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2026:DHC:9684

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

% ***Date of Decision: October 29th, 2026***

\# **CNR No. DLHC010341952023**

\+ **W.P.(C) 11525/2023**

MS X .....Petitioner

Through:

versus

HIGH COURT OF DELHI & ORS. .....Respondents

Through: Mr. Apar Gupta, Ms. Pragya Jain, Mr. Yashpriya Saharan, Mr. Sahil Mander & Mr. Rahul, Advs. for R-3.
Mr. Sandeep Vishnu, SPC for R-6.

**CORAM:**
**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**AMIT MAHAJAN, J. *(Oral)***

1. By the present petition, the petitioner seeks the following reliefs:

> *"a) Issue a writ of mandamus or any other appropriate writ or order or direction directing the Ld. Courts below and the Registry of the Hon'ble High Court to mask the name and other particulars of the Petitioner in the judgement dated 12.09.2011 passed by the Ld. Metropolitan Magistrate in Complaint Case No. 257/1/2008, judgement dated 08.05.2013 passed by Ld. Additional Sessions Judge in Crl. Rev. No. 76/2013 and Crl. Rev. No. 8/2012 and the judgement dated 08.07.2016 passed by the Single Judge of the Hon'ble Delhi High Court in Crl. M.C. No. 3559/2013 and Crl. M.A. No. 12983/2013;*
> *b) Issue a writ of Mandamus or such other appropriate writ or order or direction against the Respondent Nos. 2, 3, 4 and 5 directing them to pull down the above-mentioned judgments from their respective web portals or mask the name and other particulars of the Petitioner while W.P.(C)-11525/2023 reporting the judgement or order in the case of the Petitioner;*

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*c) Issue a writ of Mandamus or such other appropriate writ or order or direction against the Respondent No.6 directing them to ensure that appropriate steps are taken by the Respondent Nos. 2, 3, 4 and 5 to pull down the abovementioned judgements from their respective web portals or mask the name and other particulars of the Petitioner while reporting the judgement;*

*d) Issue a writ of Mandamus or such other appropriate writ or order or direction in rem directing that any reporting by any person or web-portal of the judgement/order dated 12.09.2011 passed by the Ld. Metropolitan Magistrate in Complaint Case No. 257/1/2008, judgement dated 08.05.2013 passed by Ld. Additional Sessions Judge in Crl. Rev. No. 76/2013 and Crl. Rev. No. 8/2012 and the judgement dated 08.07.2016 passed by the Single Judge of the Hon'ble Delhi High Court in Crl. M.C. No. 3559/2013 and Crl. M.A. No. further/future 12983/2013 any or judgement/orders in these cases should mask the name and other particulars of the parties;*

*e) Pass such further order(s) in favor of the Petitioner and against the Respondent in the facts and circumstances of the present case."*

2. Succinctly stated, the petitioner had instituted Complaint Case No. 257/1/2008 on 17.02.2007 before the learned Metropolitan Magistrate, alleging the commission of offences under Sections 324/325/376/506(2)/511 of the Indian Penal Code, 1860 (hereafter referred to as **'IPC'**) against the respondents therein. The petitioner, thus, is the complainant and the alleged victim of a sexual offence in the said proceedings.

3. By the summoning order dated 12.09.2011, the learned Metropolitan Magistrate declined to summon the accused persons for the offence under Section 376 of the IPC, and summoned the respondents only for the offence under Section 323 of the IPC. Aggrieved thereby, the petitioner filed a revision petition, being *Crl. Rev. No. 76/2013 (RBT) (Old No. Crl. Rev. No. 8/2012)*, which was dismissed by the learned Additional Sessions Judge *vide* judgment

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dated 08.05.2013. The petitioner thereafter approached this Court by way of a petition under Section 482 of the Code of Criminal Procedure, 1973, being *CRL.M.C. 3559/2013 & CRL.M.A. 12983/2013*, which was dismissed *vide* judgment dated 08.07.2016.

4. The petitioner is essentially aggrieved that the aforesaid orders and judgments disclose the petitioner's ***name, parentage and address,*** and are readily available on the website of this Court, the website of the District Courts, and on third-party portals, namely Respondent Nos. 3 to 5, which have reported without masking.

