

xSL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p data-bbox="643 490 927 517"><u>WPCRL No. 836 of 2026</u></p> <p data-bbox="643 580 1137 620"><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol data-bbox="643 685 1501 2016" style="list-style-type: none"> <li data-bbox="643 685 1501 770">1. Mr. Gaurav Singh, learned counsel for the petitioners. <li data-bbox="643 779 1501 904">2. Mr. G.S. Sandhu, learned Addl. Advocate General with Mr. Himanshu Sain, learned A.G.A. for the State. <li data-bbox="643 913 1501 1272">3. By the instant petition, the petitioners Ashish Virmani, S/o Avinash Virmani and Mansi Virmani D/o Brij Mohan are praying for quashing of first information report dated 21.04.2026 bearing FIR No. 155 of 2026, P.S. Sidcul District Haridwar wherein as many as four persons have been implicated for the offence punishable under Sections 420 of IPC. <li data-bbox="643 1281 1501 1738">4. It is argued by the learned counsel for the petitioners that the FIR has been lodged with an ulterior purposes and motive, and it is a clear case of abuse of process of law and even otherwise from the face of it, the dispute appears to be civil in nature. He argued that some portion of the area was sold out to the complainant on 04.04.2022 and the petitioners are the actual owner of that part of the property, which was sold out, and now after four years they lodged this FIR. <li data-bbox="643 1747 1501 2016">5. Prima facie from the content of the FIR it reveals that the allegation appears to be civil in nature and in such an eventuality before registration of the FIR the concerned authority should at least carried out with some preliminary inquiry in order to ascertain about the genuineness

of the allegations and also to ascertain whether there is any criminal element or not. It appears from the FIR that no such attempt was made by holding a preliminary inquiry before registration of the FIR which in fact is the mandate of law declared by the Hon'ble Apex Court in the case of *Lalita Kumari vs. Government of U.P. and others, (2014) 2 SCC 1*.

6. Issue notice to respondent no.3.

7. Steps to be taken within a week.

8. Let the respondents may file counter affidavit within four weeks. Two weeks thereafter is granted to the petitioners to file rejoinder affidavit.

9. List this case on 03.07.2026.

10. In the meantime, let the investigation pursuant to the impugned First Information Report dated 21.04.2026 bearing FIR No. 155 of 2026, P.S. Sidcul District Haridwar may go on, however, the petitioners shall not be arrested provided they cooperate with the investigation.

(Rakesh Thapliyal, J.)

08.05.2026

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