Cassie

TUESDAY
1 SEPTEMBER 2026

DAILY

Court Digest

The day's most significant judgments from India's courts.

IN TODAY'S DIGEST

- **S.482 CrPC | Quashing on settlement requires victim consent : SC**
- **S.47 BNSS | Arrest illegal without written grounds : Orissa HC**
- **S.8 Suraksha Act | Externment without hearing is void ab initio : SC**
- **S.138 NI Act | Cheque case against director alone is void : Patna HC**
- **CPA | Insurer cannot repudiate on unwritten safeguards : SCDRC**

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Supreme Court

2 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Quashing of Cases

SUPREME COURT

Criminal proceedings may be quashed upon settlement with the victim despite informant objection

The dispute. Anand Kumar and co-accused faced prosecution for cheating and forgery involving a disputed power of attorney over fifty-four acres. The High Court dismissed the quashing petition holding that an informant's consent was necessary, which the accused challenged before the Supreme Court.

The reasoning. The Court held that inherent quashing powers remain distinct from compounding and require only the actual victim's compromise.

> *Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence.*
>
> FROM THE JUDGMENT

For your practice. Defence counsel pursuing Section 482 quashment must secure compromise affidavits from actual victims rather than informants, distinguishing abuse of process from statutory.

The order. The Supreme Court set aside the High Court order and quashed all criminal proceedings in Sessions Trial No. 459 of 2018 against all accused persons. The related criminal revision was dismissed with no order as to costs.

§ **Section 482, Code of Criminal Procedure, 1973**

ANAND KUMAR @ SANJJAY LALWANI vs THE STATE OF MADHYA PRADESH

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	31.08.2026	Crl.A. No.-004110-004110 - 2026	2026 INSC 928

BENCH
K.v. Viswanathan, Arun Palli

Criminal Issues

SUPREME COURT

Externment orders passed without mandatory statutory notice and hearing are void ab initio

The dispute. The District Magistrate of Raigarh reopened a previously closed externment proceeding and banished Vijay Kumar Rajpoot for one year without notice. The appellant was detained in judicial custody in unrelated criminal cases when the ex parte exile order was passed against him. The High Court dismissed his writ petition directing him to pursue a statutory appeal, prompting this challenge before the Supreme Court.

The reasoning. The Court held that statutory notice and hearing under Section 8 are mandatory safeguards, rendering ex parte externment orders void ab initio.

> *The duty to give the hearing sounds in a statute which affects the fundamental right of a citizen, the failure to comply with such a duty is fatal.*
>
> FROM THE JUDGMENT

For your practice. Writ petitions lie directly against void externment orders without exhausting statutory appeals whenever authorities breach mandatory hearing safeguards.

The order. The Supreme Court quashed the externment order dated 6 October 2025 as void and set aside the High Court's appellate direction.

§ Section 8, Chhattisgarh Rajya Suraksha Adhiniyam, 1990

VIJAY KUMAR RAJPOOT ALIAS VIJJU vs STATE OF CHHATTISGARH

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	31.08.2026	Crl.A. No.-004083-004083 - 2026	2026 INSC 926

BENCH
Dipankar Datta

High Courts

8 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Bail, Arrest & Custody Issues

ORISSA HC

Failure to furnish written grounds of arrest vitiates detention and mandates immediate bail

The dispute. The police arrested former Odisha legislator Bikram Panda for suspected involvement in the fatal daylight shooting of an advocate. After the magistrate and the sessions judge rejected bail, the accused petitioned the High Court to challenge the legality of his arrest.

The reasoning. Article 22(1) and the procedural code mandatorily require serving specific written grounds to enable an effective defence.

For your practice. Defence counsel should scrutinise arrest memos at the initial remand hearing, as omitting contemporaneous written grounds vitiates custody and provides an immediate basis for bail.

The order. The High Court allowed the bail application and ordered the petitioner's immediate release upon furnishing a bond under Section 91 of the BNSS.