5. It is the case of the petitioner that a simple search of the petitioner's name on the internet leads to the said orders and judgments, and that the accused persons have circulated copies thereof among her neighbours, as a result of which she has been subjected to daily taunts, physical violence and social ostracism. It is further submitted that the said proceedings pertained, *inter alia*, to an allegation of an offence under Section 376 of the IPC, and Section 228A of the IPC, now Section 72 of the Bharatiya Nyaya Sanhita, 2023 **('BNS')**, prohibits the disclosure of the identity of a person against whom such an offence is alleged.

6. The petitioner consequently seeks a direction to the respondents to mask her name and other identity markers in the *summoning order dated 12.09.2011* passed by the learned Metropolitan Magistrate in *Complaint Case No. 257/1/2008*, the judgment *dated 08.05.2013 passed by the learned Additional Sessions Judge in Crl. Rev. No. 76/2013 (RBT) (Old No. Crl. Rev. No. 8/2012)*, and the judgment

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dated *08.07.2016 passed by this Court in CRL.M.C. 3559/2013 & CRL.M.A. 12983/2013*. The petitioner further seeks a direction to Respondent Nos. 2 to 5 to pull down the said orders and judgments from their respective web portals, or to mask her name and other particulars therein, and a direction to Respondent No.6 to ensure that such steps are taken by Respondent Nos. 2 to 5. The petitioner also seeks a direction that any reporting of the said orders and judgments, or of any future order in the said proceedings, by any person or web portal, shall mask the name and other particulars of the parties.

7. It is pertinent to mention that the petitioner is not an accused seeking to be forgotten. The petitioner is the victim/complainant of an alleged sexual offence. Section 228A of the IPC, now Section 72 of the BNS, bars disclosure of the identity of any person against whom such an offence is *'alleged or found to have been committed'*. The protection attaches to the allegation itself. It is, therefore, immaterial that the accused persons were not summoned for the offence under Section 376 of the IPC.

8. The Hon'ble Supreme Court in the case of ***State of Karnataka v. Puttaraja*** **(2004) 1 SCC 475**, while refraining from mentioning the name of the victim therein, had emphasised that the name of the victim of a sexual offence should not be indicated in the judgment of any Court. While doing so, the Hon'ble Supreme Court observed as follows:

> *"2. We do not propose to mention the name of the victim. Section 228-A of the Indian Penal Code, 1860 (in short "IPC") makes disclosure of identity of victim of certain offences punishable. Printing or publishing name or*

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*any matter which may make known the identity of any person against whom an offence under Sections 376, 376-A, 376-B, 376-C or 376-D is alleged or found to have been committed can be punished. True it is, the restriction does not relate to printing or publication of judgment by the High Court or the Supreme Court. But keeping in view the social object of preventing social victimization or ostracism of the victim of a sexual offence for which Section 228-A has been enacted**, it would be appropriate that in the judgments, be it of this Court, the High Court or the lower court, the name of the victim should not be indicated. We have chosen to describe her as "the victim" in the judgment.”***

9. The Hon’ble Supreme Court in the case of ***Nipun Saxena v. Union of India :*** **(2019) 2 SCC 703,** while examining the scope of Section 228A of the IPC, had emphasised that the bar is not confined to the name of the victim alone, but extends to any matter from which her identity may be discerned, so that she does not face hostile discrimination or harassment in the future. While doing so, the Hon’ble Supreme Court observed and directed as follows:

*“11. Neither IPC nor CrPC define the phrase "identity of any person". Section 228-A IPC clearly prohibits the printing or publishing "the name or any matter which may make known the identity of the person". It is obvious that not only the publication of the name of the victim is prohibited but also the disclosure of any other matter which may make known the identity of such victim. We are clearly of the view that the phrase "matter which may make known the identity of the person" does not solely mean that only the name of the victim should not be disclosed but it also means that the identity of the victim should not be discernible from any matter published in the media. The intention of the law-makers was that the victim of such offences should not be identifiable so that they do not face any hostile discrimination or harassment in the future.*

