

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. 1190 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Alok Kumar, learned counsel for the applicant.</p> <p>2. Mr. Rakesh Joshi, learned A.G.A. for the State.</p> <p>3. The present criminal misc. application has been filed by the applicant with a prayer to quash/set-aside the summoning order dated 06.12.2024 passed by the court of learned III Additional CJM, Dehradun in Complaint Case No. 7405 of 2023, Munni Devi and Others Vs. Jainab Parshaniya Khan and Another, under Sections 323 and 354 of IPC and the entire proceedings arising out from it.</p> <p>4. Learned counsel for the applicant would submit that the FIR was lodged against the complainant under Section 381 of BNS. After investigation, chargesheet was filed against the complainant and another co-accused under Section 34 and 381 of BNS; that after eight months of lodging of the FIR, the complainant filed a complaint, in which, it was alleged that the applicant had tortured her inside the Police Station and forced her to sign on blank papers on 12.02.2023. It is further submitted that the learned Magistrate without proper application of mind have summoned the applicant inasmuch as on the date of the alleged incident, as narrated by the complainant, the applicant was not present in the Police Station Rajpur, Dehradun and on 12.04.2023, he took charge of the said Police Station. It is further submitted that the</p>

complainant and the other co-accused have given their consent to undergo polygraph test, which is recorded in the order of the learned Magistrate on 11.07.2023 and subsequently when the date was fixed for polygraph test at New Delhi, then the complainant and the other co-accused have withdrawn their consent.

5. Heard learned counsel for the parties and perused the record.

6. This Court finds some substance in the submission made by learned counsel for the applicant and having heard the submission, under the facts and circumstances of the case, this Court is of the view that this matter definitely requires deliberation.

7. Issue notice to the respondent nos. 2 and 3, returnable within four weeks. Steps to be taken within a week.

8. List this matter after service report is received.

9. Meanwhile, counter-affidavit, if any, be filed by the respondent.

10. Considering the submissions advanced by learned counsel for the applicant, it is directed that, till the next date of listing, further proceedings of Complaint Case No. 7405 of 2023, Munni Devi and Others Vs. Jainab Parshaniya Khan and Another, under Sections 323 and 354 of IPC, pending in the Court of learned III ACJM, Dehradun, shall remain stayed *qua* the applicant.

(Alok Mahra J.)

01.06.2026

Ujjwal