

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p data-bbox="643 405 868 432"><u>C482 No. 655 of 2024</u></p> <p data-bbox="643 441 1139 479"><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol data-bbox="643 508 1509 2063" style="list-style-type: none"> <li data-bbox="643 508 1509 591">1. Mr. Karan Anand, learned counsel for the applicants. <li data-bbox="643 600 1509 683">2. Mr. Saurabh Pande, learned Brief Holder for the State. <li data-bbox="643 692 1509 1167">3. It is a case in which a sale deed was executed in favour of applicant no. 5 in the year 1973 by the father of the complainant. Thereafter, the name of the applicant no. 5 was also recorded in the revenue records. At the time of execution of the sale deed, the complainant was 23 years old. The father of the complainant died in the year 2002 and after almost 20 years the FIR was lodged by the respondent/complainant with the allegation that the applicant no. 5 had impersonated his father at the time of execution of the sale deed. <li data-bbox="643 1176 1509 1704">4. Learned counsel for the applicant further submits that in addition to this another FIR was also lodged by the respondent/complainant with the allegation that the applicant no. 5 transferred the share by way of a gift deed to his four sons, who are also the applicants, in which applicant nos. 1 to 4 were exonerated during investigation and applicant no. 5 was chargesheeted. Against the applicant no. 5 in respect of the earlier FIR a C482 application No. 901 of 2022 was preferred, in which the Coordinate Bench of this Court stayed the further proceedings of Criminal Case No. 292 of 2022. <li data-bbox="643 1713 1509 2063">5. It is submitted by the learned counsel for the applicant that the Investigating Officer without collecting any credible evidence and without taking into consideration that the allegations appears to be civil in nature, particularly, when the sale deed was executed in the year 1973 and the person who executed the sale deed, was the father of the complainant, who died in the year 2002 and at the

			<p>time of execution of the sale deed the complainant was 23 years old and after the death of his father after 20 years the FIR has been lodged.</p> <p>6. All these aspects are required to be considered after inviting the counter affidavit.</p> <p>7. Learned State counsel accepts notice for respondent no. 1.</p> <p>8. Issue notice to respondent no. 2 through registered post, returnable within three weeks, acknowledgment due. Applicant shall take steps within a week.</p> <p>9. Let the respondents may file their counter affidavit within a period of four weeks.</p> <p>10. Thereafter, two weeks' time is granted to the applicants for filing rejoinder affidavit.</p> <p>11. Put up this matter on 11.06.2024 along with C482 No. 901 of 2022.</p> <p>12. Until further order of this Court further proceedings of Criminal Case No. 71 of 2024 pending in the court of Civil Judge, (J.D.)/J.M. Doiwala, Dehradun, shall remain stayed.</p> <p style="text-align: right;">(Rakesh Thapliyal, J.) 23.04.2024</p> <p>PR</p>
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