*xxx*

*50. In view of the aforesaid discussion, we issue the following directions:*

*50.1. No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.*

*50.2. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorisation*

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*of the next of kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge.*
*50.3. FIRs relating to offences under Sections 376, 376-A. 376-AB, 376-B, 376-C. 376-D. 376-DA. 376-DB or 376-E IPC and the offences under Pocso shall not be put in the public domain.*
*50.4. In case a victim files an appeal under Section 372 CrPC, it is not necessary for the victim to disclose his/her identity and the appeal shall be dealt with in the manner laid down by law.*
*50.5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.*
*50.6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty-bound to keep the name and identity of the victim secret and not disclose it in any manner except in the report which should only be sent in a sealed cover to the investigating agency or the court.*
*50.7. An application by the next of kin to authorise disclosure of identity of a dead victim or of a victim of unsound mind under Section 228-A(2)(c) IPC should be made only to the Sessions Judge concerned until the Government acts under Section 228-A(1)(c) and lays down criteria as per our directions for d identifying such social welfare institutions or organisations.*
*50.8. In case of minor victims under POCSO, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child.*
*50.9. All the States/Union Territories are requested to set up at least one "One-Stop Centre" in every district within one year from today.*
*51. A copy of this judgment be sent to the Registrars General of all the High Courts so that the same can be placed before the Chairpersons of the Juvenile Justice Committee of all the High Courts for issuance of appropriate orders and directions and also to ensure that sincere efforts are made to set up One-Stop Centres in every district.*
*52. In view of the above, we dispose of these petitions as far as issues dealt with hereinabove are concerned."*

10. Similarly, this Court in ***Mrs X v. Union of India:*** **2023:DHC:2806**, while anonymising the petitioner therein, a victim of the non-consensual circulation of her intimate images, observed as under:

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> *"2. At the outset, this Court deems it appropriate to refer to the Petitioner as "Mrs. X" in consonance with the directions rendered by the Hon'ble Supreme Court in Nipun Saxena v. Union of India, (2019) 2 SCC 703, whereby it was observed that in a patriarchal society like India, survivors/victims of sexual violence of any nature are forced to undergo ostracization for no fault of their own. Therefore, to prevent hostile discrimination or harassment of the survivor/victim in the future, this Court believes it to be prudent to refer to the Petitioner herein as "Mrs. X"."*

11. In the present case, the orders and judgments in question disclose the ***name, parentage, and address of the victim (petitioner)*** and are accessible by searching her name. At this stage, Respondent No.1 does not oppose the relief. No public interest is served by such disclosure, which only results in the very victimisation that Section 228A of the IPC seeks to prevent.

*12.* Considering the aforesaid, Respondent No.1 is directed to mask/remove the name and identity markers of the petitioner in the orders, including the judgment dated *08.07.2016* passed in *CRL.M.C. 3559/2013 & CRL.M.A. 12983/2013*. The learned Principal District & Sessions Judge (Central), Tis Hazari Courts, Delhi, is directed to similarly mask/remove the name and identity markers of the petitioner in the order dated *12.09.2011 passed in Complaint Case No. 257/1/2008 and the judgment dated 08.05.2013* passed in *Crl. Rev. No. 76/2013 (RBT) (Old No. Crl. Rev. No. 8/2012)*

13. The petitioner is additionally permitted to approach all concerned portals, including Respondent Nos. 3 to 5, public search engines or intermediaries to host the masked version of the orders dated 12.09.2011, 08.05.2013 and 08.07.2016 respectively, or any

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other material pertaining to the said proceedings wherein the name and identity markers of the petitioner are reflected.

14. Whenever the petitioner would apply or approach any of the search engines, third-party portals or intermediaries, it is expected that they would follow the mandate of Section 228A of the IPC, now Section 72 of the BNS, and the directions issued by the Hon'ble Supreme Court in ***Nipun Saxena (supra)***, as noted hereinabove, and mask any other material which may be on the record about the aforementioned cases wherein the name and identity markers of the petitioner are reflected.

15. The present petition along with pending applications stand disposed of with the aforesaid directions.

**AMIT MAHAJAN, J**

**OCTOBER 29, 2026**
***"SK"***