CASE ANALYSIS

India’s Supreme Court Quashes Deepti Singh Case Over Protest Petition Procedure

The Court held that a protest petition could support a summons against Deepti Singh only if the magistrate treated it as a complaint and followed the Code’s pre-summoning procedure.

By Shahbaz Shah · 26 November 2026

Deepti Singh v. State of U.P. · 2026 INSC 1264

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Police investigated a death in Banda and charged Deepti Singh’s husband with lesser offences. They found insufficient material against her. The informant objected through a protest petition, and the Chief Judicial Magistrate summoned Singh on several charges, including murder with common intention. India’s Supreme Court quashed the proceedings against Singh after finding that the magistrate had acted without following the procedure for a complaint. Paragraphs 3–6 and paragraph 16.

The two routes to cognizance

Under Section 190(1)(b) of the Code of Criminal Procedure, 1973, a magistrate can take cognizance on a police report. The magistrate applies independent judgment to its material and may disagree with the investigating officer. The Supreme Court also said that a magistrate who accepts a chargesheet in full cannot add an offence to that cognizance order. Where the police report contains no material against the person and investigation appears deficient, further investigation may be directed under Section 173(8) if warranted. Paragraphs 8 and 11.

A protest petition may be treated as a complaint under Chapter XV. The Court said it must satisfy Section 2(d), including a specific accusation against the proposed accused and a list of witnesses. A filing that simply points to defects in the police inquiry does not become a complaint. Once the magistrate treats it as one, the duties under Sections 200 and 202 apply, including examination on oath as required and an inquiry where the accused resides beyond the magistrate’s territorial jurisdiction. Section 204 requires a prosecution witness list before summons or warrant issues. Paragraphs 9–10 and paragraph 14.

Why the summons failed

The magistrate criticised the investigation at length but did not establish that the informant's protest petition met the requirements of a complaint or show compliance with the pre-summoning procedure. The Allahabad High Court treated Singh's challenge as one about disputed facts. The Supreme Court held that the issue was procedural and that the High Court should have examined it using the inherent power preserved by Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Relegating Singh to a discharge application did not answer the jurisdictional error. Paragraphs 12–16.

The order concerns Singh alone. The bench set aside the Allahabad High Court's decision of 18 February 2026 and quashed the magistrate's 25 March 2025 cognizance order and the resulting proceedings as against her. Paragraph 16.

Official court PDF · Supreme Court judgment list.

Frequently asked questions

Can a magistrate disagree with a police report?

Yes. Section 190(1)(b) requires the magistrate to assess the material independently. The judgment distinguishes that decision from taking cognizance on a complaint. Paragraph 8.

When can a protest petition be treated as a complaint?

It must satisfy Section 2(d) and identify a specific accusation and the witnesses. The magistrate must then follow the complaint procedure under Chapter XV. Paragraph 14.

Why did Section 528 BNSS matter?

It preserves the High Court's inherent power to address abuse of process. The Supreme Court found the challenge concerned the magistrate's legal authority and procedure. Paragraph 15.

Whose proceedings did the Supreme Court quash?

The Court quashed the 25 March 2025 order and the proceedings in the case as against Deepti Singh. Paragraph 16.