



2026:DHC:1953



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

Reserved on: February 11, 2026

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Pronounced on: March 10, 2026

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CRL.M.C. 765/2026, CRL.M.A. 3048/2026

AMIT GOEL & ANR.

...Petitioners

Through: Dr. Hemant Gupta, Mr. Rony John and
Ms. Shipra Mishra, Advocates.

Versus

STATE OF NCT OF DELHI

...Respondent

Through: Mr. Sanjay Bhandari, ASC.

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CRL.M.C. 767/2026, CRL.M.A. 3052/2026

AMIT GOEL

...Petitioner

Through: Dr. Hemant Gupta, Mr. Rony John and
Ms. Shipra Mishra, Advocates.

Versus

STATE OF NCT OF DELHI

...Respondent

Through: Mr. Sanjay Bhandari, ASC.

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CRL.M.C. 768/2026, CRL.M.A. 3054/2026

AMIT GOEL & ANR.

....Petitioners

Through: Dr. Hemant Gupta, Mr. Rony John and
Ms. Shipra Mishra, Advocates.

Versus

STATE OF NCT OF DELHI

....Respondent

Through: Mr. Sanjay Bhandari, ASC.



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CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. By virtue of the above petitions under *Section(s)* 528 and 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ read with *Article* 227 of the Constitution of India, the petitioners seek setting aside of the orders dated 15.11.2025, 26.11.2025, 10.12.2025 and 05.01.2026² passed by the learned ACJM-02, New Delhi District, Patiala House Courts, New Delhi³ in CC Nos.10608/2025, 10610/2025 and 10609/2025 respectively.
2. *Succinctly put*, three separate FIRs, bearing Nos.80111919/2024, 80120277/2024 and 80101207/2024⁴ were filed at PS: e-Police Station, Vasant Kunj, South West on 03.10.2024, 18.10.2024 and 10.09.2024 respectively, all under *Section 303(2)* of the Bharatiya Nyaya Sanhita, 2023⁵. After due investigation, Untrace Reports dated 06.11.2024 and 04.11.2024 were filed in the first and third FIRs respectively before the learned ACJM on 15.11.2025 under *Section 193* BNSS besides a Cancellation Report dated 29.10.2024 in the second FIR.
3. In the proceedings arising out of all the FIRs, the learned ACJM passed the first impugned order dated 15.11.2025 as under:-

“It is submitted by complainant that he is satisfied with the cancellation report filed by the police and the cancellation

¹ Hereinafter '*BNSS*'

² Hereinafter '*impugned orders*'

³ Hereinafter '*ACJM*'

⁴ Hereinafter '*FIRs*'

⁵ Hereinafter '*BNS*'

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report may be disposed of as accepted. Affidavit of complainant has been filed in this regard.

Heard.

In view of submissions of the complainant and material on record, the present cancellation report is accepted by the court.

At this stage, it is observed that the instant cancellation report was forwarded by ACP Concerned on 06.11.2024 and has been filed in Court after a lapse of more than one year.

Today itself, the IO of the instant matter has filed two more final reports, which was forwarded by ACP concerned more than one year ago. Copy of this order be sent to DCP concerned to bring to his notice conduct of the erring official.

DCP Concerned is directed to file reply on or before NDOH qua action taken, if any, against erring official.

IO is bound down for NDOH.

List the matter for further proceedings on 26.11.2025."

[Emphasis Supplied]

4. As evident therefrom, on one hand the learned ACJM recorded the satisfaction of the respective complainants with the Untrace/ Cancellation Reports filed by the Police, after taking their respective Affidavit(s) on record, and then proceeded to accept the same in view of the relevant material, however, despite thereto, the learned ACJM proceeded to observe that though the respective Untrace/ Cancellation Reports were forwarded by the concerned ACP in October/ November 2024, the same were filed by the



concerned IO after a lapse of more than one year, and sent a copy of the order to the concerned DCP and sought a reply thereto.

5. On 26.11.2025, the learned ACJM passed the second impugned order recording that the reply had been filed, and put up the matter for consideration on 10.12.2025.

