

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C-528 No.484 of 2026</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Suryakant Maithani, learned counsel for the applicant. 2. Mr. S.C. Dumka, learned A.G.A. for the State. 3. Present C-528 application has been filed seeking quashing of the impugned summoning order dated 17.01.2023 passed in Criminal Complaint Case No.826 of 2019 by the learned Additional Chief Judicial Magistrate, Dehradun, as well as the entire proceedings of the aforesaid criminal case. 4. Learned counsel for the applicant would submit that the wife of the applicant executed a registered sale deed in respect of property comprised in Khata-Khatauni No.211, Khasra Nos.2163, 2164, measuring 996 sq. mt., situated at Gram Raipur, Pargana Parwadoon, Tehsil and District Dehradun; that, the original owner of the land was one Kishan Lal and that the sale deed was executed on the basis of an agreement to sell. The registered sale deed was executed on 06.05.2013, in which the applicant was merely a witness. 5. He would further submit that the complaint was filed by late Manohar Lal along with another person, who claimed to be a co-sharer of the land in question; that, in the said complaint, it was alleged that the applicant, in connivance with other persons, impersonated one Kishan

			Lal and got the aforesaid sale deed executed. It is further submitted that after investigation the concerned police submitted a final report, stating that during the course of investigation no infirmity was found in the said sale deed. 6. Learned counsel would further submit that thereafter the complainant filed objections against the final report, which were allowed by the court below and further investigation was directed.; that, pursuant to the said direction, the police conducted further investigation and again submitted a final report; that, against the said report, late Manohar Lal filed an application praying that the protest petition be treated as a complaint case. 7. He would further submit that thereafter, the learned Magistrate fixed the matter for recording the statement under Section 200 Cr.P.C. and ultimately, vide order dated 18.09.2019, dismissed the criminal complaint case holding that the dispute between the parties was purely civil in nature and that the aggrieved parties may approach the civil court for redressal of their grievances. 8. It is submitted that the father of respondent no.2, namely late Manohar Lal, preferred Criminal Revision No.272 of 2019 against the order dated 18.09.2019, which was disposed of by the learned revisional court vide order dated 24.06.2022, whereby the matter was remanded to the trial court. Thereafter, the learned trial court, vide impugned order dated 17.01.2023, issued summons against the applicant under Sections 323, 420, 467, 468, 471, 504 and 120-B I.P.C.
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			and directed the complainant to produce the list of witnesses in the court in terms of Section 204(2) Cr.P.C. 9. Learned counsel for the applicant would further submit that the impugned order is unsustainable in the eyes of law inasmuch as the matter has already been investigated twice by the concerned police authorities and in both the investigations it was found that no impersonation of Kishan Lal had taken place; that, till date neither the complainant nor the predecessor of the complainant has filed any civil suit for cancellation of the sale deed; that, the entire dispute between the parties is purely civil in nature, which has been given an illegal criminal colour. 10. Issue notice to respondent no.2, returnable within six weeks. 11. Steps be taken within one week. 12. Objections, if any, be filed by the State/respondent. 13. As an interim measure, it is provided that further proceedings of Criminal Complaint Case No.826 of 2019 pending in the court of learned Additional Chief Judicial Magistrate, Dehradun shall remain stayed till the next date of listing. (Alok Mahra, J.) 25.03.2026
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