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

+ CRL.M.C. 1448/2025, CRL.M.A. 6521/2025

PRAKASH

Through: Mr. Vivek Kumar Gaurav, Mr. Pawan
Sharma and Mr. Umesh Vishnoi,
Advocates.

.....Petitioner

versus

STATE OF NCT OF DELHI

Through: Ms. Meenakshi Dahiya, Ld. APP for the
State with SI Sumit P.S. Cyber Cell SW.

.....Respondent

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
28.02.2025

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CRL.M.A. 6520/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

CRL.M.C. 1448/2025

3. A Petition under Section 528 BNSS, 2023 has been filed on behalf of the Petitioner for quashing of impugned Notice under Section 35(3) of the BNSS and consequential proceedings emanating from it under Section 84 of the BNSS issued to the Petitioner in FIR bearing No.80/2024 under Section 420/466/468/471/120B/34 IPC registered at Police Station Cyber Police Station, South-West District, Dwarka.

4. It is asserted that A Notice under Section 35(3) BNSS was purportedly issued to the Petitioner for appearance before the Investigating Agency on 16.11.2024 at 10:00 AM. The said Notice is challenged on the ground that it has been issued in violation of the guidelines laid down by the Division Bench of this Court in Amandeep Singh Johar vs. State of NCT of Delhi in W.P. (C) 7608/2017 decided on 07th February, 2018. It is submitted that this Notice does not have the stamp and the



seal of the person issuing this Notice and also does not bear the Serial Number. Since, the Notice has not been issued in accordance with law; the same may be quashed along with other subsequent proceedings emanating there from.

5. The prayer No.2 and 3 have also been made, but the learned Counsel for the Petitioner submits that he is not pressing his relief No.2 and 3 for issuing of Notice under Section 35(3) BNSS and for appearance of the accused through Video Conferencing.

6. **Learned Prosecutor submits** that the Applicant failed to appear in response to the Notice after which NBWs were issued and now the proceedings under Section 84 BNSS have been initiated. It is further submitted that the Anticipatory Bail filed on behalf of the Applicant has been dismissed and the matter is today listed from the learned Trial Court for cancellation of the proceedings under Section 84 BNSS.

7. **Submissions heard and record perused.**

8. The Notice under challenge has sought appearance of the Applicant before the Investigating Agency on 16.11.2024 which has already elapsed. The Applicant seeks to challenge the subsequent proceedings under Section 84 BNSS on the basis of this Notice being incorrect, but he is at liberty to challenge the entire procedure in the proceedings under Section 84 of BNSS.

9. Since, the Notice has become infructuous, no further directions are required in the present Petition, which is hereby disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

FEBRUARY 28, 2025/va