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

+ CRL.M.C. 3804/2026, CRL.M.A. 15428-15430/2026

BIJAY PRATAP SINGH & ANR.Petitioners

Through: Mr. Shree Prakash Sinha, Mr.
Rishabh Kr., Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Neha Chaudhary, PS:
Preet Vihar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **14.05.2026**

CRL.M.A. 15429-15430/2026 (*for exemption*)

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

CRL.M.C. 3804/2026, CRL.M.A. 15428/2026 (*stay*)

3. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***) [earlier *Section 482* of the Code of Criminal Procedure, 1973], the petitioners seek quashing of impugned order dated 27.03.2026 (***impugned order***) as also the entire criminal proceedings arising out of FIR No.198/2020 passed by the learned ACJM (East), Karkardooma Courts, Delhi (***learned ACJM***) in CR. Cases No. 691/2023.

4. At the outset, of the many grounds taken by the petitioners herein, learned counsel for petitioners primarily rests his contentions to the factum of non-application of mind *qua* the impugned order and submits



that the learned ACJM erred by not appreciating the settled law, whilst taking cognizance of the offence under *Sections 190/204* of Cr.P.C. He submits that although the Court is not required to give detailed reasons/ findings to take cognizance of an offence, however, semblance of a reason is *sine qua non* to indicate existence of a *prima facie* case against an accused. Based thereon, learned counsel for the petitioners submits that since impugned order is bereft of any sort of reasoning, the same clearly becomes a case of non-application of mind. Thus, he prays that the present petition be allowed.

5. Issue notice.

6. Learned APP for the State accepts notice.

7. Considering the nature of challenge made to the impugned order, and since it forms a material part of the petition herein, it is felt appropriate to reproduced the same as under:-

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xxx

Perusal of record shows that on 27.09.2025 after supplying the copy of charge-sheet and supplementary charge-sheet, the matter was fixed for arguments on charge inadvertently.

The charge-sheet and accompanying documents have been perused.

Cognizance is taken of the offence(s) mentioned therein.”

[Emphasis Supplied]

8. Based on the aforesaid reproduction, this Court is agreeable with the contentions raised by learned counsel for the petitioner, particularly, since the same is bereft of any (material) particulars, as also the reasoning. While taking cognizance, the Court has to be mindful of the fact that it is actually issuing a formal notice to an accused for bringing to his attention/



knowledge of his involvement in the Section(s), for which reasoning, showing an application of mind, is required. At the end of the day, it is initiation of a new process against an accused, which should reflect the ‘*satisfaction*’ and the accompanying reasons therein, of the Court taking cognizance.

9. An order of the kind impugned herein, and that too not entailing any details, *prima facie*, thus has to have something more. In fact, the Hon’ble Supreme Court in *Mehmood Ul Rehman v. Khazir Mohammad Tunda: (2015) 12 SCC 420* has held as under:-

“22. *There must be sufficient indication in the order passed by the Magistrate that he is satisfied that the allegations in the complaint constitute an offence* and when considered along with the statements recorded and the result of inquiry or report of investigation under Section 202 of CrPC, if any, the accused is answerable before the criminal court, there is ground for proceeding against the accused under Section 204 of CrPC, by issuing process for appearance. *Application of mind is best demonstrated by disclosure of mind on the satisfaction. If there is no such indication in a case where the Magistrate proceeds under Sections 190/204 of CrPC, the High Court under Section 482 of CrPC is bound to invoke its inherent power in order to prevent abuse of the power of the criminal court... ..*”

[Emphasis Supplied]

10. Based thereon, whilst exercising inherent powers vested under Section 528 of the BNSS, the impugned order dated 27.03.2026 is set aside and the proceedings in CR.Cases No.691/2023 arising out of FIR No.198/2020 are remanded to the learned ACJM (East), Karkardooma Courts, Delhi for fresh adjudicating after hearing learned counsel for the parties, if required, and pass a reasoned order which entails due



satisfaction, without being influenced by the observations made hereinabove.

11. As such, the present petition along with the pending application is disposed of in the aforesaid terms.

12. A copy of this order be sent to the Principal District and Sessions Judge, (East), Karkardooma Courts, Delhi for information and compliance *forthwith*.

SAURABH BANERJEE, J

MAY 14, 2026/So