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

\# **CNR No. DLHC010505092026**

\+ CRL.M.C. 7901/2026 & CRL.M.A. 32943/2026

ANIL KAPOOR AND ANR. .....Petitioners

Through: Mr. Umar Javed, Advocate

versus

UNION OF INDIA, THROUGH DRUG INSPECTOR PRAMOD KUMAR .....Respondent

Through: Mr. Rajkumar, APP for State
Mr. Shoumendu Mukherji, SPC with Ms. Megha Sharma, Mr. Anuruddha Ghosh and Ms. Kaberi Sharma, Advocates for UOI

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

O R D E R

% 27.10.2026

1. By way of the present petition, the petitioner seeks quashing of criminal complaint bearing CT Case No.736/2024 before Judicial Magistrate First Class (JMFC)-01, District Shahdara, Karkardooma Courts, Delhi, as well as the cognizance and summoning order dated 14th August, 2024, and all proceedings arising therefrom.

2. By way of the said order, the Magistrate has taken cognizance for offences under Section 18(a)(i) read with Sections 16, 17A(f) under Sections 27(b)(i) & 27(d) of Drugs and Cosmetics Act, 1940, and issued summons to the petitioner.

3. Counsel for the petitioner submits that the Magistrate ought to have issued notice under Section 223 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (‘BNSS’) prior to the issuance of summons. In this regard, reliance is

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placed on the judgment of the Allahabad High Court in ***Atiqur Rahaman & Anr.* v. *State of U.P. & Anr.*,** 2025 SCC OnLine All 4766.

4. The reliance is also placed on the judgment of the Supreme Court in ***Parvinder Singh* v. *Directorate of Enforcement***, 2026 SCC OnLine SC 903, wherein it is stated that even if the complaint is filed prior to 1st July, 2024, i.e., the date on which BNSS came into effect, the provision will still be applicable where cognisance is taken after the said date.

5. It is submitted that since the cognizance was taken on 14th August, 2024, after BNSS came in force, the Magistrate was required to hold a pre-cognizance hearing.

6. Similar issue has been decided by this Court in its recent judgment in ***Sh. Rishi Arora & Ors.* v. *State Govt. of NCT of Delhi & Ors., 2026:DHC:9378***, wherein relying upon the judgements of Supreme Court in ***Parvinder Singh*** (supra) and that of Allahabad High Court in ***Atiqur Rahaman*** (supra), this Court set aside the summoning order and remanded the matter to the Magistrate to pass a fresh order in accordance with law, after giving an opportunity to accused persons as per the mandate of Section 223 of the BNSS.

7. Consequently, the cognizance and summoning order dated 14th August, 2024 is set aside and the matter is remanded back to the Magistrate to proceed in accordance with law.

8. The petition stands disposed of in aforesaid terms.

AMIT BANSAL, J

OCTOBER 27, 2026
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