

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C-528 No. 493 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Vivek Shukla, learned counsel for the applicants.</p> <p>2. Ms. Pushpa Bhatt, learned D.A.G. alongwith Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. The present criminal misc. application is filed with the prayer to set-aside and quash the chargesheet, cognizance/summoning order as well as the entire proceedings of Case Crime No. 0112 of 2025 (SST No. 20 of 2026), under Sections 11 and 12 of POCSO Act and Sections 115(2), 126(2), 351(3), 352 and 74 of BNS, pending in the court of learned Special Sessions Judge (POCSO), District Champawat.</p> <p>4. In this case, an FIR was lodged by respondent no. 4, wherein, she has alleged that the applicants stalked the complainant and her minor daughter while they were going to meet some relatives. It is further alleged in the FIR that the applicant no. 1 pulled out a gun from his motorcycle and tried to shoot at her, but, when the complainant did not get scared, applicant no. 3 caught hold of the gun and she beat the complainant with the butt of the gun. After investigation, chargesheet has been filed under Sections 11 and 12 of POCSO Act and Sections 115(2), 126(2), 351(3), 352 and 74 of BNS.</p> <p>5. Learned counsel for the applicants would submit that this is a totally a false and fabricated complaint inasmuch as even as per the FIR, incident happened on 11.10.2025 and there is a delay of 23 days in filing of the FIR.</p>

But, plausible explanation has not been given for the delay in filing of the FIR. It is further submitted that earlier also respondent no. 4 filed an FIR against the applicant nos. 1 and 2 being FIR No. 98 of 2023 and in that trial also, respondent no. 4 and her daughter were declared hostile. Learned counsel for the applicants would submit that respondent no. 4 is blackmailing the applicants and trying to extort money from them.

6. This Court finds some substance in the submission made by learned counsel for the applicant and having heard the submission, under the facts and circumstances of the case, this Court is of the view that this matter definitely requires deliberation.

7. Issue notice to respondent no. 4, returnable within three weeks. Steps to be taken within a week.

8. List after service report is received.

9. In the meantime, counter-affidavit(s), if any, be filed by the respondents.

10. After perusing the records and having heard learned counsel for the parties, this Court, *prima facie*, is of the opinion and is satisfied that in the interest of justice, further proceedings of Case Crime No. 0112 of 2025 (SST No. 20 of 2026), under Sections 11 and 12 of POCSO Act and Sections 115(2), 126(2), 351(3), 352 and 74 of BNS, pending in the court of learned Special Sessions Judge (POCSO), District Champawat, shall remain stayed *qua* the applicants till the next date of listing.

(Alok Mahra J.)

27.03.2026

Ujjwal

