



\$~101

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

CNR No. DLHC010442802026

+ **W.P.(CRL) 2883/2026 & CRL.M.A. 28909/2026, CRL.M.A. 28910/2026, CRL.M.A. 28911/2026**

MEENAL AGARWAL & ANR.

.....Petitioners

Through: Ms. Sumita Hazarika, Mr. Prakhar Gupta, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC with Mr. Sangeet Sibou, Ms. Divya Garg, Mr. Amit Kumar, Mr. Avinash Kumar Singh, Mr. Priyansh Raj Singh, Advs. for the State.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

%

17.09.2026

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed under Articles 226 and 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter referred to as 'BNSS'], seeking quashing of the judgment and order dated 14.07.2026 passed by the learned ASJ-05, New Delhi District, Patiala House Courts, New Delhi in **CT Case No. 05/2026**, whereby cognizance has been taken of the offences punishable under Sections 115(2), 131, 133, 351(2), 352 and 356 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 [hereinafter referred to as 'BNS'] and Sections 66C, 66D and 67 of the Information Technology Act, 2000 [hereinafter referred to as 'IT Act'] and the petitioners have been summoned to face trial. The petitioners



also seek quashing of the complaint proceedings instituted by respondent No.

2.

3. Briefly stated, respondent No. 2 alleged that on 30.01.2026, the petitioners assaulted and abused him at the Supreme Court premises and subsequently circulated a video of the incident on Instagram. On the complaint of respondent No. 2, **NCR No. 03/2026** was registered at Police Station Tilak Marg, New Delhi District, Delhi. Thereafter, *vide* order dated 14.07.2026, the learned ASJ took cognizance of the offences under the BNS and IT Act and summoned the petitioners, while declining to proceed under the SC/ST Act.

4. The petitioners had earlier challenged the same summoning order in **W.P.(CRL) 2454/2026**, which was withdrawn on 14.08.2026 with liberty to file afresh. The present petition has accordingly been filed assailing the same order.

5. Learned counsel for the petitioners submits that the proceedings arise out of a long-standing dispute between petitioner No. 1 and respondent No. 2. It is submitted that the incident dated 30.01.2026 occurred when the petitioners approached respondent No. 2 after he had allegedly contacted the school-going son of petitioner No. 1 and made certain statements concerning his mother.

6. Learned counsel further submits that there was insufficient material to summon the petitioners for the offences under the BNS and the IT Act. It is pointed out that the alleged Instagram account has not been directly linked to petitioner No. 1 and that the impugned order itself leaves its authorship and attribution open for trial. Reference by the learned counsel is also made to the complaint lodged by petitioner No. 1 against respondent No. 2, in which a



closure report was filed. It is, therefore, submitted that the offences alleged are not made out even *prima facie*.

7. *Per contra*, learned counsel for respondent No. 2 submits that the impugned order taking cognizance and summoning the petitioners is amenable to revision and that the petitioners ought to avail the statutory remedy instead of invoking the writ jurisdiction of this Court.

8. Heard the learned counsels for the parties and perused the material placed on record.

9. At the stage of summoning, the Court is not required to determine whether the allegations would ultimately result in conviction. The limited question is whether the material placed before the Court discloses sufficient ground to proceed against the accused or not. In the present case, a bare perusal shows that the learned ASJ has considered the complaint as well as the pre-summoning evidence before passing the impugned order. The fact that the learned ASJ declined to proceed against the petitioners for the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [hereinafter referred to as 'SC/ST Act'], while taking cognizance of the offences under the BNS and the IT Act, also shows that the material was considered independently and was not accepted mechanically in its entirety.

10. The principal grounds urged by the petitioners do not persuade this Court to take a different view at this stage. The existence of previous disputes between the parties, by itself, cannot be a ground to quash the proceedings. Likewise, the closure report filed on a complaint lodged by petitioner No. 1 against respondent No. 2 pertains to a separate complaint and cannot, at this stage, be treated as determinative of the allegations forming the subject matter



of the present proceedings.

11. Insofar as the alleged Instagram account is concerned, the petitioners contend that there is no direct material connecting petitioner No. 1 with the said account. The impugned order itself leaves the issue of its authorship and attribution open for determination in accordance with law. Whether the electronic material can ultimately be attributed to petitioner No. 1 and the evidentiary value thereof are matters which cannot be conclusively adjudicated by undertaking a detailed appreciation of the evidence in proceedings under the currently invoked jurisdiction.

12. The contentions raised by the petitioners essentially invite this Court to re-appreciate the material considered by the learned ASJ and to return findings on disputed questions at the threshold. Such an exercise is neither warranted nor permissible while examining a summoning order in the exercise of inherent jurisdiction. This Court finds no manifest illegality, perversity or abuse of the process of Court warranting interference with the impugned order.

13. Accordingly, the present petition is dismissed and disposed of.

14. Nothing hereinabove shall be construed as an expression on the merits of the case.

15. Pending applications also stand disposed of.

16. A copy of this order be sent to the concerned learned Trial Court for necessary information and compliance.

17. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

SEPTEMBER 17, 2026/ys/PG