

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C528 No.677 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Ms. Swaleha Hussain, Advocate for the applicants. Mr. S.C. Dumka, A.G.A. for the State of Uttarakhand.</p> <p>2. Respondent No. 2 lodged a First Information Report alleging, inter alia, that an agreement to sell dated 30.04.2019 was executed between applicant no.1, applicant no.2, and the complainant, whereby applicant no.1 undertook to execute a registered sale deed in favour of applicant no.2 and the complainant within a stipulated period of eleven months for a total sale consideration of ₹23,00,000/-. It is further alleged that a sum of ₹11,50,000/- was paid in advance prior to the execution of the said agreement. Subsequently, the complainant allegedly discovered that applicant no.1 was not in possession of a portion of the subject land and that certain parts thereof were vested with the Forest Department, on account of which the sale deed could not be executed.</p> <p>3. Learned counsel for the applicants submits that a bare perusal of the F.I.R. would demonstrate that the allegations, even if taken at their face value, disclose at best a case of breach of contractual obligations arising out of the agreement to sell. It is contended that the appropriate remedy available to the complainant, if aggrieved, was to institute a civil suit for specific performance before the competent Civil Court, rather than invoking the criminal machinery.</p>

4. Heard learned counsel for the parties and perused the record. It is often observed that disputes which are predominantly civil in nature are sought to be given a criminal colour with a view to exert undue pressure. In the present case, it has also been submitted that applicant no.1 has already refunded an amount of ₹10,00,000/- to the complainant pursuant to a mutual understanding between the parties. In view of the aforesaid, this Court is prima facie of the opinion that the dispute between the parties is essentially civil in nature, arising out of an alleged breach of the terms of the agreement to sell, and does not, at this stage, disclose the necessary ingredients to constitute a criminal offence.

5. Issue notice to respondent no.2, returnable at an early date.

6. List the matter after receipt of the service report.

7. Considering the submissions advanced by learned counsel for the applicant, it is directed that, till the next date of listing, further proceedings of Criminal Case No.283 of 2023, pending before the Court of learned Judicial Magistrate, Vikas Nagar, District Dehradun, shall remain stayed.

8. Stay application (I.A. No.1 of 2026) stands disposed of.

(Alok Mahra, J.)

15.04.2026

Arpan