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

+ **W.P.(CRL) 574/2026**

ZIAUR RAHMAN

.....Petitioner

Through: Mr. S.D. Singh, Adv. (Through
VC)

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for the
State with Arjit Sharma and Ms.
Sakshi Jha, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

18.02.2026

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1. By virtue of the present petition under *Article 226* of the Constitution of India read with *Section 528* of the Bharatiya Nyaya Sanhita, 2023 (**BNSS**), the petitioner seeks setting aside of the order dated 22.01.2026 passed by the learned Chief Judicial Magistrate, South East District, Saket Courts, New Delhi in Misc. Crl No.168/2026 (***learned Trial Court***).

2. Learned ASC for the State submits that no such remedy is available under *Article 226* of the Constitution of India as the appropriate remedy lies exclusively within the domain of the “*inherent powers*” vested upon this Court by virtue of *Section 528* of the BNSS by filing a fresh petition.

3. *De hors* the above, learned counsel for the petitioner, seeks to withdraw the present petition with liberty to seek appropriate remedies in accordance with law.



4. As such, the present petition is dismissed as withdrawn with liberty as prayed for.

SAURABH BANERJEE, J

FEBRUARY 18, 2026/Ab