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

+ **W.P.(CRL) 55/2025 & CRL.M.A. 482/2025**

RAJNISH GUPTA

.....Petitioner

Through: **Mr. Karan Suneja and Ms. Manvi
Khurana, Advocates**

versus

STATE OF RAJASTHAN

.....Respondent

Through: **Ms. Nidhi Jaswal and Mr. Chaitanya
Sharma, Advocates**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.10.2025

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1. Writ Petition under Article 226 of Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed with the prayer to set aside the Notice dated 04.01.2025 issued by SHO, P.S. Chandwaji, District-Jaipur Rural.
2. Mr. Chaitanya Sharma, learned Counsel has appeared on behalf of the Respondent. The record shows that they have been taking dates, but neither the vakalatnama nor the Status Report has been filed till date.
3. As per the Writ Petition, the Notice dated 04.01.2025 has been issued against the Petitioner by SHO, directing him to appear before the concerned Police Officer. The said Notice is challenged on the ground that it is without any legal authority. It is vague and does not mention the provisions under which it has been issued.
4. It is further submitted that the impugned Notice cannot be treated as a Notice under Section 35 B.N.S.S. Moreover, it has not been issued in the



prescribed format directed as mandated by the Apex Court in the case of Arnesh Kumar v. State of Bihar, [2014] 8 S.C.R. 128.

5. The Notice dated 04.01.2025 is in the nature of Notice under Section 179 B.N.S.S. Though, it is not so mentioned, which can only be issued to a person who situated within the local jurisdiction of the Police Station.

6. It is submitted that this Notice could not have been issued to the Petitioner, who is a resident of Delhi. Reliance is placed on Jamshed Adil Khan & Anr. v. Union Territory of Jammu And Kashmir and Anr. in W.P. (CRL.) 976/2022. It is therefore, submitted that the impugned Notice dated 04.01.2025, be set aside.

7. Learned Counsel for the Respondent submits that opportunity be given to address the arguments.

Submissions heard.

8. The Notice dated 04.01.2025 indeed, does not give the Section under which it has been issued. It has not been indicated whether it is under Section 160 Cr.P.C. and/or Section 41A Cr.P.C. As has been stated, the copy of the Complaint is also not available.

9. Considering that this Notice is vague and does not indicate the Section under which it has been issued, the same is hereby quashed with liberty to the Respondent to issue a fresh Notice in accordance with the provisions of B.N.S.S.

10. The Petition alongwith pending Application, is accordingly disposed of.

NEENA BANSAL KRISHNA, J

OCTOBER 29, 2025

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