

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 18857/2026

[Arising out of impugned judgment and order dated 21-09-2026 in WPCRL No. 2850/2026 passed by the High Court of Delhi at New Delhi]

KUNAL YADAV & ORS.

Petitioner(s)

VERSUS

SHRI MANAN KUMAR MISHRA & ORS.

Respondent(s)

(IA No. 304042/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 12-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) : Mr. Prashant Bhushan- 515, AOR
Mr. Anurag Tiwary, Adv.
Ms. T. Geetha, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. An incident involving a sit-in protest by certain lawyers, including the petitioners, took place on the intervening night of 20/21.08.2026 within the premises of the Bar Council of India. The protest was stated to have escalated in the early hours of 21.08.2026 when, at about 1:15 a.m., a group of approximately 20 to 30 persons arrived at the premises and violently assaulted the petitioners who were participating in the protest.

2. This led the petitioners to file a complaint on 22.08.2026, before SHO, IP Estate Police Station, New Delhi, for offences of unlawful assembly, rioting, grievous hurt, trespass, criminal intimidation and conspiracy. They also sought preservation of CCTV footage. However, it is their case that no FIR was registered on the basis of the aforesaid complaint.

3. The petitioners then filed a Writ Petition before this court, but upon mentioning, they were advised to approach the Delhi High Court. Vide impugned judgment dated 21.09.2026, the High Court has dismissed the Writ Petition as being non-maintainable, primarily on the ground that the petitioners have an alternate efficacious remedy in the form of filing a complaint before the concerned Magistrate under Section 223 BNSS.

4. We have heard learned counsel for the petitioners and perused the averments in the complaint made to the Police on 22.08.2026.

5. We are conscious of the fact that no notice has been issued to the respondents and we do not propose to pass an order that may be construed to have caused any prejudice to them. However, to ensure that the incident is properly investigated and such investigation is taken to a logical conclusion, we dispose of the instant Special Leave Petition with the following directions:

(i) The Commissioner of Police, Delhi, is directed to ensure that the complaint dated 22.08.2026 made by the petitioners to the SHO, IP Estate Police Station is appropriately investigated. For that purpose, let a Special Investigation Team (SIT) headed by a senior police officer in the rank of Deputy Commissioner of Police be constituted.

(ii) The investigation shall be conducted uninfluenced by the observations made by the High Court in the impugned order.

(iii) The report upon investigation may be filed before the jurisdictional Metropolitan Magistrate with an intimation to the petitioners.

(iv) The petitioners shall be at liberty to approach the High Court, if so required.

6. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR