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

\# **CNR No. DLHC010489682026**

\+ CRL.M.C. 7645/2026

DR. HIRA LAL KAPOOR .....Petitioner

Through: Mr. Kunal and Ms. Jyoti, Advs.

versus

THE STATE OF NCT OF DELHI .....Respondent

Through: Mr. Satish Kumar, APP for the State with Insp. Bhoopendra Kumar Singh, SI Pragati Soni, PS Paharganj.

CORAM:
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

O R D E R

% 09.10.2026

1. Hybrid mode.

CRL.M.A. 31893/2026 (exemption)

2. Allowed, subject to all just exceptions, and subject to the condition that the requisite documents shall be filed as per Delhi High Court Rules.

3. Application stands disposed of.

CRL.M.C. 7645/2026 & CRL.M.A. 31894/2026 (stay)

4. This is an application under Section 528 of the BNSS, 2023 moved on behalf of the applicant/petitioner seeking stay of order dated 30.08.2026 issued against the applicant/petitioner in FIR No. 258/2026 registered at P.S. Paharganj.

5. Issue notice.

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6. Notice is accepted by the learned APP on behalf of the State who seeks time to file status report/reply. Let the same be filed before the next date of hearing.

7. At the outset, in response to the plea taken by the applicant it is stated by the learned APP that there is no bar for the Judicial Magistrate to consider the cancellation of Non-Bailable Warrant under Section 72(2) BNSS. Therefore, in view of this fact, which is put forth by the learned counsel for the Applicant as well. The petition, it is submitted can be disposed of with the observation that the applicant shall move the learned Magistrate with the relevant application in this context. In this regard, it is pertinent to note that Section 72(2) of the BNSS, 2023 expressly provides that a warrant shall remain in force until it is cancelled by the Court "which issued it" or until it is executed. In view of the submissions made by the learned APP that the learned Magistrate is competent to consider an application seeking cancellation of Non-Bailable Warrant ('NBWs'). This Court considers it appropriate to relegate the petitioner to avail the remedy available before the learned Magistrate.

8. The petition together with pending application(s), if any, stands disposed of.

9. Copy be given *Dasti* under the signature of Court Master.

VIMAL KUMAR YADAV, J

OCTOBER 9, 2026/ps

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