.2026

1. The present petition has been filed seeking the following reliefs: -

> "A. Issue a writ, order, or direction in the nature of certiorari to quash the impugned FIR No. 44 of 2025 under section 67 I.T Act, 351(3) BNS, 2023 registered at P.S- Cyber Police Station South.
>
> B. Issue a writ, order, or direction in the nature of mandamus to stay the investigation/proceedings related to FIR No. 44 of 2025 under section 67 I.T Act, 351(3) BNS, 2023 registered at P.S- Cyber Police Station South *qua* the Petitioners."

2. Mr. Anand Kumar, learned counsel for the Petitioners, states that the allegation *qua* the Petitioners is set out at paragraph no. (IV) of the FIR; however, no particulars of the alleged obscene material circulated by the Petitioners are set out in the FIR.

2.1. He states that separately, Respondent No. 2 had also issued a legal notice and filed a civil suit for defamation. Neither the legal notice nor the

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plaint pleads or sets out any alleged obscene material. He states that the Petitioners have therefore merely been roped in without any basis, whereas the real dispute is inter-se Respondent No. 2 and his brothers.

3. Ms. Rupali, learned ASC, submits on instructions of the Investigating Officer ['I.O.'] that Respondent No. 2 has provided the I.O. with screenshots of the alleged obscene material displayed by Petitioners on their WhatsApp status. She states that the said material, along with the phone of Respondent No. 2, has been sent to the Forensic Science Laboratory ['FSL'] on 21.08.2025 for verification of the authenticity of the said screenshots. She states that, pending the FSL report, the verification of the allegations made by Respondent No. 2 against the Petitioners is under consideration.

4. Per contra, learned counsel for the Petitioners states that these screenshots are forged and not genuine. He further states that there are no particulars on record regarding the date on which the alleged photographs were uploaded as status on the WhatsApp account[s] of the Petitioners. He states that the alleged screenshots find no reference in the legal notice or the plaint of the suit for defamation. He states the date of the alleged status update on the WhatsApp account is also not stated in the civil proceedings.

5. In the considered opinion of this Court, no findings can be returned on the assertions of the Petitioners at this preliminary stage pending the FSL report pertaining to the authenticity of the screenshots allegedly bearing the phone numbers of the Petitioners.

6. After some arguments, learned counsel for the Petitioners seeks permission to withdraw this petition while reserving Petitioners' rights to

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avail their remedies, after the FSL report is received as regards the authenticity of the alleged screenshots submitted by Respondent No. 2.

He, however, prays that Respondent No. 1 be directed to expedite the FSL report.

7. The I.O. states that he will issue a priority letter to the FSL within one [1] week. The said submission of the I.O. is taken on record, and he is directed to issue an appropriate priority letter to the Director, FSL, which department shall also act promptly in accordance with the said letter.

8. The petition is disposed of as withdrawn, with liberty reserved to the Petitioners to avail their remedies, if any, after the FSL report has been received by the I.O.

9. Pending application stands disposed of.

10. It is made clear that this Court has not expressed any opinion on the merits of the grounds raised herein. All contentions of the parties are left open.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted upon by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 7, 2026/hp/aa

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