



2026:DHC:3820



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

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Reserved on: April 27, 2026
Pronounced on: May 05, 2026

+ **CRL.M.C. 2421/2026**

SATISH CHANDER

.....Petitioner

Through: Mr. J.R. Sharma, Mr. Umesh
Attrey, Mr. Vikash Gautam, Mr.
Divyanjali Chaturvedi, Mr. Parvesh
Dahiya and Mr. Devesh Chaudhry,
Advocates.

Versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Meenakshi Dahiya, APP with
Mr. Bhanu Pratap Singh and Ms.
Vanshika Singh, Advs. SI Krishan
Varma, PS Inderpuri.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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27.04.2026

1. By virtue of the present under *Section 528* of Bharatiya Nagarik Suraksha Sanhita, 2023 (*BNSS*), the petitioner seeks quashing of FIR No.29/2025 dated 19.01.2025 under *Section 3* of the Delhi Prevention of Defacement of Property Act, 2007 (*DPDP Act*), registered with PS.: Inderpuri, Delhi, and all consequential proceedings arising therefrom.

2. *Succinctly put*, as per prosecution, on 19.01.2025 at about 09:25 PM, police officials, whilst on patrolling duty, noticed a banner affixed on a Government Electricity Pole containing photographs of several political leaders and a candidate along with promotional content, pursuant to which



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the present FIR came to be registered and the said banner was photographed, removed and taken into police possession.

3. During the course of investigation and local enquiry conducted, a secret informer revealed that the petitioner was responsible for affixing the banner, the Investigating Officer (*IO*) reached his residence and found him. Upon enquiry, he admitted his involvement and disclosed that he had got the banners printed and affixed at various places. Thus, upon completion of the investigation, the charge-sheet was filed before the learned Trial Court, where the proceedings are pending adjudication.

4. Mr. J.R. Sharma, learned counsel for the petitioner submitted that no *prima facie* case is made out against the petitioner as the charge-sheet does not disclose the identity of the person who had actually affixed the banner on the Government Pole. Also, there is no material on record to show that the petitioner had authorized any person to affix the said banner or that the same was within his knowledge.

5. Based thereon, Mr. J.R. Sharma submitted that the essential ingredients of *Section 3* of the DPDP Act are not satisfied, inasmuch as there is no allegation of defacement by writing or marking with ink, chalk, paint or any other material. The learned counsel placing reliance upon a decision dated 17.09.2008 of a Co-ordinate Bench of this Court in *T.S. Marwah & Ors. vs. State* in CRL.M.C.1920/2008, while dealing with a *pari-materia* provision, wherein it was held that mere putting up of a banner would not fall within the ambit of *Section 3(1)* of the West Bengal Prevention of Defacement of Property Act, 1976, submitted that the FIR calls for quashing.

6. *Per contra*, Ms. Meenakshi Dahiya, learned APP for the State



submitted that the petitioner has been identified during investigation as the person responsible for affixing the banner and had admitted his involvement. It is further submitted that the charge-sheet has already been filed and the matter is pending before the learned Trial Court.

7. Heard learned counsel for the petitioner and learned APP for the State, as also perused the materials on record, including the Status Report.

8. Since this Court is called upon to adjudge as to whether affixation of a banner falls within the ambit of *Section 3* of the DPDP Act, the relevant extract thereof is as under:-

“3. Penalty for defacement of property

(1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.”

(Emphasis Supplied)

9. As evident therefrom, the liability only arises whence there is a defacement of property in public view through ‘... .. *writing or marking with ink, chalk, paint, or similar material... ..*’, which, herein as per the charge-sheet itself is missing. In fact, the allegations pertain only to the factum that a banner was affixed to a pole by the petitioner herein. In such a scenario, as also based on the contents of the FIR and the charge-sheet, the statutory requirement contemplated under *Section 3(1)* of the DPDP Act are not satisfied. Consequently, the present FIR cannot sustain prosecution and the continuation thereof will be an exercise in futile.

10. As such, FIR No.29/2025 dated 19.01.2025 registered under *Section*



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3 of the DPDP Act and all consequential proceedings arising therefrom are hereby quashed.

11. In light of the above, the present petition is allowed and disposed of in terms of the above.

SAURABH BANERJEE, J

MAY 05, 2026/So