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

\# **CNR No.DLHC010552032026**

\+ W.P.(CRL) 3571/2026, CRL.M.A. 35870/2026

YOGITA .....Petitioner

Through: Ms. Ashu Bidhuri, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS. .....Respondents

Through: Ms. Rupali Bandhopadhya, ASC along with Mr. Abhijeet Kumar, Adv. for State.
SI Vibhu Sharma, PS Subzi Mandi.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 20.11.2026

1. By way of the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), the petitioner seeks quashing of the preventive (Kalandra) proceedings under Sections 126 and 170 of the BNSS arising out of DD Entry No.0092A dated 09.10.2026, which are pending before the Special Executive Magistrate (SEM), Sarai Rohilla.

2. She also seeks a declaration that her detention on 09.10.2026 was illegal. Appropriate compensation is also claimed by the petitioner, along with a direction to the Commissioner of Police to initiate departmental/disciplinary proceedings against the police officials concerned.

3. According to the Kalandra (appended as Annexure -1 to the present petition), during patrolling on 09.10.2026, the police found a crowd gathered in Robin Cinema Wali Gali, Malka Ganj, where the petitioner was abusing

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the people of the neighbourhood and threatened to provoke many people to join the protest. The petitioner was consequently arrested.

4. According to the petitioner, at about 01:15 PM on 09.10.2026, five police officials in plain clothes came to her residence and, at about 01:45 PM, took her to Police Station Subzi Mandi on the pretext that the SHO wished to speak to her regarding maintenance of peace. She was kept at the Police Station for about seven hours without being told any ground, and was thereafter produced before the SEM and remanded to judicial custody for one day.

5. Learned counsel for the petitioner submits that the Kalandra is false and fabricated, and that the same was prepared to justify her detention.

6. It also transpires that a detailed representation has been made by the petitioner to the Senior Police Officers *vide* email dated 09.11.2026. The same has been appended as Annexure P-9 to the present petition.

7. It is noticed that the proceedings before the SEM are still pending.

8. Needless to say, the said proceedings shall be taken to their logical conclusion. However, the petitioner apprehends that electronic records, including the CCTV footage, may be lost and the same may severely prejudice the petitioner.

9. Considering the totality of the circumstances, the following directions are issued:

i. The SHO, P.S. Subzi Mandi and the DCP (North) shall preserve the CCTV footage of the Police Station Subzi Mandi for 09.10.2026 and 10.10.2026. The CCTV footage, if any, of the vicinity of the petitioner's residence shall also be duly preserved for 09.10.2026 and 10.10.2026;

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ii. The Special Commissioner of Police, Law and Order (Zone-I) shall decide the representation dated 09.11.2026 made by the petitioner by way of a reasoned order after calling for the report from the DCP (North). The decision shall specifically deal with the allegation that the *Kalandra* was falsely prepared. The petitioner shall be at liberty to place her material before him, and a suitable opportunity of hearing shall be granted to her. Let the representation be disposed of within a period of six weeks from today.

iii. The petitioner may raise all her pleas before the SEM. If aggrieved by the decision on her representation or by the outcome of the proceedings before the SEM, she may avail her remedies in accordance with law.

10. The petition, along with pending application, stands disposed of in the above terms.

SACHIN DATTA, J

NOVEMBER 20, 2026/r

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