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

+ W.P.(CRL) 4196/2025

KAMLESH DEVI

.....Petitioner

Through: Mr. N.K. Aggarwal, Mr. Lokesh Kumar, Ms. Sanjana Antil, Mr. Amanpreet Kaur, Mr. C. Revathy, Adv.

versus

THE STATION HOUSE OFFICER PS JAFARPUR KALAN AND ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State with PSI Ashish PS J.P. Kalan.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.12.2025

CRL.M.A. 37784/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 4196/2025 & CRL.M.A. 37785/2025 (stay)

3. The present petition has been filed seeking following relief:

“I. Set aside/quash the Impugned Common order dated 17.04.2025 passed by the Ld. Chief Judicial Magistrate, District Court, Dwarka, New Delhi in Transfer Applications No. 08/2025, 09/2025, 10/2025, 11/2025 & 12/2025, as being vitiated by failure to exercise the judicial jurisdiction vested in the Court under Section 410 CrPC / Section 450 BNSS;

II. Declare and hold that the power of withdrawal, recall



and make-over of cases conferred on the Chief Judicial Magistrate under Section 410 CrPC / Section 450 BNSS is a judicial power, exercisable on judicial grounds with reasons, and not a mere administrative function of internal distribution of business;

III. Remand the Petitioner's Transfer Applications Transfer Applications No. 08/2025, 09/2025, 10/2025, 11/2025 & 12/2025 to the Ld. Chief Judicial Magistrate, Dwarka, for fresh consideration and adjudication on merits in exercise of such judicial power, within such time as this Hon'ble Court may deem fit and proper, and IV. Grant an interim stay on the operation of the impugned order dated 17.04.2025 during the pendency of the present writ petition;"

4. Issue notice. Mr. Sanjeev Bhandari, learned ASC appearing on behalf of State accepts notice.
5. Let status report be filed before the next date.
6. Re-notify on 21.04.2026.

VIKAS MAHAJAN, J

DECEMBER 17, 2025

N.S. ASWAL