§ Section 47, Bharatiya Nagarik Suraksha Sanhita, 2023

Bikram Panda @ Bikram Kumar Panda v. State of Odisha

COURT	DECIDED	CASE NO.	BENCH
Orissa High Court	31.08.2026	BLAPL/13860/2025	Aditya Kumar Mohapatra

Criminal Issues
Sexual Offences, POCSO & Domestic Crimes

GAUHATI HC

Minor's best interest permits medical termination of pregnancy beyond twenty-four weeks

The dispute. A fifteen-year-old sexual assault survivor was found to be twenty-seven weeks pregnant following registration of a POCSO case. Represented by her mother, the minor sought judicial permission for termination to safeguard her physical and psychological health. The minor filed a writ petition before the High Court seeking termination of pregnancy beyond the statutory twenty-four week ceiling.

The reasoning. Applying the best-interest doctrine, the court held that a minor's constitutional dignity under Article 21 overrides statutory gestational limits.

For your practice. Counsel representing pregnant minors can bypass statutory gestational limits by securing medical board clearance and invoking constitutional best-interest rights.

The order. The court permitted medical termination of the 27-week pregnancy subject to a parental undertaking. All authorities were directed to maintain strict confidentiality regarding the minor's identity and records.

§ Medical Termination of Pregnancy Act, 2003

Ms X v. State of Arunachal Pradesh

COURT	DECIDED	CASE NO.	CITATION
Gauhati High Court	31.08.2026	WP(C)/407/2026	2026:GAU-AP:864

BENCH
Sanjay Kumar Medhi

Government & Public Body Interactions
Service Matters of Government Employees (Transfers, Promotions, etc.)

PATNA HC

Additional pension quantum becomes payable only upon completion of the prescribed age slabs

The dispute. Retired education officer Nand Kishor Singh claimed twenty and thirty percent additional pension increments upon entering his eightieth and eighty-fifth years. A Single Judge allowed the retiree's writ petition advancing entitlement dates, prompting the State to file a Letters Patent Appeal.

The reasoning. The Court held that age-related pension rules must receive their plain grammatical meaning denoting completed years rather than entering an age.

> *The expression '80 ... 85 ...' in its ordinary grammatical sense means a person who has attained or completed the age of 80 years and is 80 years or more.*
>
> FROM THE JUDGMENT

For your practice. Pension claims must be computed strictly from completed age milestones rather than the start of birthday years when challenging state disbursement schedules before writ courts.

The order. The High Court allowed the appeal, set aside the Single Judge's judgment, and dismissed the writ petition. Authorities were directed to disburse twenty percent additional pension from 1 January 2017 and thirty percent from 1 January 2022.

§ Central Civil Services (Pension) Rules, 2021

The State of Bihar vs Nand Kishor Singh

COURT	DECIDED	CASE NO.	BENCH
Patna High Court	31.08.2026	LPA-249/2024	Bibek Chaudhuri, Rana Vikram Singh

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Court undertakings override share transfer rights and asset dissipation invites contempt

The dispute. A foreign decree holder sought execution of an arbitral award exceeding five thousand crore rupees against pharmaceutical conglomerate promoters. The judgment debtors systematically dissipated unencumbered healthcare shares despite giving repeated status quo assurances to courts. The decree holder initiated execution and contempt proceedings before the High Court seeking asset attachment and forensic tracing.

The reasoning. The court held that solemn undertakings given to courts override statutory share transfer freedoms and bind promoters across their corporate structures.

> *The five assurances and the injunction orders of the Supreme Court constitute an unfractured thread forming part of Daiichi's efforts to enforce the Foreign Award.*
>
> FROM THE JUDGMENT

For your practice. Commercial litigators enforcing arbitral awards can secure forensic audits and contempt sanctions against promoters using corporate veils to evade decrees.

The order. The court sentenced two contemnors to six months' imprisonment with Rs 5,000 fine each, payable within four weeks. It ordered a forensic audit of 17 banks and transferred Rs 17.93 crore to the executing court.

§ Section 64, Code of Civil Procedure, 1908

DAIICHI SANKYO COMPANY, LIMITED vs MALVINDER MOHAN SINGH & ors.

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	31.08.2026	O.M.P.(EFA)(COMM.)-6/2016	2026:DHC:7301

BENCH
Subramonium Prasad

Work & Employment Issues
Retirement, Gratuity & Exit Formalities

DELHI HC

Colleges cannot recover excess provident fund credits by adjusting retirees' gratuity

The dispute. Former college staff who retired between 2001 and 2011 faced recovery notices after an audit uncovered errors in provident fund accounts. The management then withheld and adjusted their enhanced gratuity payouts to recoup the alleged excess interest credits. Aggrieved by the deductions, the retired employees filed a writ petition challenging the recovery notices and gratuity adjustments.

