

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-482 No. 21 of 2023  <b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Devendra Kr. Mishra, learned counsel for the applicant.</p> <p>2. Mr. V.S. Pal, learned A.G.A. for the State.</p> <p>3. Mr. S.P. Sharma, learned counsel for the complainant.</p> <p>4. The present criminal misc. application is filed with a prayer to quash and set-aside the order dated 05.07.2022 passed by the court of learned ACJM, Kashipur in Misc. Criminal Case No. 241 of 2022, Ankur Vs. Kavita and Others, whereby the application under Section 156(3) Cr.P.C. has been dismissed and also the order dated 20.12.2022 passed by the court of learned Additional Session Judge, Kashipur, District Udham Singh Nagar in Criminal Revision No. 177 of 2022, Ankur Chauhan Vs. State of Uttarakhand and Others, whereby the revision filed by the applicant has been dismissed.</p> <p>5. Heard learned counsel for the parties and perused the record.</p> <p>6. Learned counsel for the applicant would submit that the Judicial Magistrate concerned, without application of mind, has rejected the application of the applicant filed under Section 156(3) vide order dated 05.07.2022 and did not order for registration of the FIR despite the fact that, <i>prima facie</i>, cognizable offence is made out. Learned counsel has further relied upon a judgment passed by Hon'ble Supreme Court in the case of Lalita Kumari</p>

Vs. Govt. Of U.P. and Others, (2014) 2 SCC 1, wherein, the Hon'ble Supreme Court has held that if complaint discloses commission of cognizable offence, then Magistrate without ordering for preliminary inquiry, shall direct the Police for registration of an FIR.

7. Heard learned counsel for the parties and perused the record.

8. This Court finds some force in submission made by learned counsel for the applicant.

9. In such view of the matter, the present criminal misc. application is allowed.

10. The order dated 05.07.2022 passed by the court of learned ACJM, Kashipur in Misc. Criminal Case No. 241 of 2022, Ankur Vs. Kavita and Others and also the order dated 20.12.2022 passed by the court of learned Additional Session Judge, Kashipur, District Udham Singh Nagar in Criminal Revision No. 177 of 2022, Ankur Chauhan Vs. State of Uttarakhand and Others are hereby set-aside.

11. The matter is remanded back to the concerned trial court with a direction to pass the order afresh in view of the observation made herein and also in view of the law laid down in the case of Lalita Kumari Vs. Govt. Of U.P. and Others, (2014) 2 SCC 1.

**(Alok Mahra J.)**

07.05.2026

Ujjwal