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

+ **W.P.(CRL) 1064/2025, CRL.M.A. 10116-10118/2025**

MOHD IRSHAD

.....Petitioner

Through: None.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Advocate for
State with Mr. Mahavir, SI, PS-DBG
Road.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
09.07.2025

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1. The Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²), being aggrieved by the order dated 13th January, 2025, passed by the Judicial Magistrate First Class-01³ (NI Act), Tis Hazari Courts, Delhi in Compliant case no. 3295/2020 titled as ***DCB Bank Ltd. v. Furkan***. By way of the said order, process under Section 82 of the Cr.P.C. has been issued against the accused in the said case – i.e., Furkan, who is the son of the Petitioner.

¹ “BNSS’

² “Cr.P.C.”

³ “JMFC”



2. The Petitioner submits that the process is being executed on his property and his son, i.e., the accused, does not reside there. To support this submission, the Petitioner has annexed documents to prove his ownership over the property. The Petitioner also submits that he is not aware of whereabouts of his son since he has severed all ties with him, for more than five years. In such circumstances, he submits that the process under Section 82 of Cr.P.C. issued against the accused, should not be executed at his property.

3. On this issue, in compliance with the directions of this Court, the State has submitted their status report. As per the report, Respondent No. 2 - DCB Bank has instituted a complaint against the Petitioner's son for offence under Section 138 of the NI Act. The subject address where the accused was purportedly residing, has been provided by the Complainant. However, indeed service could not be affected at the said address since the accused was absconding. Subsequently, the Trial Court also issued warrants for the arrest of the accused, but they could also not be executed as he was absconding. Thus, the Court issued the process under Section 82 of Cr.P.C. against the accused, to be executed at his last known address, which according to Respondent No. 2 – i.e., the Complainant, is the address of the Petitioner.

3. However, it emerges, that the Petitioner has declared that he has disowned his son (accused) by way of a public notice published in the local newspaper on 4th January, 2025, has severed all ties with him, and is not aware of his whereabouts. As per the documents on record, the property apparently belongs to the Petitioner. In light of the foregoing, in the opinion of the Court, executing the process under Section 82 of the Cr.P.C. at the



residence of the Petitioner would not fulfil any useful purpose and would only amount to an unnecessary expenditure of the State machinery's time and resources. Therefore, it would be in the interest of justice that further directions for execution of the process under Section 82 of Cr.P.C., be directed by the Competent Court, having regard to the aforementioned facts.

4. In light of the foregoing, the present petition is disposed with a direction that the copy of the status report submitted by the State, as well as the order passed by this Court, be placed before the Court of JMFC-01 (NI Act), District: Central, Tis Hazari Courts, Delhi, in complaint case No. 3295/2020, for issuance of appropriate orders.

5. With the above direction, the petition is disposed of.

6. Copy of the order be sent to the Principal District and Sessions Judge, Tis Hazari Courts, Delhi for necessary information and compliance.

SANJEEV NARULA, J

JULY 9, 2025

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