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

+ CRL.M.C. 4114/2025 & CRL.M.A. 17851/2025
NITIN PAL & ORS.

.....Petitioners

Through: Ms. Shweta Singhal, Mr. Suhil Bose
and Mr. Abhinav Shukla, Advocates

versus

THE NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, Advocate
with SI Naveen Kumar, PS Madhu
Vihar

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

04.06.2025

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1. This is a petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 seeking permission for the petitioners to participate and introduce documents in the proceedings initiated under Section 101 of BNSS, 2023 before the learned Judicial Magistrate First Class, Shahdara Karkardooma Courts, Delhi in CT Case No. 393/2025 without any coercive action. It is further prayed that the petitioner be permitted to participate and introduce documents in the investigation emanating from FIR No. 166/2025, PS Madhu Vihar, u/Section 140(1)/140(2)/140(3) registered on the directions of learned JMFC, District Shahdara, Karkardooma Courts.

2. Learned counsel for the petitioner submits that the petitioner no.2 had in fact appeared a number of times before the IO during investigations being carried out in respect of FIR No. 166/2025 and has been cooperating with



the police. He also submits that the petitioner nos. 1 and 2 are young citizens of the country, particularly petitioner no.1 is pursuing his graduation and is participating in his final year examinations which are scheduled uptill 16.06.2025. He also submits that petitioner no.3 is wife of petitioner no.2 and mother of petitioner no.1 and 4. He submits that the four petitioners have been unnecessarily dragged into the present controversy and have nothing to do with the missing person.

3. Learned counsel for the petitioner draws attention of this Court to annexures annexed to the present petition wherein orders have been passed protecting the petitioner nos.2 to 4 from arrest with the notice of three days before arrest.

4. Mr. Bahri, learned APP for the State submits that the entire petition is premature since investigations are at the preliminary stage and notices under Section 41 and 41A of the Cr.P.C. are yet to be issued.

5. After having heard the learned counsel for the parties, this Court is of the considered opinion that the prayers as sought in the present petition cannot be granted at this stage and are actually misconceived being premature.

6. It is not disputed that the police authorities are yet to issue notices under Section 41 or 41A of the Cr.P.C., presently Section 35 of the BNSS, 2023.

7. In view of the above, this Court is of the considered opinion that the reliefs, as sought, cannot be granted. However, since the petitioner no.1 has not been given a copy of the FIR, the IO is directed to furnish a complete copy of the FIR to petitioner no.1 within two days from today. That said, the police authorities are directed to strictly follow the procedure of law before



initiating any coercive measures.

8. In view of above, the petition is dismissed as misconceived, save with directions given above.

TUSHAR RAO GEDELA, J
(VACATION JUDGE)

JUNE 4, 2025
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