The reasoning. Applying the Rafiq Masih doctrine, the court barred recovering erroneous credits from blameless retirees after substantial delay. It affirmed that Section 13 of the Payment of Gratuity Act shields terminal gratuity from unilateral set-offs.

> *The recovery sought from the Petitioners, whether by direct demand or by adjustment against gratuity, cannot be sustained.*
>
> FROM THE JUDGMENT

For your practice. Counsel defending retirees can invoke statutory gratuity immunity and equitable estoppel to defeat delayed post-retirement recovery attempts.

The order. The recovery notices were quashed. The college was directed to provide account statements within four weeks and refund all adjusted sums with 6% annual interest within eight weeks.

§ Section 13, Payment of Gratuity Act, 1972

SC SHARMA & ors. vs SHIVAJI COLLEGE AND ANR.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	31.08.2026	W.P.(C)-558/2019	2026:DHC:7333	Sanjeev Narula

Criminal Issues
Cheque Bounce

PATNA HC

Directors cannot be held liable for cheque dishonour without prosecuting the drawer company

The dispute. The managing director of a construction firm issued a security cheque for forty lakh rupees to a stone supplier following commercial transactions. After the magistrate took cognizance and ordered twenty per cent interim compensation, the director petitioned the High Court under Section 482 to quash.

The reasoning. The High Court held that prosecuting the company is an indispensable condition precedent for fastening vicarious liability onto its directors.

> *Applying the doctrine of strict construction, we are of the considered opinion that commission of offence by the company is an express condition precedent to attract the vicarious liability of others.*
>
> FROM THE JUDGMENT

For your practice. Complainants' counsel drafting cheque dishonour notices and complaints must invariably array the corporate account holder as primary accused to prevent threshold.

The order. The High Court allowed both petitions, quashing the cognizance order dated 16 August 2022 and setting aside the interim compensation directive requiring twenty per cent payment.

§ Section 138, Negotiable Instruments Act, 1881

NAVEEN KUMAR @ NAWEEN KUMAR vs THE STATE OF BIHAR

COURT	DECIDED	CASE NO.	BENCH
Patna High Court	31.08.2026	Cr.Misc.-63509/2024	Soni Shrivastava

Criminal Issues
Quashing of Cases

PUNJAB AND HARYANA HC

Settling cheque bounce complaints bars ancillary criminal proceedings for failure to appear

The dispute. A corporate complainant initiated five cheque dishonour complaints against two business partners over unpaid financial dues. After the magistrate dismissed the withdrawn complaints, the accused petitioned the High Court to quash the surviving proclamation order and consequential FIR.

The reasoning. Continuing prosecution for proclamation default after the principal cheque complaints are settled and withdrawn constitutes an abuse of judicial process.

For your practice. When settling negotiable instrument disputes, counsel should ensure the agreement requires formal withdrawal of complaints to secure the immediate quashing of ancillary.

The order. The High Court quashed the order dated 22 May 2025 declaring the petitioners proclaimed persons. The court also quashed FIR No. 157 dated 06 May 2026 under Section 209 BNS, together with all consequential proceedings.

§ Section 290, Bihar National Security Act, 2023

NILESH SHANTILAL PATEL & ors. vs STATE OF HARYANA & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	31.08.2026	CRM-M/38448/2026	Manisha Batra

Property & Asset Disputes
Possession and Encroachment Issues

DELHI HC

Unregistered sale agreements cannot confer possession rights or sustain judgment on admissions

The dispute. A property owner instituted civil suits seeking possession and rent arrears against tenants occupying two separate floors. The district court decreed possession on admissions under Order XII Rule 6, which the occupants challenged in regular first appeals before the High Court.

The reasoning. An unregistered agreement to sell cannot confer possessory protection under Section 53A because statutory registration is strictly mandatory.

For your practice. Property litigators must ensure agreements to sell are registered before claiming part performance.

The order. The High Court set aside the possession decrees dated 09.10.2024 and 15.10.2024 and remanded both suits for trial on merits. The court directed the parties to appear before the District Judge, Tis Hazari Courts, on 17 September 2026.

