

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.1222 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Piyush Garg, Advocate for the applicant.</p> <p>Mrs. Pushpa Bhatt, Additional Advocate General and Mr. Prabhat Kandpal, A.G.A. for the State of Uttarakhand.</p> <p>2. An F.I.R. came to be lodged by respondent no.3 against the applicants alleging, inter alia, that the applicants had executed an Agreement to Sell dated 29.09.2021 in respect of a property situated at Rishikesh in favour of respondent no.3 and one Manoj Pawar. As per the terms of the said agreement, the total sale consideration was fixed at ₹2,13,50,000/-, and the sale deed was agreed to be executed on or before 31.03.2022. It is alleged that during the intervening period, respondent no.3 paid a sum of ₹1,13,00,000/- towards the sale consideration. However, despite repeated requests and reminders, the applicants neither executed the sale deed nor extended the stipulated period for execution thereof. It is further alleged in the F.I.R. that the applicants had represented that the property in question was free from all encumbrances and that no litigation concerning the said property was pending before any Court or authority. Subsequently, respondent no.3 allegedly came to know that Revision No. 2/07/2012-2021-22 relating</p>

to the said property was pending before the Board of Revenue and, on the said basis, accused the applicants of having cheated him.

3. Learned counsel for the applicants submits that the allegations levelled in the F.I.R. are wholly false, misconceived, and based upon a fabricated narrative. It is contended that the Investigating Officer, without conducting a proper inquiry into the true facts and circumstances of the case and without verifying the correctness of the allegations, mechanically submitted the charge-sheet against the applicants. Learned counsel further submits that the revision proceedings referred to in the F.I.R. were instituted by the State Government, wherein respondent no.3 and his business associate, Manoj Pawar, are themselves arrayed as respondents. It is also submitted that there are other revision proceedings initiated by respondent no.3 and Manoj Pawar concerning the same property, in which the applicants are not even parties. Therefore, the applicants cannot be attributed with any concealment or misrepresentation regarding such proceedings. It is vehemently argued that a bare perusal of the F.I.R., even if the entire allegations contained therein are accepted at their face value and taken to be true, would reveal that the dispute essentially arises out of an Agreement to Sell and relates to alleged non-performance of contractual obligations. The gravamen of the allegations, at best, constitutes a claim for breach of contract, for which efficacious remedies are available under

the civil law. No ingredients constituting the offences alleged are disclosed from the recitals of the F.I.R.

4. Issue notice to respondent no.3, returnable at an early date.

5. List the matter after receipt of the service report.

6. Considering the submissions advanced by learned counsel for the applicant, it is directed that, till the next date of listing, further proceedings of Criminal Case No.297 of 2025, pending before the Court of learned Judicial Magistrate, Narendra Nagar, District Tehri Garhwal, shall remain stayed.

(Alok Mahra, J.)

03.06.2026

Arpan