

No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/867/2026</u> <u>Hon'ble Alok Mahra, J.</u> Mr. Gaurav Singh, learned counsel for the applicant through Video Conferencing. 2. Mr. S.C. Dumka, learned A.G.A. for the State. 3. Present C-528 application has been filed for quashing of the judgment and order dated 09.03.2017 passed by the learned 2nd Additional Sessions Judge, Roorkee, District Haridwar in Criminal Revision No. 416 of 2016; the summoning/cognizance order dated 19.03.2015 passed by the learned 1st Additional Civil Judge (S.D.)/Judicial Magistrate, Roorkee, District Haridwar in Complaint Case No.3156 of 2014; and the entire criminal proceedings of the aforesaid complaint case. 4. Learned counsel for the applicants would submit that respondent no.2 filed the aforesaid complaint alleging that applicant no.1 had sold a car to him on 30.04.2014 for a total consideration of ₹7,00,000/-, which amount was duly paid, and a notarized sale agreement was executed between the parties. It is further alleged that on 09.05.2014, the applicants took the vehicle back on the pretext of using it for two days but thereafter failed to return the same. In support of the

		complaint, respondent no.2 examined himself under Section 200 Cr.P.C. and his witnesses under Section 202 Cr.P.C., whereupon the learned Magistrate, vide order dated 19.03.2015, summoned the applicants to face trial under Sections 325, 504, 506 and 420 I.P.C. 5. Learned counsel would further submit that during the pendency of proceedings, the parties have amicably settled their dispute and the said fact is also reflected in the order-sheet of the court below. However, despite the settlement, respondent no.2 is not appearing before this Court to facilitate quashing of the proceedings on the basis of compromise. It is contended that even otherwise, no offence under Section 420 I.P.C. is made out against the applicants, inasmuch as the essential ingredient of “dishonest intention at the inception of the transaction” is conspicuously absent. 6. He would further submit that the allegations in the complaint, taken at their face value, indicate a purely civil dispute arising out of a contractual transaction reduced into writing through a notarized agreement. There is no averment to suggest that the applicants had any fraudulent or dishonest intention at the very inception of the transaction. As such, continuation of the criminal proceedings would amount to abuse of the process of the court. It is further
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			submitted that in view of the compromise arrived at between the parties, which forms part of the record, no useful purpose would be served in allowing the criminal proceedings of continue. 6. Having considered the submissions advanced by learned counsel for the applicants and upon perusal of the material available on record, this Court finds that the matter requires consideration. 7. Issue notice to respondent no.2, returnable within six weeks. 9. Steps to be taken within one week. 10. List the matter after service of notice upon respondent no.2. 11. Objections, if any, be filed by the State/respondent. 12. In the meantime, as an interim measure, further proceedings of Complaint Case No.3156 of 2014 pending before the learned 1st Additional Civil Judge (S.D.)/Judicial Magistrate, Roorkee, District Haridwar shall remain stayed till the next date of listing. 13. Stay application stands disposed of accordingly. (Alok Mahra, J.) 05.05.2026
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