



2026:UHC:2615

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.645 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Tapan Singh and Mr. Pitambar Singh, Advocates for the applicant. Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>2. The present Criminal Miscellaneous Application has been filed by the applicant seeking quashing of the charge-sheet dated 06.09.2020, the summoning/cognizance order dated 01.04.2024, as well as the entire proceedings of Criminal Case No. 893 of 2024, pending before the Court of learned Judicial Magistrate-II, Roorkee, District Haridwar.</p> <p>3. Respondent no.2 lodged an F.I.R. against the applicant on 04.04.2020, alleging embezzlement of Government funds by the applicant. Upon completion of investigation, a charge-sheet under Section 409 I.P.C. was submitted against the applicant on 06.09.2020. The learned Magistrate, vide order dated 01.04.2024, took cognizance and summoned the applicant to face trial.</p> <p>4. Learned counsel for the applicant submits that the impugned charge-sheet and summoning order are illegal and liable to be quashed as the same have been passed without proper application of judicial mind. It is further contended that no prima facie case is made out against the applicant and the allegations levelled in the F.I.R. are false and motivated. It is also argued that the applicant has been falsely implicated and no cogent evidence has been collected during investigation to substantiate the offence alleged.</p>



			<p>5. Per contra, learned State Counsel submits that the record reveals that the learned Magistrate, upon due consideration of the material available on record, including the charge-sheet and supporting documents, has found prima facie grounds to proceed against the applicant and has rightly issued the summoning order.</p> <p>6. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the record, this Court finds that at the stage of summoning, only a prima facie case is required to be seen. The sufficiency or reliability of evidence cannot be examined in proceedings under Section 528 of BNSS. The material collected during investigation discloses the commission of a cognizable offence and, therefore, the impugned order does not suffer from any illegality or perversity warranting interference by this Court in exercise of its inherent jurisdiction.</p> <p>7. Accordingly, no ground is made out for quashing of the impugned charge-sheet, summoning order, or the proceedings arising therefrom. The present Criminal Miscellaneous Application, being devoid of merit, is hereby dismissed.</p> <p style="text-align: right;">(Alok Mahra, J.) 10.04.2026</p> <p><i>Arpan</i></p>
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