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

\# **CNR No. DLHC010358382026**

\+ W.P.(CRL) 2356/2026

KHURSHID AHMED .....Petitioner

Through: Mr. Gaurav Arya, Mr. Naveen Bamel, Mr. Harsh Goyal and Mr. Manav Trivedi, Advocates.

versus

STATE OF NCT OF DELHI THROUGH SHO PS KAMLA MARKET .....Respondent

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan and Mr. Anshul Sharma, Advocates.
SI Virender, P.S. Kamla Market.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **13.10.2026**

CRL.M.A. 31977/2026 *(seeking early hearing)*

1. By this application, the Petitioner seeks early hearing of the petition having regard to the fact that the Petitioner has cleared an exam of Eklavya Model Residential School and has to appear for document verification.

2. Considering the above, the application is allowed and the writ petition is taken up for final hearing today itself.

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3. This petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"], seeking quashing of FIR No. 351/2025 dated 24th August, 2025, registered at Police Station Kamla Market under Sections 223(a) and 3(5) of the

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Bharatiya Nyaya Sanhita, 2023 [“BNS”], and all consequential proceedings arising therefrom, insofar as they concern the Petitioner.

4. The impugned FIR arises out of a protest organised at Ramlila Maidan, Delhi, on 24th August, 2025, by aspirants of the Staff Selection Commission [“SSC”], concerning alleged irregularities in the conduct of examinations. Permission had been granted for holding a peaceful demonstration on 24th and 25th August, 2025, between 10:00 AM and 5:00 PM. According to the prosecution, approximately 800 to 1,000 persons assembled at the venue. Upon expiry of the permitted time, the organisers and protesters were repeatedly directed to vacate the ground. It is alleged that certain organisers refused to conclude the demonstration and instigated the gathering to remain at the venue until their demands were fulfilled. The police further allege that, despite repeated announcements regarding the prohibitory orders under Section 163 of the BNSS, the protesters continued to occupy the ground and some of them pushed and scuffled with police personnel. Consequently, 44 persons, including the Petitioner, were detained and the impugned FIR was registered.

5. Counsel for the Petitioner submits that the Petitioner is a competitive examination aspirant who had attended the protest to express his grievances regarding the SSC examinations. He was neither an organiser nor a speaker at the demonstration and had no role in directing or instigating the gathering. It is contended that the Petitioner has been implicated merely because he was present at the venue after the permitted time. No specific allegation of disobedience, obstruction, violence or altercation with the police has been attributed to him. Counsel further submits that there is no material to establish that the Petitioner had knowledge of any particular prohibitory

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order issued under Section 163 of the BNSS. Reliance is placed on ***Bhoop Singh Tyagi v. State***,[1] to emphasise that knowledge of a lawfully promulgated order and its deliberate disobedience are essential ingredients of the offence. It is accordingly urged that the ingredients of Section 223(a) of the BNS are not disclosed against the Petitioner.

6. It is further pointed out that the Petitioner duly joined investigation pursuant to the notice issued under Section 35(3) of the BNSS and cooperated with the Investigating Officer. Reliance is also placed on ***State of Haryana v. Bhajan Lal***,[2] to contend that criminal proceedings are liable to be quashed where the allegations, even if taken at face value, do not disclose the commission of an offence.

7. Mr. Anmol Sinha, ASC for the State, opposes the petition and relies upon the Status Report dated 13th October, 2026. He submits that despite repeated announcements through loudhailers directing the protesters to disperse, the gathering continued at the venue beyond the permitted hours, in violation of the prohibitory orders under Section 163 of the BNSS. He further points out that the Petitioner was amongst those who remained at the venue despite these directions and was consequently detained. During investigation, the Petitioner joined proceedings on 3rd October, 2025, pursuant to notice under Section 35 of the BNSS, and disclosed that he had attended the protest after learning about it through social media. Following interrogation, he was bound down and released.

8. Mr. Sinha further submits that the investigation has progressed and a chargesheet has been filed against 29 persons who joined investigation,

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[1] 2002 SCC OnLine Del 277.
[2] 1992 Supp (1) SCC 335.

