

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>C-528 No.1044 of 2026</u> <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Rajat Mittal, learned counsel for the applicant.</p> <p>2. Ms. Pushpa Bhatt, learned Addl. Advocate General along with Mr. S.C. Dumka, learned A.G.A. for the State.</p> <p>3. Present C-528 application has been filed to quash the chargesheet, cognizance/summoning order dated 06.05.2023 passed by learned 3rd Additional Chief Judicial Magistrate, Dehradun in Criminal Case No.3110 of 2023 under Section 420 I.P.C.</p> <p>4. Learned counsel for the applicants would submit that the applicants are Directors and authorized representatives of M/s Markx Infra Homes Pvt. Ltd., engaged in construction and development of residential houses and apartments in Dehradun; that, they are promoters of an upcoming housing project wherein flats are being constructed and sold to the public; that, respondent no.3 lodged an FIR alleging that the applicants executed two registered agreements to sell flats for ₹51,16,540 and ₹52,20,950 respectively, but failed to execute sale deeds and subsequently sold the same flats to third parties.</p> <p>5. He would further submit that the</p>

FIR narrative is false and misleading; that, in reality, respondent nos.2 and 3 were acquaintances of applicant no.1; that, they invested funds with the applicants, and for security purposes, registered agreements to sell certain flats were executed; that, there was no intention of actual sale or purchase; that, it was agreed that upon repayment of the borrowed amount with interest, respondents would cancel the agreements; that, the applicants refunded the entire investment with interest; that, despite repayment, respondents avoided cancellation of the agreements; that, prior to lodging the FIR, respondent no.2 had already filed and also filed a suit for permanent injunction, which was withdrawn by him; that, respondent no.2-M/s Nishyam Buildcon Pvt. Ltd. has instituted three suits for specific performance, which are pending adjudication.

6. Learned counsel for the applicants would further submit that the dispute is purely civil in nature, arising out of investment and security arrangements; that, the FIR has been given a criminal colour to pressurize the applicants; that, the Investigating Officer filed a chargesheet under Section 420 IPC but exonerated the applicants of other offences; that, the report fails to disclose how cheating under Section 420 IPC is made out; that, even if FIR

allegations are accepted, no offence under Section 420 IPC is prima facie established.

8. This Court finds some substance in the submission made by learned counsel for the applicant, which definitely requires deliberation.

7. Issue notices to respondent nos.2 & 3, returnable at an early date.

8. Steps to be taken within one week.

9. List after service of notice upon respondent.

10. Objections, if any, be filed by the State/respondent.

11. Meanwhile, as an interim measure, further proceedings of Criminal Case No.3110 of 2023 pending before the court of learned 3rd Additional Chief Judicial Magistrate, Dehradun shall remain stayed *qua* the applicants till the next date of listing.

(Alok Mahra, J.)

19.05.2026

Mamta