

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><b><u>C-528 No.2142 of 2025</u></b></p> <p><b><u>Hon'ble Alok Mahra, J.</u></b></p> <p>Mr. Akshay Pradhan, learned counsel for the applicant.</p> <p>2. Mr. Akshay Latwal, learned A.G.A. along with Mr. Nikhil Bisht, learned Brief Holder for the State.</p> <p>3. Service upon respondent no.2 is held to be sufficient inasmuch as, per the report of the Registry, respondent no.2 has been duly served in person.</p> <p>4. Present C-528 application has been filed seeking quashing of the cognizance/summoning order dated 23.10.2021 passed by the learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar in Criminal Case No. 3019 of 2021; the order dated 28.10.2025 passed by the learned 1st Additional Sessions Judge, Roorkee, District Haridwar in Criminal Misc. Case No. 110 of 2024; and the entire proceedings of the aforesaid criminal case pending before the learned Additional Chief Judicial Magistrate, Roorkee.</p> <p>5. Learned counsel for the applicants would submit that the F.I.R. was lodged by the complainant/respondent no.2 alleging that the father of respondent no.2, while proceeding towards his shop, was hit by a car allegedly coming from the Delhi side in a rash and negligent manner, resulting in grievous injuries. It is further alleged that the occupants of the said vehicle initially took the injured for medical treatment; however, his dead body was subsequently found near <i>Saliyar Fatak</i> on the following day. During investigation, the names of the present applicants surfaced, whereupon the Investigating Officer submitted a charge-sheet, on the basis of which the learned trial</p>

court took cognizance under Sections 279, 201 and 304 I.P.C.

6. Learned counsel for the applicants would further submit that the applicants are innocent and have been falsely implicated; that, the vehicle in question was being driven by the husband of applicant no.1, who was also the father of applicant no.2, and the present applicants were merely co-passengers in the vehicle and had no role in the alleged accident. It is further submitted that the said driver has since expired on 20.08.2020. It is also argued that the essential ingredients of Sections 279 and 304 IPC are not made out against the applicants, as the Investigating Officer, upon due investigation, did not find sufficient material to substantiate the said offences and, accordingly, submitted the charge-sheet only under Section 201 IPC against the applicants and that the learned Magistrate, without due application of judicial mind, has mechanically summoned the applicants under Sections 279, 201 and 304 I.P.C.

7. Upon consideration of the submissions advanced, this Court is of the view that the issues raised by the applicant warrant consideration and require deliberation.

8. Learned State counsel seeks and is granted four weeks' time to file a counter affidavit.

9. List this matter after four weeks.

10. In the meantime, further proceedings of Criminal Case No. 3019 of 2021 pending before the learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar shall remain stayed till the next date of listing.

11. Stay application stands disposed of.

**(Alok Mahra, J.)**

04.05.2026