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while further investigation concerning the remaining protesters is continuing. He accordingly contends that the allegations arising from the continued occupation of the venue despite police directions warrant examination in the course of criminal proceedings, and that no case for quashing the impugned FIR is made out at this stage.

9. Having considered the submissions and examined the material placed on record, the Court finds that the allegations against the Petitioner require consideration in the context of the ingredients of Section 223(a) of the BNS. The provision penalises disobedience of an order lawfully promulgated by a public servant, where the person concerned has knowledge of such order and the disobedience causes, or tends to cause, obstruction, annoyance or injury, or the risk thereof, to persons lawfully employed. Thus, knowledge of the order and disobedience thereof are essential elements of the offence.

10. In the present case, the protest was initially permitted by the police. The prosecution alleges that the gathering continued beyond the permitted hours and that repeated directions were issued for its dispersal. The Court does not overlook these allegations, nor does it suggest that participants in a permitted demonstration are entitled to disregard lawful directions regulating its duration or conduct. However, the question is whether the material on record discloses the commission of the alleged offence insofar as the Petitioner is concerned.

11. In this regard, it is significant that the allegations concerning refusal to vacate the ground, instigation of the protesters and scuffling with police personnel are directed against the organisers or the gathering generally. Neither the impugned FIR nor the subsequent Status Report attributes any such conduct specifically to the Petitioner. His alleged role is confined to

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remaining at the venue after the permitted hours, despite the directions issued by the police.

12. The repeated announcements through loudhailers may be relevant to establishing the Petitioner's knowledge of the directions to disperse. Indeed, continued presence despite such knowledge may amount to disobedience of those directions. However, for an offence under Section 223(a) of the BNS to be made out, the disobedience must also cause, or tend to cause, the consequences specified in the provision. The material on record does not disclose how the Petitioner's continued presence, in the circumstances alleged, attracted this further requirement. His mere presence amongst the protesters cannot, without more, be treated as sufficient to establish the offence.

13. The invocation of Section 3(5) of the BNS does not alter this position. The principle of common intention requires that the criminal act be committed in furtherance of an intention shared by the persons sought to be held jointly liable. Mere participation in the same demonstration does not, by itself, establish a common intention to disobey lawful directions or obstruct police personnel. The material on record does not disclose any basis for attributing such common intention to the Petitioner.

14. It is also relevant that the Petitioner joined investigation pursuant to the notice issued under Section 35 of the BNSS. The State does not allege that he failed to cooperate or attempted to obstruct the investigation.

15. In ***State of Haryana v. Bhajan Lal***, the Supreme Court recognised that criminal proceedings may be quashed where the allegations, even if accepted at their face value, do not prima facie constitute an offence against the accused. The Court is conscious that the jurisdiction to quash criminal

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proceedings must be exercised with restraint and that a detailed appreciation of evidence is ordinarily impermissible at this stage. However, where the material does not disclose the foundational ingredients of the offence against a particular accused, continuation of the proceedings would amount to an abuse of the process of law.

16. Applying these principles, the Court finds that the material presently placed on record does not disclose sufficient grounds for continuing the prosecution against the Petitioner under Sections 223(a) and 3(5) of the BNS. The Petitioner cannot be subjected to criminal proceedings merely on account of his presence amongst the protesters, in the absence of material indicating his knowing participation in the alleged disobedience or any common intention to commit the offence. The continuation of the proceedings against him, in these circumstances, would serve no worthwhile purpose.

17. Accordingly, the present petition is allowed. FIR No. 351/2025 dated 24th August, 2025, registered at Police Station Kamla Market under Sections 223(a) and 3(5) of the BNS, and all consequential proceedings arising therefrom, are hereby quashed qua the Petitioner, Khurshid Ahmed.

18. It is clarified that the observations made herein are confined to the role of the present Petitioner and shall not affect the investigation or proceedings against any other accused person.

19. The petition, along with any pending applications, stands disposed of.

SANJEEV NARULA, J

OCTOBER 13, 2026/as

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