



2026:AHC:124447

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 22838 of 2026

Rahisuddin And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Awaish Khan, Sadrul Islam Jafri
Counsel for Opposite Party(s)	:	G.A.

Court No. - 32

HON'BLE SANJAY KUMAR PACHORI, J.

1. Supplementary affidavit filed today by learned counsel for the applicants is taken on record.
2. Heard Shri N.I. Jafri, learned Senior Counsel assisted by Shri Awaish Khan, learned counsel for the applicants and Shri M.K. Singh, learned A.G.A. for the State.
3. The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicants to quash the entire proceedings of Criminal Case No. 1944 of 2026, arising out of Case Crime No. 478 of 2025, under Sections 115(2), 352, 351(2), B.N.S., Police Station Lisari Gate, District Meerut as well as cognizance/summoning order dated 30.3.2026, pending in the court of Additional Chief Judicial Magistrate, Court No. 8, Meerut.
4. While assailing the impugned order, contention of learned Senior Counsel for the applicants is that learned Magistrate has not applied judicial mind in passing the order as the cognizance order has been made on a printed proforma. The impugned order has been passed without considering the facts, circumstances and position of law. The case is treated as complaint, which is originally State case. No summoning order has been passed in accordance with law.
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 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.

6. 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.

7. I have considered the arguments so advanced by learned counsel for the applicants 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-S.A.-1 at page-9 of the supplementary affidavit. 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. 8, Meerut 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:

"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."

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 dated 30.3.2026 passed by Additional Chief Judicial Magistrate, Court No. 8, Meerut is, hereby, quashed. The Magistrate is directed to pass fresh order after applying the judicial mind.

12. Let a copy of this order be sent to the Sessions Judge concerned for necessary compliance of circular letter of this Court.

June 1, 2026

T. Sinha

(Sanjay Kumar Pachori,J.)