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SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			CRLR No. 375 of 2026 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Pragya Prakash Upadhyay, learned counsel for the revisionist and Mr. Tumul Nainwal, learned A.G.A. for the State. 2. By the instant criminal revision preferred by Kamal Singh Patwal, the order passed by Judicial Magistrate, Kichha dated 02.05.2026 in Criminal Case No. 141 of 2025, titled as Gurnam Singh Vs. Yadvendra Singh, is challenged which is arising out of FIR dated 22.03.2025 bearing FIR No.89 of 2025, Police Station Kichha, District Udham Singh Nagar. 3. By the impugned order, the learned Judicial Magistrate accepts the protest petition filed by the respondent complainant against the closure report and simultaneously the concerned SHO was directed to go with reinvestigation. 4. Learned counsel for the revisionist submits that the order impugned is against the fact and law and that has been passed in a mechanical manner and suffers from gross illegality, impropriety and incorrectness and the learned Judicial Magistrate has not applied his judicial mind though as a matter of fact, the dispute appears to be a civil in nature. He submits that the land in question was bought by the revisionist pursuant to the registered sale deeds dated 11.11.2024 and 09.12.2024



		and he is a bona fide purchaser. He submits that after thorough investigation, the final report was filed on the ground that the dispute in between the parties is of a civil in nature and the proceedings are pending before the concerned civil court, therefore, there was no occasion to take cognizance on the protest petition and the learned Judicial Magistrate committed illegality by accepting the protest petition and order for reinvestigation. He submits that the learned Judicial Magistrate erred in relying on the precedent cited, as ratio thereof was confined to the cases where civil and criminal proceedings can co-exist and did not negate the settled law that criminal proceedings cannot be maintained in a dispute which are of entirely civil in nature. 5. Per contra, Mr. Tumul Nainwal, learned A.G.A., vehemently opposed the submission as advanced by the learned counsel for the revisionist and submits that though the concerned IO on culmination of the investigation pursuant to the FIR submitted a closure report on the ground that the matter is of a civil in nature but there is no illegality in the order passed by the learned Judicial Magistrate since the element of cheating was very well exists since inception as the original owner was very well aware about the fact that the land is not regularized despite this, he has executed an agreement to sell with the complainant at the sale consideration of
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		Rs.15,00,000/- . He submits that at the time of agreement to sell, the land was recorded in category-IV (4) as government land which in fact was regularized in the year 2024 much after the date when the sale agreement was executed. Therefore, in anticipation that when the land will be regularized, the execution of sale deed prima facie reveals that there was an element of cheating though as a matter of fact, the predecessors of the actual owner already taken Rs.15,00,000/- from the complainant much prior to the date of regularization and now after regularization, it was sold to other persons on higher price. He also pointed out that in the present case, the complainant was cultivating the land since last so many years with this hope that since he has already paid Rs.15,00,000/- in advance, a sale deed would be executed in his name but one fine morning, he found that the land is sold out to some other person on higher price. 6. In reference to the order impugned, Mr. Tumul Nainwal, learned A.G.A., submits that no doubt the learned Judicial Magistrate cannot exceed to his powers while passing the order impugned for ordering the reinvestigation which is beyond his competence though the High Court and the Apex Court under Article 226 and Article 32 of the Constitution of India have ample power to give direction for reinvestigation also. Therefore, the order impugned can be
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			modified to this extent instead of reinvestigation, the Investigating Officer should go with further investigation. 7. I find force on submission of Mr. Tumul Nainwal, learned A.G.A. for the State. I also gone through with the FIR as well as the order impugned and other documents as placed on record and I do not find any patent illegality in the order impugned. Only to this extent that instead of reinvestigation, the learned Judicial Magistrate should order for further investigation. 8. In such view of the matter, the instant criminal revision is dismissed being devoid of merit, however, the order impugned is being modified to this extent that instead of reinvestigation, the investigating Officer should go with further investigation. No order as to costs. (Rakesh Thapliyal, J.) 25.05.2026 Shiv/-
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