



\$~93

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

+ CRL.M.C. 3007/2026, CRL.M.A. 12232-12233/2026

SHARAT BHATTATIRIPAD & ORS.Petitioners

Through: Mr. Arjun Dewan, Ms. Rudrali Patil, Ms. Varuna J., Ms. Kratine Saxena, Mr. Kartik Sharma, Ms. Arshitya Ghose, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Tarang Srivastava, APP. SI Pramod Kumar, PS-Crime Branch, NDR.

Mr. Chirag Madan, Ms. Ravleen Sabharwal, Mr. Sai Krishna Kumar, Ms. Rachael Tuli, Mr. Ronit Bose, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.04.2026**

1. By way of this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], the petitioners assail an order dated 13.03.2026, passed by the learned Chief Judicial Magistrate ["CJM"], who is in *seisin* of proceedings arising out of FIR No. 29/2025, dated 29.01.2025, registered at Police Station Crime Branch, Delhi, under Sections 318(4)/316(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The aforesaid order has been passed on three applications filed by the accused in the said FIR [respondent No. 2 herein] under Section 94 of



BNSS. By the said applications, respondent No. 2 sought a direction upon the Investigating Officer [“IO”] to preserve the call records, WhatsApp and e-mail records, *inter alia* of the petitioners herein, alongwith others, who are the complainants in the said FIR for the periods mentioned therein.

3. The grievance of the petitioners is that, by the impugned order dated 13.03.2026, the learned CJM has directed the IO to preserve the relevant records sought in the application. Mr. Arjun Dewan, learned counsel for the petitioners, submits that this order was passed without notice to petitioner Nos. 2, 3 and 4, and without hearing the counsel for petitioner No. 1. It is submitted that pursuant to the aforesaid order, the IO has issued notices dated 14.04.2026 to the petitioners requiring them to provide their mobile phones to him, alongwith phone passwords and e-mail id passwords, for the purpose of investigation. The petitioners assail the aforesaid order *inter alia* on the ground that it infringes their right to privacy and that the applications seeking such records, at the instance of the accused and against the complainants, is not maintainable at this stage.

4. The aforesaid contentions are disputed by Mr. Chirag Madan, learned counsel for respondent No. 2, who appears on advance notice.

5. A perusal of the impugned order shows that the applications remain pending before the learned CJM. It is therefore open to the petitioners to raise all their contentions, including on maintainability of the applications, before the learned CJM, which will be decided on their own merits.

6. In the meanwhile, having regard to the sensitivity involved in



handing over the mobile phones, Mr. Dewan requests that the mobile phones of the petitioners may be kept in the custody of the Court, subject to the result of the applications filed by respondent No. 2.

7. Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State, and Mr. Madan, have no objection to this course of action.

8. In my view, such a course would adequately balance the interest of the petitioners, and also secure the preservation of the record, in the event the applications succeed.

9. The petition, alongwith pending application, is therefore disposed of in terms of the aforesaid submissions, with the following directions:

- A. The proceedings be listed before the learned CJM on 24.04.2026 for compliance of the aforesaid directions.
- B. On the said date, the learned CJM is requested to consider advancing the date of hearing of these applications.
- C. Needless to say, the applications will be decided in accordance with law after hearing learned counsel on both sides, as well as the State.

10. The observations in this order are not intended to prejudice the rights and contentions of the parties before the learned CJM, which remain reserved.

PRATEEK JALAN, J

APRIL 21, 2026

'Bhupi'/AD/