6. Then, *vide* the third impugned order dated 10.12.2025, the learned ACJM issued notice to the concerned DCP in the following terms:-

“Reply filed by Additional DCP, as per which, an explanation has been issued to IO on his part.

IO submits that he is yet to reply to the aforementioned explanation notice and departmental enquiry is still pending.

Issue notice to DCP concerned to apprise the Court qua the faith of aforementioned proceedings on NDOH.

List the matter for further proceedings on 05.01.2026.

IO is bound down for NDOH.’

[Emphasis Supplied]

7. On 05.01.2026, after noting dissatisfaction with the aforesaid reply, the learned ACJM *vide* the fourth impugned order sought further reply from the Additional DCP/ petitioner no.2⁶ and directed her appearance, as also issued notice to the DCP (SW)/ petitioner no.1 and called for a reply in the following terms:-

⁶ Hereinafter referred to as “*Addl. DCP*”



“Reply filed by Addl. DCP, as per which, explanation issued to IO is "being dealt with as per procedure". The said reply is found to be evasive.

It is observed that repeatedly, in multiple matters, this Court has warned the Addl. DCP to not file such evasive replies. Today itself, this is the third such matter, where the said Addl. DCP has filed such an evasive reply and has not apprised the Court qua the fate of departmental enquiry.

In such a scenario, this court is constrained to direct the aforementioned Addl. DCP to file reply qua the aforementioned aspect and appear on NDOH. Notice be issued to her accordingly through the office of Worthy Commissioner of Police. Copy of this order be sent with the notice.

Issue notice to DCP(SW) to file reply under his signatures apprising the Court qua the fate of aforementioned proceedings on NDOH.

List the matter for further proceedings on 29.01.2026.”
[Emphasis Supplied]

8. The petitioners assail all the aforesaid orders herein, primarily contending that the learned ACJM, upon acceptance of the Untrace/ Cancellation Reports which was one of the permissible courses under *Section 193 BNSS* as per ***Gangadhar Janardan Mhatre vs. State of Maharashtra***⁷, was *functus officio*, and as such, did not have the authority to pass the concerned directions *qua* the Police authorities in the impugned orders.

⁷ (2004) 7 SCC 768

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9. In view thereof, as per learned counsel for petitioners, the personal presence of the Addl. DCP, a Government Official, by the learned ACJM is contrary to Notification No.119/Rules/DHC dated 26.12.2025 pertaining to '*Personal appearance of Government Officials in Court Proceedings Rules, 2025*', whereby physical presence of government officials is not to be directed routinely or merely because the official's stance in the affidavit differs from the Court's view, as also has to follow due procedure such as recording of reasons, video-conferencing being the first option, etc.

10. Learned counsel further placed reliance upon a judgement rendered by a Co-ordinate Bench of this Court in ***State vs. Yogender Singh***⁸, involving directions to higher officials to take action against the erring officials. In effect, the learned counsel submitted that the learned ACJM overstepped jurisdiction and ventured into administrative functions solely within the discretion of the Police governed by the Delhi Police Act, 1978⁹ and the Delhi Police (Punishment and Appeal) Rules, 1980¹⁰, as also pre-judged the conduct of the concerned Police officials.

11. Relying upon a decision of the Hon'ble Supreme Court in ***Lucknow Kshetriya Gramin Bank & Anr. vs. Rajendra Singh***¹¹, learned counsel submitted *qua* the independence of departmental/ disciplinary proceedings, as also the limited scope of judicial review therein. Also, relying upon the dicta of the Hon'ble Supreme Court in ***State of U.P. & Ors. vs. Assn. of Retd.***

⁸ 2015 SCC OnLine Del 14203

⁹ Hereinafter '***DP Act***'

¹⁰ Hereinafter '***DP Rules***'

¹¹ (2013) 12 SCC 372

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Supreme Court and High Court Judges at Allahabad & Ors.¹², learned counsel submitted that frequent summoning of government officials at the drop of a hat despite their affidavit(s) being filed in Court is impermissible and Constitutionally unsound.

