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

+ **CRL.M.C. 8970/2025 & CRL.M.A. 37500/2025**

ANITA JAIN

.....Petitioner

Through: Mr. Vivek Punia, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Hitesh Vali, APP for the State.

Mr. Harsimran Singh & Mohd.
Tauqeer Khan, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **16.12.2025**

CRL.M.A. 37501/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.C. 8970/2025

4. This petition under Section 582 of Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks quashing of the impugned notice dated 9th December, 2025, issued by the investigating officer to the Petitioner in FIR No. 223/2025 registered at P.S. Shakarpur, Delhi.
5. The short grievance of the Petitioner is that the aforementioned notice is void *ab initio* and abuse of process of law and is in conflict with the decision

¹ "BNSS"



of the Constitutional Bench in the Apex Court in *State of Gujarat vs. Shyamlal Mohanlal Choksi*².

6. Mr. Heamnt Valli, APP for the State, on instructions from the investigating officer, submits that the IO shall proceed under the correct provisions of law for investigation/interrogation of the Petitioner and shall take appropriate steps for recovery of the documents in accordance with the provisions of the BNSS.

7. He further submits that the impugned notice shall not be pursued in view of the decision of the Constitutional Bench noted above.

8. Mr. Valli further adds that the Petitioner has since been arrested and in response to this notice, she has not given any information.

9. In view of the submissions made above, the present petition and the applications are disposed of with a direction that the notice under Section 94 BNSS dated 9th December, 2025 shall not be pursued.

10. The State shall, however, be at liberty to continue with the investigation in accordance with law and take recourse to appropriate provisions for recovery of documents etc., if so required.

SANJEEV NARULA, J

DECEMBER 16, 2025/ng

² AIR 1965 SC 1251