



2026:AHC:53525

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 4152 of 2026

Hasrat Ali And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alok Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

1. Heard Shri Alok Kumar Singh, learned counsel for the applicants and Shri Abhishek Kumar, learned A.G.A. for the State.
2. The present application under Section 528 of BNSS has been filed to quash the notice-cum-order dated 09.01.2026 passed by Sub-Divisional Magistrate, Garhmukteshwar, Hapur as well as entire proceedings of Case No. 501191 of 2026, arising out of notice-cum-order under Section 130 of BNSS.
3. Learned counsel for the applicants submits that the impugned notice-cum-order has been passed without considering the facts, circumstances and position of law and without satisfying itself as provided.
4. While assailing the impugned order, contention of learned counsel for the applicant is that the 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.
5. 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 applicant 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.
6. Learned AGA 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.

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

8. The certified copy of the order summoning the accused has been appended as annexure-9 at page-59 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 has been filled in handwriting in typed order. It appears that the blanks in the printed proforma have been filled up by some court employee and the Presiding Officer of the Court 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.

9. 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:

"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."

10. 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.

11. In view of what has been stated above, the present application is allowed. The order impugned notice-cum-order dated 09.01.2026 passed by Sub-Divisional Magistrate, Garhmukteshwar, Hapur is, hereby, quashed. The Magistrate is directed to pass fresh order after applying the judicial mind.

March 17, 2026
MAA/-

(Sanjay Kumar Pachori,J.)