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

\+ CRL.M.C. 2203/2026

CHANCHAL GOEL .....Petitioner

Through: Mr. Pratyaksh Gupta and Mr. Himanshu Dutt, Advocates.

versus

THE STATE (N.C.T. OF DELHI) & ANR. .....Respondents

Through: Ms. Kiran Bairwa, APP for the State. SI Rajat, P.S.: Vijay Vihar.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% 25.03.2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns summoning order dated 10.10.2025 passed by the learned Judicial Magistrate First Class (Mahila Court-01), North-West District, Rohini, Delhi, whereby the petitioner has been summonsed in case FIR No.489/2025 dated 12.08.2025 registered under sections 85/316(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Vijay Vihar, Delhi, based on chargesheet dated 08.10.2025. Allegations of offence under section 115(2) of the BNS have also been added by way of chargesheet dated 08.10.2025.

2. The summoning order reads as follows :

"*Record perused.*

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On the basis of charge sheet and documents annexed, there is a prima facie case for commission of offence u/s 85/316(2)/115(2)/3(5) BNS. Thus, I hereby take cognizance of the said offences.

Issue summons to all accused persons cited in colum (sic) no.11 through SHO concerned for ***11.12.2025***."

(bold in original)

3. Learned counsel for the petitioner submits that the petitioner is the sister-in-law [sister of the husband of the complainant/respondent No.2]; and a perusal of the chargesheet would show that the only allegations against the petitioner are the following:

> "*1. शादी से पहले से ही मेरे पति पारस गुप्ता मुझसे हर छोटी-छोटी बात पर झगड़ा करते थे, और सामान्य बातचीत को भी बहस में बदल देते थे। शादी के बाद मेरी सास, मेरे पति और मेरी ननद चंचल मुझ पर लगातार नौकरी छोड़ने का दबाव बनाते रहे, जबकि मैंने और मेरे परिवार ने पहले ही ये स्पष्ट कर दिया था की में शादी के बाद भी अपनी नौकरी जारी रखूंगी। जब मैने समझाया की मेरी नयी नौकरी है और मैं प्रोबेशन पर हू, तब मेरे पति ने मुझे धमकी दी की वह मेरे ऑफिस आकर मेरे सीनियर से बात करेंगे और मुझे नौकरी छोड़नी पड़ेगी। ... ...*
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> *****
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> "*3. ... ... मेरे पेरेंट्स ने कहा अभी 2-3 दिन में आ जायेगी, पर वो नहीं माने और अपनी बात जबरदस्ती forcefully मनवाने लगे। बीच में मेरी छोटी ननद चंचल और उनके पति अंकित भी बोलने लगे, मुझ पर दबाव बनाने लगे घर चलने का। फिर मेरे पेरेंट्स से बात करने के बाद हम लोग आगये। फिर बाद में 7:30 बजे करीब मेरे पति, मेरी बड़ी ननद और उनके पति मुझे मेरी माँ के घर से ससुराल लेने के लिए आते हे और में उनके साथ चली जाती हु। ... ...*
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> *"7. ... ... मेरे माता-पिता रात 11:30 बजे मेरे ससुराल पहुंचे और मेरे ससुराल वालो से बातचीत करने के लिए बैठे, लेकिन ससुराल वालो ने न तो उनसे बात की और न ही कोई सहयोग किया, बल्कि उनके साथ भी बदतमीज़ी और चिल्लाना शुरु कर दिय। वहा मेरी छोटी ननद चंचल और उनके पति अंकित भी रात 12 बजे आ गए थे। काफी बहस के बाद मेरे माता-पिता ने मुझे वहा से ले जाने के लिए ससुराल वालो से अनुरोध किया , लेकिन ससुराल वालो ने मुझे जाने नहीं दिय। मेरी ननद ने जबरदस्ती मुझे रोकने और मारपीट करने की कोशिश की, और मेरे पति ने भी मेरे माता-पिता पर चिल्लाना और हाथापाई करना शुरू करदिया। इन हालातो के चलते मेरे माता-पिता जबरदस्ती मुझे अपने साथ ले गए। ... ..."*

4. Learned counsel submits, that evidently the allegations against the petitioner are completely general and vague; and there is no material that has come forth even after the investigation to show that the ingredients of the offence under section 85 of the BNS are made-out against the petitioner.

5. Counsel submits, that it is also clear that apart from the assertion that the learned Mahila Court has perused the record, the said court has not adverted, even briefly, to any specific role ascribed to the petitioner.

6. It is argued that the learned Mahila Court has simply proceeded to issue summons to 'all accused persons cited in Column No.11', thereby effectively delegating the role of the court to the Investigating Officer ('I.O.') inasmuch as the court has proceeded simply on the basis of the persons that the I.O. has chosen to put in Column No.11, without applying its mind as to whether there is any material against the petitioner.

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7. Issue notice.

8. Ms. Kiran Bairwa, learned APP appears for the State on advance copy; accepts notice; and seeks time to file status report.

9. This court is conscious that a summoning order does not require a court to set-out any detailed discussion in relation to the matter; however, a summoning order is required to be passed after due application of mind.

10. Considering the allegations that have appeared on record against the petitioner (sister-in-law), this court is *prima-facie* of the view that the learned Mahila Court has not applied its mind before issuing summons to the petitioner.

11. On a *prima-facie* view of the matter; in view of the submissions made; and in view of what is recorded in the chargesheet, further proceedings in case FIR No.489/2025 dated 12.08.2025 registered under sections 85/316(2)/3(5) of the BNS at P.S.: Vijay Vihar, Delhi shall remain *stayed qua* the petitioner, till the next date of hearing before this court.

12. Re-notify on 17th August 2026.

ANUP JAIRAM BHAMBHANI, J

MARCH 25, 2026/ak

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