



2026:DHC:8184



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 21st September, 2026**# **CNR No. DLHC010448912026**+ **CRL.M.C. 7034/2026 & CRL.M.A. 29355/2026****MR. SANDEEP TALWAR**PetitionerThrough: Mr. Ashim Vachher, Sr. Adv. with
Mr. Sumeet Shokeen, Ms. Saiba
Mehr, Mr. Nikhil Mehta and Mr.
Kartikey Anand, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.RespondentsThrough: Mr. Avinder Singh, Mr. Devendra
Kejariwal, Ms. Arpita Bhattacharyya
and Mr. Navin Rawat, Advs.

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CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (Oral):**

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")/Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the First Information Report ("FIR") being *FIR 515/2025* dated 13th August, 2025, registered at Police Station ("PS") Prashant Vihar, Delhi, under Sections 85, 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), and all



consequential proceedings emanating therefrom.

2. A further prayer is sought to quash the order dated 20th May, 2026, passed by the Judicial Magistrate First Class, Mahila Court-01, North District, Rohini Courts, Delhi in *Cr. Case 690/2026*.

3. Learned Senior Counsel appearing for the petitioner, at the outset, submits that he confines the prayer in the present petition only to quashing of the order dated 20th May, 2026, whereby, the Trial Court took cognizance of the offences mentioned in the Chargesheet, and the petitioner was summoned as an accused through the concerned Investigating Officer (“IO”).

4. Issue notice. Notice is accepted by learned Additional Public Prosecutor (“APP”) appearing for the State, who submits that he has no objection to the aforesaid prayer of the petitioner with regard to quashing the order dated 20th May, 2026, *qua* the petitioner only.

5. Learned Senior Counsel appearing for the petitioner submits that the petitioner is the father-in-law of respondent no. 2, and that he has been falsely implicated by respondent no. 2 in *FIR 515/2025*.

6. He submits that the petitioner was arrayed as accused no. 2 in the aforesaid FIR, along with other family members related to respondent no. 2, namely, her husband, Mr. Ankit Talwar; her brother-in-law, Mr. Anuj Talwar; and her mother-in-law, Ms. Geeta Talwar.

7. Learned Senior Counsel appearing for the petitioner submits that the investigation in the said FIR is complete, and a Chargesheet has already been filed by the IO before the Trial Court.

8. This Court is informed that after a sustained investigation, the petitioner and his son, i.e., Mr. Anuj Talwar, were not even charge-sheeted



by the IO in *FIR 515/2025*, and their names were instead placed in Column no. 12 as “suspects”, as no incriminating evidence was found against them during the investigation.

9. Learned Senior Counsel appearing for the petitioner submits that the petitioner is aggrieved by the order dated 20th May, 2026, as the Trial Court, in a mechanical manner, without application of judicial mind and in total haste, took cognizance of the alleged offences in the aforesaid FIR and summoned all four members of the petitioner’s family, including, the petitioner herein.

10. He, thus, submits that the said order passed by the Trial Court is a non-speaking and unreasoned order.

11. Attention of this Court has been drawn to the order dated 07th September, 2026, passed by this Court in *CRL.M.C. 6603/2026*, which was a petition filed on behalf of the son of the petitioner, who is similarly placed as the petitioner herein.

12. The said order dated 07th September, 2026, passed by this Court in the said petition, reads as under:

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1. This hearing has been done through hybrid mode.
2. By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the ‘BNSS’), the petitioner seeks quashing of FIR No. 515/2025, registered at Police Station Prashant Vihar, Delhi, on 13.08.2025, for offences punishable under Sections 85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023, corresponding to Sections 498A/406/34 of the Indian Penal Code, 1860, along with all consequential proceedings emanating therefrom, qua the petitioner. The petitioner also seeks quashing of the order dated 20.05.2026 passed by the learned JMFC, North, Rohini District Courts, Delhi, in Criminal Case No. 690/2026, whereby cognizance has been taken and the petitioner has been summoned as an accused.



3. Learned counsel for the petitioner submits that the petitioner is the brother-in-law/dewar of Respondent No. 2. It is submitted that there are no specific or substantive allegations against the petitioner in the complaint, FIR.

4. Learned counsel for the petitioner further submits that, after completion of investigation, the Investigating Officer did not find any incriminating material against the petitioner. Consequently, the petitioner was not chargesheeted and was kept in Column No. 12 of the chargesheet as a suspect. It is submitted that the petitioner's father was also kept in Column No. 12 of the chargesheet.

