

20 MISC CRL 4197/2026
KAMINI SADH VS. STATE
82/2024
PS EOW SOUTH EAST

13.08.2026

Present: Sh. Anand Kumar Goyal, Ld. APP for the State.
IO in person.
Sh. Kunal Beri, Ld. counsel for accused via VC.

1. Vide this order, the application moved on behalf of the applicant/accused for cancellation of NBWs and proceedings u/s 82 Cr.PC is being disposed of.

2. It has been stated on behalf of appellant/accused that applicant no.2 is undergoing medical treatment in USA and applicant no.1 is his wife and primary caregiver. It has further been stated that there was no dishonest intention at the inception and the criminal proceedings have been invoked to create pressure upon the applicants. It has further been stated that the applicants have never been served with any summons or notice asking them to join the investigation. It has been informed that they only received the whatsapp message from IO on 27.01.2026 upon which they sent a legal notice to the complainant/IO on 11.04.2026. It is further stated that the applicant received the information about FIR in appellate proceedings under RTI Act.

Accordingly, it has been prayed on behalf of the applicants that NBWs issued against the applicants may be recalled/set aside by the Court.

3. Perusal of the record reveals that while issuance of NBWs against the accused persons, Ld. Predecessor of this Court had considered the contents of the application filed on behalf of IO,

wherein, it was stated that the last known residential premises of the applicants and their last known factory premises was found to be sold out in September, 2023 and October, 2023 respectively, and there whereabouts were unknown. Despite this, several notices under Section 35(3) of BNSS were issued and affixed on the last known address of the accused persons directing them to join the investigation. Considering the same, vide order dated 13.03.2026, NBWs were issued against the applicants by the Ld. Predecessor of this Court.

4. The perusal of application u/s 82 Cr.PC which was moved before Ld. Predecessor of this Court reveals that the IO has stated that the whereabouts of the accused persons could not be gathered after due enquiry. Accordingly, in the order dated 04.05.2026, Ld Predecessor of this Court recorded that it appears that accused persons are deliberately concealing themselves and accordingly process u/s 84 BNSS was issued against the accused persons to be executed through DCP concerned. The said process has been executed on 06.07.2026. The accused persons have not joined the investigation in the meanwhile and it is only after the issuance of coercive process that the accused persons have moved the present application.

5. In these circumstances, no ground is made out for cancellation of NBWs or proceedings u/s 84 BNSS against the accused persons/applicants and therefore ***the present application stands dismissed.***

(Abhinav Pandey)
Chief Judicial Magistrate
South East District
Saket Courts/New Delhi/13.08.2026