§ Section 53A, Transfer of Property Act, 1882

RAHUL CHAUDHARY vs RAJ RANI UPPAL

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	31.08.2026	RFA-104/2025	2026:DHC:7292	Neena Bansal Krishna

Tribunals

3 judgments in this edition

KEEP SWIPING →

Insurance Law & Claims
Goods, Home, Fire & Other Insurance Claims

SCDRC

Insurers cannot repudiate valid claims by reading unwritten security requirements into policies

The dispute. Poonawalla Fincorp held a comprehensive money insurance policy issued by Oriental Insurance Company covering cash in transit and safes. After armed robbers looted Rs 48.26 lakh from its branch, the insurer repudiated the indemnity claim citing absent security guards and CCTV cameras. After the NCDRC remitted the matter on merits, the SCDRC heard the insured's complaint challenging the insurer's arbitrary repudiation order.

The reasoning. The SCDRC held that insurance contracts must be strictly construed on their express terms without implying unwritten warranties.

For your practice. Counsel advising insurers must verify that operational security safeguards are explicitly incorporated into policy conditions before invoking exclusion clauses to resist robbery.

The order. The SCDRC directed the insurers to pay Rs 44,53,950 with 9% simple interest per annum from 17 July 2017 within forty-five days, alongside Rs 1,00,000 as litigation costs. Any police recovery proven to have been restored may be deducted.

§ Consumer Protection Act, 1986

POONAWALLA FINCORP LIMITED vs The Oriental Insurance Co. Ltd. & ors.

COURT	DECIDED	CASE NO.
State Consumer Disputes Redressal Commission	31.08.2026	SC/19/CC/814/2018

BENCH
Rajes Guha Ray, Santanu Saha

Government & Public Body Interactions
Administrative & Disciplinary Proceedings against Public Servants

CAT

Disciplinary authority must personally approve charge sheets against civil servants

The dispute. A retired Additional Commissioner of Income Tax faced major penalty proceedings for alleged administrative delays in approving reassessment proposals. The department initiated the enquiry on Central Vigilance Commission advice and withheld his accrued retirement benefits. The officer moved the Central Administrative Tribunal to quash the charge memorandum and secure the release of his retiral dues.

The reasoning. Following B.V. Gopinath, the tribunal ruled that the Disciplinary Authority must personally approve the charge sheet. It held that external vigilance advice cannot substitute for the mandatory, non-delegable exercise of statutory discretion.

For your practice. Disciplinary actions against civil servants are vulnerable to quashing unless records prove the competent authority personally approved the charge sheet.

The order. The tribunal quashed the charge memorandum and ordered the release of all retiral dues within sixty days. Delayed payment beyond sixty days will incur interest at 8% per annum until payment.

§ **Rule 14, Classification, Control & Appeal (CCS) Rules, 1965**

Shri Abhijit Datta vs Central Board Of Direct Taxes

COURT
Central Administrative Tribunal

DECIDED
31.08.2026

CASE NO.
O.A.No. 260/00266 of 2025

BENCH
Sudhi Ranjan Mishra, Pramod Kumar Das

Competition Law
Abuse of Dominant Position, Exclusive Supply, Distribution, etc.

CCI

Mandatory regulatory upgrades of technical standards do not violate competition law

The dispute. An informant alleged that certifying authorities and a biometric firm colluded by mandating advanced cryptographic tokens for digital signatures. The complaint asserted that the rigid transition timeline created an artificial entry barrier, granting one supplier an absolute monopoly. The informant approached the Competition Commission seeking an investigation and interim stay of the mandatory migration cut-off date.

The reasoning. The Commission held that upgrading technical standards is a statutory regulatory function outside antitrust review absent collusive agreements.

For your practice. Antitrust claims against regulatory standards must show concrete collusive agreements rather than inferring violations from resulting market concentration.

The order. The Commission closed the information under Section 26(2) of the Competition Act, finding no prima facie violation. The interim relief application under Section 33 was accordingly dismissed.