12. Learned ASC for the State supported all the aforesaid contentions made by learned counsel for the petitioners, and submitted that the fate/ result/ outcome of the proceedings against the concerned IO was beyond jurisdiction of the learned ACJM. Relying upon ***A.M. Mathur vs. Pramod Kumar Gupta & Ors.***¹³ and ***Dr. Dilip Kumar Deka & Anr. vs. State of Assam & Anr.***¹⁴, passed by the Hon'ble Supreme Court, as also ***Sanjay Kumar Sain vs. State of NCT of Delhi***¹⁵ and ***State (NCT of Delhi) vs. Shadab***¹⁶, rendered by Co-ordinate Benches of this Court, the learned APP submitted that adverse remarks passed by a Court against an individual without affording them an opportunity to be heard is against the principles of natural justice.

13. Based on the submissions made by the learned counsel for the petitioners as also the learned APP for the State as well as perusal of the pleadings on record, the moot issue before this Court is *qua* the jurisdiction of the learned ACJM in passing the impugned orders, after accepting the Untrace/ Cancellation Reports filed by the Police.

¹² (2024) 3 SCC 1

¹³ (1990) 2 SCC 533

¹⁴ (1996) 6 SCC 234

¹⁵ 2023/DHC/1499

¹⁶ 2023 SCC OnLine Del 8159

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14. In the proceedings pending before the learned ACJM qua the three FIRs, as per ***Gangadhar Janardan Mhatre (supra)***, the learned ACJM had to exercise *one of three possible* options being [i] accept the Report(s) filed by the Police or [ii] reject the Report(s) filed by the Police and take cognizance or [iii] direct further investigation. As evident from the first impugned order dated 15.11.2025, the learned ACJM had duly accepted the Untrace/ Cancellation Report(s) filed by the Police under *Section 193 BNSS*, as per which no cognizable offence(s) were made out in each of the said proceedings. More so, in each proceeding ‘*No Objection*’ of the complainant(s) in person has also been filed, which also was taken due note of. Thus, since the learned ACJM clearly accepted each of the Untrace/ Cancellation Report(s) filed by the Police therein, the same tantamounted to passing of a final order in all the proceedings. Resultantly, the proceedings in each case before the learned ACJM stood ‘*closed*’ for all purposes.

15. In such a scenario, by the first impugned order dated 15.11.2025, it was not for the learned ACJM to venture into the alleged lapses, if any, by the Police or anyone in any of the proceedings, much so, whence there was nothing pending before him. Also, since the learned ACJM was not a *fact-finding* authority, he could not have unwound the clock by starting a *de-novo* enquiry, as it was beyond his jurisdiction.

16. Similarly, in the wake of the aforesaid findings, subsequently also the learned ACJM could not have continued to venture into the step(s) taken, if any, by the Police and/ or (non-)filing of the replies before the departmental authorities by the IO or calling for any officer’s presence, much less the Addl. ***CRL.M.C. 765/2026; CRL.M.C. 767/2026; CRL.M.C. 768/2026***



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DCP. In any event, the lapse, if any, was within the sole discretion of the disciplinary/ departmental authorities of the Police. Reliance is placed upon *Lucknow Kshetriya Gramin Bank & Anr. (supra)*, as also upon *Rule 13(1)* of the DP Rules.

17. No doubt, the steps initiated by the learned ACJM were for a good cause/ reason, however, since the manner adopted is not permissible.

18. Accordingly, the present petitions are allowed and the impugned orders dated 15.11.2025, 26.11.2025, 10.12.2025 and 05.01.2026 insofar as the directions issued by the learned ACJM to the DCP/ petitioner no.1 and the Addl. DCP/ petitioner no.2, are set aside.

19. Be that as it may, the Police shall be free to initiate/ continue any action(s) against the concerned IO as per the DP Act and/ or DP Rules in accordance with law.

20. The present petitions, along with the pending applications, are disposed of in the aforesaid terms.

SAURABH BANERJEE, J

MARCH 10, 2026
Ab/RS