



2026:AHC:58085

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8130 of 2026

Atul Mishra And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Lalit Kumar Misra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

1. Heard Shri Lalit Kumar Misra, learned counsel for the applicants and Shri Karunakar Singh, learned A.G.A. for the State.
2. The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicants to quash the entire proceedings of Case No. 1567 of 2021, arising out of Case Crime No. 670 of 2020, under Sections 323, 506, I.P.C., Police Station Subhash Nagar, District Bareilly as well as cognizance/summoning order dated 17.9.2021, pending in the court of Additional Chief Judicial Magistrate, Court No. 2, Bareilly.
3. While assailing the impugned order, contention of learned counsel for the applicants is that learned Magistrate has not applied judicial mind in passing the order as the order has been made on a printed proforma, in which the name of the accused, case crime number and Section has been filled up by hand.
4. Relying upon the decision of this Court in **Ankit Vs. State of U.P. and another, JIC 2010 (1) 432**, submission of the learned counsel for the applicants is that the order impugned being on a printed proforma is clearly without application of judicial mind and hence, is liable to be quashed on this ground alone.
5. Learned A.G.A. has also admitted that the order impugned has been passed on the printed proforma and therefore, keeping in view the decision in the case of **Ankit (supra)**, the Magistrate concerned may be directed to pass a fresh order.

6. I have considered the arguments so advanced by learned counsel for the applicants and learned A.G.A. and also perused the record.

7. The certified copy of the order summoning the accused has been appended as Annexure-1 at page-22 of the paper book. From a perusal of the above order, it is evident that it is a typed proforma where only information of case number, name of parties, section, date and next date is to be filled by Magistrate in handwriting. It appears that the blanks in the printed proforma have been filled up by some court employee and the Additional Chief Judicial Magistrate, Court No. 2, Bareilly has thereafter just put his initial, which leads to the conclusion that the Magistrate has passed the order in a mechanical manner without application of judicial mind.

8. Despite there being a series of decisions of the Apex Court and this Court disapproving such practice of passing orders on printed proforma by the judicial officers, it is very painful and unfortunate to see that applicant in the present case has been summoned by the Magistrate by an order in which blanks have been filled in on a printed proforma without applying judicial mind. This type of order has already been held unsustainable by this Court in the case of **Ankit (supra)** relying on in a number of decisions of the Apex Court. The relevant portion of the said decision, is extracted below:

"8. ? Although as held by this Court in the case of Megh Nath Guptas & Anr V State of U.P. And Anr, 2008 (62) ACC 826, in which reference has been made to the cases of Deputy Chief Controller Import and Export Vs Roshan Lal Agarwal, 2003 (4) ACC 686 (SC), UP Pollution Control Board Vs Mohan Meakins, 2000 (2) JIC 159 (SC): AIR 2000 SC 1456 and Kanti Bhadra Vs State of West Bengal, 2000 (1) JIC 751 (SC): 2000 (40) ACC 441 (SC), the Magistrate is not required to pass detailed reasoned order at the time of taking cognizance on the charge sheet, but it does not mean that order of taking cognizance can be passed by filling up the blanks on printed proforma. At the time of passing any judicial order including the order taking cognizance on the charge sheet, the Court is required to apply judicial mind and even the order of taking cognizance cannot be passed in mechanical manner. Therefore, the impugned order is liable to be quashed and the matter has to be sent back to the Court below for passing fresh order on the charge sheet after applying judicial mind."

9. In view of the above, the conduct of the judicial officers concerned in passing orders on printed proforma by filling up the blanks without

application of judicial mind is objectionable and deserves to be deprecated. The summoning of an accused in a criminal case is a serious matter and the order must reflect that Magistrate had applied his mind to the facts as well as law applicable thereto.

10. In view of what has been stated above, the present application is allowed. The order impugned dated 17.9.2021 passed by Additional Chief Judicial Magistrate, Court No. 2, Bareilly is, hereby, quashed. The Magistrate is directed to pass fresh order after applying the judicial mind.

March 18, 2026
T. Sinha

(Sanjay Kumar Pachori,J.)