§ **Section 26(2), Competition Act, 2002**

Advocate Ramkishan Saraswat vs The Secretary

COURT
Competition Commission of India

DECIDED
31.08.2026

CASE NO.
Case No. 26 of 2026

BENCH
Ravneet Kaur, Sweta Kakkad, Deepak Anurag

Also decided today

§ Section 61, Delhi Cooperative Societies Act, 1972

SUPREME COURT

Writ courts may set aside arbitral awards that ignore material documentary evidence

The Supreme Court held that certiorari jurisdiction is supervisory and empowers writ courts to set aside decisions unsupported by evidence.

C.A. No.-010693-010694 - 2026 · 2026 INSC 927 · 31.08.2026

§ Section 58, BNSS, 2026

ORISSA HC

Failure to produce an accused within twenty-four hours vitiates remand and compels bail

The High Court held that the constitutional guarantee requiring production before a magistrate within twenty-four hours is non-negotiable.

BLAPL/2010/2026 · 31.08.2026

§ Section 306, Indian Penal Code, 1860

GUJARAT HC

Harassment without a proximate prior act cannot sustain a charge of abetting suicide

The High Court held that abetment under Section 306 requires an overt act immediately preceding the death that directly incites the suicide.

R/CR.MA/7151/2016 · 2026:GUJHC:55186 · 31.08.2026

Also decided, continued

§ Motor Vehicles Act, 1988

JHARKHAND HC

Corroborated post-mortem tax returns may prove earnings in motor accident compensation claims

The High Court held that post-mortem income tax returns are admissible when corroborated by contemporaneous deduction certificates and credible testimony.

MA/223/2014 · 2026:JHHC:26206 · 31.08.2026

§ Article 21, Constitution of India, 1950

GAUHATI HC

State occupation of private land without acquisition mandates compensation and rental arrears

The High Court held that prolonged state occupation of private land without statutory acquisition violates constitutional property guarantees under Article 300A.

WP(C)/98/2025 · 31.08.2026

§ Section 54, Land Acquisition Act, 1894

GUJARAT HC

Valuation committee reports are admissible to fix compensation when sale deeds are unavailable

The High Court held that statutory valuation committee reports constitute admissible expert evidence when registered sale deeds are unavailable.

R/FA/172/2016 · 2026:GUJHC:54985-DB · 31.08.2026

Also decided, continued

§ Clause 12, Letters Patent, 1865 — CALCUTTA HC

Letters patent leave must be revoked where the plaint discloses no territorial nexus

The High Court held that Clause 12 leave must be revoked when no material part of the cause of action arises within territorial limits.

CS/86/2014 · 31.08.2026

§ Section 206AA, Income Tax Act, 1961 — ITAT

Higher tax deduction cannot be imposed when seller's PAN linking delay is beyond control

The Tribunal held that higher deduction provisions must be read alongside reasonable cause exceptions and administrative extension circulars.

ITA Nos.1499 to 1501/Del/2026 · 31.08.2026

§ Section 92C, Income-tax Act, 1961 — ITAT

Transfer pricing adjustments made on ad hoc grounds without prescribed methods are invalid

The Tribunal held that transfer pricing adjustments must strictly follow one of the six methods prescribed under Section 92C.

ITA No. 905/MUM/2021 · 31.08.2026

Also decided, continued

§ Rule 6(4A), Service Tax Rules, 2004 CESTAT

Excess service tax paid may be adjusted against liabilities in any subsequent period

The Tribunal held that Rule 6(4A) omits the word 'immediate' and plainly permits tax adjustments in any succeeding period.

Service Tax Appeal No. 41001 of 2017 · 31.08.2026

§ Section 19, Administrative Tribunals Act, 1985 CAT

Pre-transfer service must count towards promotion eligibility after a compassionate transfer

The Tribunal held that compassionate inter-charge transfers forfeit only seniority in the new cadre and do not wipe out past service for promotion eligibility.

OA No. 260/00722 OF 2022 · 31.08.2026

The Supreme Court settles that criminal proceedings arising from civil-commercial disputes may be quashed under Section 482 CrPC upon a bona fide compromise with the actual victim, regardless of objections raised by an unaffected informant. As commercial conflicts frequently spawn proxy criminal complaints, how rigorously will courts examine third-party assertions of loss to prevent disgruntled informants from derailing genuine victim settlements?

24 judgments **3** Supreme Court **14** High Courts **7** Tribunals

Every judgment here, analysed in full.

The facts, the reasoning and the precedents each court engaged with.

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