

News

Bombay High Court suggests changes to rules on listing quashing petitions; all petitions to go before single-judges

The proposed amendment says that pleas to quash FIRs and criminal proceedings will be handled by a single-judge instead of

The Bombay High Court on December 3 issued a draft notification suggesting key changes to its Appellate Side Rules to streamline the hearing of petitions seeking quashing first information reports (FIRs) and criminal proceedings are heard.

It has invited public comments on the draft until December 17.

The draft Bombay High Court (Appellate Side) (Amendment) Rules, 2025 seeks to amend the Appellate Side Rules, 1960, by clarifying which bench will hear applications seeking to quash FIRs, crime reports, charge sheets, and orders directing investigation under both the Code of Criminal Procedure and the Bharatiya Nagrik Suraksha Sanhita (BNSS).

According to the changes proposed, these petitions will be treated uniformly and heard by single-judges instead of Division Benches, regardless of whether they are filed under Article 226 or 227 of the Constitution or under the inherent-powers provisions of the CrPC (Section 482) or the new BNSS (Section 528).

Rohit Jain, Managing Partner at Singhania & Co., said the proposed amendment clearly states that these cases will go to a single-judge irrespective of whether such applications

have been made under Article 226 or 227.

“If notified, standard quashing matters will be routed to a single-judge, regardless of how the petition is captioned,” he said.

He also pointed out that Rule 2 is an enabling clause and provides that the single-judge “may” dispose of the issues mentioned therein.

Jain stated that this will have to be read alongside the substantive law.

“For instance, if there is a special statute that provides that the case is to be heard by a division bench, then the special statute should be given effect, and this rule would not override the special statute,” he said.

At present, the Appellate Side Rules list applications under Section 482 of the CrPC, including challenges to process in private complaints, as issues that can be handled by a single-judge.

However, they carve out an exception for the quashing of FIRs, crime reports, charge sheets, and investigative orders which therefore, follow the default division bench path.

The draft notification proposes to delete this exception and instead introduce a separate clause specifically covering all quashing petitions within the same chapter that allocates criminal work to single-judges.

The suggested rules also state that the amendments will apply not only to fresh matters but also to proceedings already pending on the date the changes are brought into force.

The notice states that anyone wishing to give comments on the draft must do so by email to the Registrar (Judicial-I) by December 17.

The comments will be considered in due course before finalising the amendment rules