



\$~45

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

% ***Date of Decision: 24th February, 2026***

+ CRL.M.C. 1525/2026& CRL.M.A. 6169/2026& CRL.M.A.
6170/2026 & CRL.M.A. 6171/2026

NORTHERN RAILWAY THR. GYANENDRA RPATAP SINGH

.....Petitioner

Through: Mr. Ranjeev Khatana, SPC with Mr.
Varun Rajpal, Mr. Arjav Sethi,
Advocates. with Mr. Shivraj Meena
(CLA).

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondent

Through: Mr. Kapil Dutta, Advocate for MCD.
Mr. Anuj Chaturvedi with Ms. Richa
Dhawan, Ms. Yashita Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The prayer in the present petition is limited and concise.
2. Petitioner seeks quashing of summons issued on 18.02.2026.
3. A *challan* for violation of provisions of Sections 357 and 397 of Delhi Municipal Corporation Act, 1957 was filed. According to Municipal Corporation of Delhi (MCD), it, during inspection, noted nuisance/insanitation and, therefore, action was initiated against one Mr. Dinesh Kumar, Senior Engineer, Northern Railways.
4. The abovesaid *challan* was, accordingly, submitted before the concerned Court of Special Judicial Magistrate, CSP Zone.
5. The grievance of the petitioner i.e. Northern Railway is, merely, to the effect that on various previous occasions also, several officers of Railways



had appeared before the abovesaid Court and assisted the Court. However, for totally inexplicable reasons, learned Magistrate went on to hold that the presence of DRM, being the Head of the Railways, was mandatory and, therefore, it has directed him to appear so that the matter can be finally resolved. When an application was moved by the concerned DRM seeking permanent exemption from personal appearance, the same was dismissed.

6. The order dated 02.02.2026 would also indicate that several officers from different sectors of Railway had appeared whereas fact remains that the scope of the abovesaid *challan* is very constricted one.

7. The Court could have, easily, issued appropriate direction for ensuring presence of concerned alleged offender as mentioned in the *challan* i.e. of Mr. Dinesh Kumar, who has now, reportedly, been transferred but keeping in mind the limited scope of the abovesaid proceedings, there was no real purpose of asking so many officials of Railways to continue to appear.

8. Undoubtedly, the matter relates to nuisance and accumulation of rubbish etc. However, as per Schedule XII of the abovesaid Act, the prescribed penalty for the violation in question is Rs. 50/-, besides the fact that daily fine can also be imposed.

9. However, for abovesaid limited consideration, the presence of the entire team of Railways looks completely unwarranted and uncalled for.

10. Heard learned counsel for respondent-Corporation.

11. During course of the arguments, learned counsel for the petitioner submitted that the concerned Advocate representing Railways would appear before the Special Magistrate and would provide requisite assistance and, if there is any requirement of placing on record any specific report under the signatures of the concerned DRM, it will also be ensured that the same is



placed before the Executive Magistrate but supplements that there was no real requirement for insisting upon his personal appearance, particularly, when so any other Senior Officers are already appearing in the abovesaid petty matter.

12. Importantly, there was no reason or occasion for the concerned Magisterial Court to have issued summon under Section 61 Cr.P.C, which is meant for an accused and, therefore, the issuance of such summon is, *per se*, highly inappropriate and not permissible in the eyes of law as has not been shown as accused in the abovesaid *challan*.

13. Be that as it may, the present petition is disposed of with direction that the concerned DRM would be exempted from personal appearance. However, his counsel would represent him and would provide requisite assistance and cooperation to the learned Magistrate.

14. The petition stands disposed of in aforesaid terms.

15. Pending applications also stand disposed of.

16. Copy of this Order be sent to the concerned Special Judicial Magistrate through the Court of learned Chief Judicial Magistrate.

17. A copy of this order be given *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

FEBRUARY 24, 2026/sw/js