

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C528/900/2026</u> <u>Hon'ble Alok Mahra, J.</u> Mr. H.M. Bhatia, learned counsel for the applicants. 2. Ms. Pushpa Bhatt, learned Deputy A.G. along with Mr. S.C. Dumka, learned A.G.A. for the State. 3. Present C-528 application has been filed seeking quashing/set aside of the summoning order dated 07.06.2023 passed by the learned Judicial Magistrate/3rd Additional Civil Judge, Haridwar in Complaint Case No. 283 of 2023, under Sections 323, 452, 504 and 506 I.P.C., as well as the entire criminal proceedings of the aforesaid complaint case pending before the said court. 4. Learned counsel for the applicants would submit that respondent no. 2/complainant initially lodged an F.I.R. alleging that the applicants trespassed into his house, threatened him to accept money and relinquish possession over the ancestral land, and thereafter assaulted him with rods and sticks. It is alleged that the complainant somehow escaped with the help of neighbours and subsequently lodged the F.I.R., upon which the Investigating Officer conducted investigation and submitted a final report. 5. He would further submit that the applicants have falsely been implicated and that the dispute between the parties is purely civil in nature. In this regard, it is pointed out that respondent no. 2 had earlier instituted Suit No. 546 of 2006, which was

			dismissed for non-prosecution on 10.02.2009. Thereafter, Original Suit No. 155 of 2010 was filed seeking cancellation of certain sale deeds executed by the previous owner of the disputed land, which too came to be dismissed vide judgment and order dated 29.09.2014. Against the said order, respondent no. 2 preferred a civil appeal which has also been dismissed on 14.01.2022. 6. Learned counsel for the applicants contends that despite the aforesaid civil litigation having attained finality against respondent no. 2, the present criminal proceedings have been initiated only to exert undue pressure upon the applicants. It is further submitted that during investigation, all relevant facts regarding the prior civil proceedings were brought to the notice of the Investigating Officer, who, upon due consideration, submitted a final report. 7. He also submits that respondent no. 2, dissatisfied with the final report, filed a protest petition, which was treated as a complaint case. In the said complaint proceedings, statements under Sections 200 and 202 Cr.P.C. were recorded on 04.12.2019, 22.08.2022 and 11.04.2023 respectively, and thereafter the learned Magistrate proceeded to summon the applicants vide impugned order dated 07.06.2023. 8. Learned counsel further submits that respondent no. 2 has deliberately concealed material facts relating to dismissal of the civil proceedings, including dismissal of the civil appeal, both in the protest petition as well as in the statements recorded under Sections 200 and 202 Cr.P.C., thereby misleading the learned Magistrate into passing the
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			summoning order; that, the applicants are labourers working in the State of Haryana and were not aware of the summoning order; that, they came to know about the pendency of the complaint case only in April, 2026. It is urged that in view of the admitted civil disputes having been decided against respondent no. 2, there was no occasion for the applicants to approach the complainant with any such offer or to commit the alleged offences, and thus the entire prosecution story is improbable and mala fide, therefore, impugned summoning order as well as the entire criminal proceedings are an abuse of the process of law and are liable to be quashed. 9. Upon consideration of the submissions advanced by learned counsel for the applicants and perusal of the record, this Court finds that the matter requires consideration. 10. Issue notice to respondent no. 2, returnable within six weeks. 11. Steps shall be taken within one week. 12. List this matter after service of notice upon respondent no. 2. 13. Meanwhile, as an interim measure, it is directed that further proceedings of Complaint Case No. 283 of 2023, pending in the court of learned Judicial Magistrate/3rd Additional Civil Judge, Haridwar, shall remain stayed till the next date of listing. 14. Stay application stands disposed of accordingly. (Alok Mahra, J.) 06.05.2026
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