

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPCRL No.1111 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Sanpreet Singh Ajmani and Mr. Bhavya Pratrap Singh Rautela, Advocates for the petitioners.</p> <p>Mr. Prabhat Kandpal, A.G.A. and Mr. Nikhil Bisht, Brief Holder for the State of Uttarakhand.</p> <p>Mr. Abhishek Verma, Advocate for respondent no.3.</p> <p>2. By means of the present writ petition, petitioners seek quashing of F.I.R./Case Crime No.9 of 2026, under Sections 318(4), 351(2) & 352 of B.N.S., 2023, registered at Police Station Kaladhungi, District Nainital.</p> <p>3. Learned counsel for the petitioners submits that petitioner no.1 had earlier lodged an F.I.R. on 05.10.2025 alleging that he had purchased a parcel of land from respondent no.4 by way of a registered sale deed; however, possession was delivered in respect of a different piece of land than the one conveyed under the sale deed. It is further submitted that respondent no.4 is presently residing in Canada and has executed a Power of Attorney in favour of respondent no.3. It is contended that, thereafter, respondent no.3, acting as attorney holder of respondent no.4, lodged the impugned F.I.R. dated 25.01.2026 against the petitioners for the offences punishable under Sections 318(4), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. In the said F.I.R., it has been alleged that although the petitioners had purchased only 11,060</p>

		<p>sq. metres of land, they subsequently sold 22,640 sq. metres of land to persons who were not residents of the State of Uttarakhand. It is further alleged that the excess land included certain State land as well as land falling under Category-1A and Category-1C.</p> <p>4. Learned counsel for the petitioners submits that the impugned F.I.R. is nothing but a counterblast to the earlier F.I.R. lodged by petitioner no.1 against respondent no.4. It is further submitted that the allegations contained in the impugned F.I.R. do not disclose any direct injury or loss to respondent no.3 or respondent no.4, nor is there any averment that the land allegedly sold in excess belonged to the complainant. The gravamen of the allegations pertains to alleged encroachment or transfer of State land and land falling under restricted categories, which, if at all, concerns the State authorities. It is further argued that the impugned F.I.R. is hit by the provisions contained in Section 33 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The complainant, at best, can be treated as an informant of an alleged offence affecting public property or Government land. In the absence of any allegation demonstrating infringement of the complainant's proprietary or legal rights, the initiation of criminal proceedings at the instance of respondent no.3 is legally unsustainable. It is submitted that while any person may furnish information regarding the commission of an offence, the present prosecution, founded upon allegations relating to State land and Category-1A/1C land, could only be pursued by the competent authorities in accordance with law.</p>
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5. Admit.

6. Issue notice to the respondent no.4, returnable at an early date, by registered post, acknowledgement due.

7. List after service report is received. Counter affidavit, if any, be filed in the meantime.

8. Considering the submission advanced by learned counsel for the petitioners, it is directed that, till the next date of listing, investigation pursuant to the impugned F.I.R. may go on, however, petitioners shall not be arrested, provided they cooperate with the investigation.

9. Stay application (I.A. No.1 of 2026) stands disposed of.

(Alok Mahra, J.)

12.06.2026

Arpan