5. It is further submitted that the learned Trial Court, vide the impugned order dated 20.05.2026, has taken cognizance against the persons placed in Column Nos. 11 and 12 of the chargesheet in a mechanical manner, without recording any reasons for proceeding against the petitioner

6. Issue notice.

7. Learned APP for the State accepts notice. On instructions, he submits that the petitioner was placed in Column No. 12 of the chargesheet by the Investigating Officer.

8. This Court has heard learned counsel for the parties and perused the record.

9. The impugned order dated 20.05.2026 reads as under:

"Perused the complete Charge Sheet. The Charge Sheet is well within the period of limitation. Perusal of the chargesheet and the documents annexed reveals the commission of the offences. Thus, I hereby take the cognizance of the offences as there is sufficient material to proceed further against the accused persons who have been kept in column no. 11 of the chargesheet as well as the accused persons



*who have been kept in column no. 12 of the chargesheet.
Accordingly, accused persons be summoned through the IO for the NDOH i.e. 28.10.2026.”*

10. A perusal of the aforesaid order shows that the learned Trial Court has taken cognizance against the petitioner, who had been placed in Column No. 12 of the chargesheet, without recording any reasons or discussing the material on the basis of which the petitioner was sought to be summoned as an accused.

11. The impugned order, does not disclose any independent consideration of the material against the petitioner or any reason for taking cognizance against him. The order merely records, in a general and omnibus manner, that there is sufficient material to proceed against the accused persons placed in Column Nos. 11 and 12 of the chargesheet.

12. In view of the above, the impugned order dated 20.05.2026, to the extent it takes cognizance against and summons the petitioner, namely, Mr. Anuj Talwar, is set aside.

13. The learned Trial Court is directed to pass a fresh order, after considering the material on record and recording reasons, if the learned Trial Court proposes to take cognizance against the petitioner, who has been placed in Column No. 12 of the chargesheet.

14. The parties shall appear before the learned Trial Court on the date already fixed, i.e., 28.10.2026.

15. It is clarified that this Court has not examined the merits of the allegations or the material collected during investigation. All contentions of the parties are left open. Nothing stated herein shall be construed as an expression of opinion on the merits of the case.

16. The present petition stands disposed of in the aforesaid terms.

17. The order be uploaded on the website forthwith.

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13. Having heard learned counsels for the parties, this Court notes that the petitioner's son, i.e., Mr. Anuj Talwar, had earlier preferred *CRL.M.C. 6603/2026*, wherein, by way of the aforesaid order, this Court quashed the order dated 20th May, 2026, to the extent that it took cognizance of the alleged offences against him and summoned him.



14. This Court further notes that the petitioner herein is identically placed as the petitioner in *CRL.M.C. 6603/2026*, as the name of petitioner therein was also kept in Column no. 12 as “suspect” by the IO, and he was not charge-sheeted.

15. Pertinently, it is noted that neither the summons dated 22nd May, 2026, issued by the Trial Court pursuant to the order dated 20th May, 2026, nor the order itself states any reason for issuing summons to the petitioner, when no Chargesheet had been filed against him.

16. Thus, it is apparent that the petitioner has been summoned as an accused without recording any reason whatsoever, in a mechanical manner, despite the finding of the IO in the Chargesheet that no incriminating evidence was found against the petitioner.

17. Accordingly, considering the submissions made before this Court, the impugned order dated 20th May, 2026, to the extent that it takes cognizance against and summons the petitioner, namely, Mr. Sandeep Talwar, is set aside.

18. The Trial Court is directed to pass a fresh order after considering the material on record.

19. The Trial Court shall record reasons, if it proposes to take cognizance against the petitioner, who has been placed in Column no. 12 of the Chargesheet.

20. The parties shall appear before the Trial Court on the date already fixed, i.e., 28th October, 2026.

21. It is clarified that this Court has not examined the merits of the allegations or the material collected during the investigation by the IO.

22. All contentions of the parties are left open.



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23. Further, nothing stated herein shall be construed as an expression of opinion on the merits of the case.

24. The present petition, along with pending application is accordingly disposed of, in the aforesaid terms.

MINI PUSHKARNA, J

SEPTEMBER 21, 2026/SK