

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010108952026</u> <u>WPCRL/1178/2026</u> Brahmchari Dayanand Petitioner Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Brahamchari Sudhanand, learned counsel for the petitioner. 2. Mr. Pradeep Lohani, learned A.G.A. along with Mr. Nikhil Bisht, learned Brief Holder for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ, order or direction quashing the judgment and order dated 18.02.2026 passed by the learned 1st Additional District and Sessions Judge, Haridwar in Criminal Revision No.272 of 2023, whereby the revisional court affirmed the order dated 19.09.2023 passed by the learned Additional Chief Judicial Magistrate/1st Additional Senior Civil Judge, Haridwar in Complaint Case No.02 of 2018, dismissing the petitioner's complaint filed under Section 156(3) of the Cr.P.C.. The petitioner has further prayed that the complaint case be remanded to the Court of the learned Magistrate for fresh consideration and disposal in accordance with law after duly appreciating the statements recorded under Sections 200 and 202 Cr.P.C., the medical evidence and the documentary evidence available on record, keeping in view the settled principles governing the exercise of jurisdiction under Sections 200, 202 and 203 Cr.P.C. 4. Learned counsel for the petitioner would

		submit that the petitioner had initially approached the police authorities by lodging a complaint regarding the alleged incident, but no F.I.R. was registered; that, thereafter, the petitioner submitted a representation to the Senior Superintendent of Police, Haridwar, requesting registration of the F.I.R.; however, despite the said representation, no action was taken by the police authorities; that, consequently, the petitioner instituted a complaint under Section 156(3) Cr.P.C. before the learned Additional Chief Judicial Magistrate/1st Additional Senior Civil Judge, Haridwar alleging commission of offences punishable under Sections 200-A, 295, 298, 323, 324, 325, 326, 307, 341 and 342 I.P.C., which came to be registered as Complaint Case No.02 of 2018. 5. He would further submit that in support of the complaint, the petitioner produced his statement under Section 200 Cr.P.C., the statements of witnesses recorded under Section 202 Cr.P.C., medical evidence and other documentary evidence; that, however, the learned Magistrate, without properly appreciating the material brought on record, dismissed the complaint by order dated 19.09.2023 holding that no prima facie case was made out; that, aggrieved thereby, the petitioner preferred Criminal Revision No.272 of 2023 before the learned 1st Additional District and Sessions Judge, Haridwar, which also came to be dismissed by judgment and order dated 18.02.2026 affirming the findings recorded by the learned Magistrate. 6. Learned counsel for the petitioner would further submit that both the impugned orders are legally unsustainable, having been passed without proper appreciation of the evidence available on record; that, neither the statements recorded under Sections 200 and 202 Cr.P.C. nor
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		the medical evidence and other documentary evidence filed in support of the complaint were duly considered while dismissing the complaint. According to the petitioner, the courts below failed to examine whether the material, if taken at its face value, disclosed the commission of cognizable offences warranting issuance of process. 7. It is further submitted that the learned Magistrate failed to appreciate the settled legal position that contradictions, inconsistencies and disputed questions of fact are matters to be adjudicated during trial and not at the stage of consideration under Section 203 Cr.P.C.; that, at the said stage, the Magistrate is only required to examine whether sufficient grounds exist for proceeding against the accused and not whether the evidence would ultimately result in conviction. He would further submit that issues such as whether the petitioner sustained injuries in the alleged incident, the nature and extent of such injuries, the circumstances under which the incident occurred and the participation of the proposed accused are all disputed questions requiring appreciation of evidence during trial; that, by adjudicating these disputed factual issues at the threshold itself, the learned Magistrate virtually assumed the role of the trial court and exceeded the limited scope of inquiry contemplated under Sections 200, 202 and 203 Cr.P.C. 8. Learned counsel would further submit that at the stage of taking cognizance or considering dismissal of a complaint under Section 203 Cr.P.C., the Magistrate is only required to ascertain whether the material placed before the Court discloses a prima facie commission of an offence; that, the complainant is not required to establish the guilt of the accused beyond reasonable doubt at that stage. It is contended that the reasoning adopted by the learned
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		Magistrate reflects application of a standard akin to proof required for conviction instead of the well-settled test of prima facie satisfaction. It is further submitted that the revisional court also failed to exercise its revisional jurisdiction in accordance with law; that, instead of examining whether the learned Magistrate had correctly exercised jurisdiction under Section 203 Cr.P.C. while considering the complaint supported by the statements under Sections 200 and 202 Cr.P.C., medical evidence and other documentary evidence, the revisional court merely affirmed the conclusions of the learned Magistrate without addressing the legal infirmities specifically raised by the petitioner. It is, therefore, submitted that both the impugned orders suffer from non-application of mind and are liable to be set aside. 9. Per contra, learned State counsel opposed the writ petition and supported the impugned orders passed by the courts below, contending that no interference is warranted in exercise of the extraordinary jurisdiction of this Court. 10. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the learned Magistrate, while dismissing the complaint under Section 203 Cr.P.C., failed to consider the statements recorded under Sections 200 and 202 Cr.P.C. as well as the medical and documentary evidence produced by the petitioner in their proper perspective. At the stage of deciding whether process should be issued, the Magistrate is only required to ascertain whether the material placed before the Court discloses sufficient grounds for proceeding against the proposed accused. The impugned order of the learned Magistrate demonstrates that issues which ought to have been left for adjudication during trial were examined conclusively while considering the maintainability of the complaint itself.
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		11. This Court further finds that the revisional court also failed to examine whether the learned Magistrate had exercised jurisdiction under Section 203 Cr.P.C. in accordance with the settled principles of law. Instead of scrutinising the legality, propriety and correctness of the order passed by the learned Magistrate, the revisional court merely concurred with the conclusions recorded therein without independently considering the legal objections raised by the petitioner. Consequently, both the impugned orders suffer from non-application of mind and cannot be sustained in law. 12. Accordingly, the judgment and order dated 19.09.2023 passed by learned Additional Chief Judicial Magistrate/1st Additional Senior Civil Judge, Haridwar as well as the order dated 18.02.2026 passed by the learned 1st Additional District and Sessions Judge, Haridwar are hereby set aside. The matter is remanded to the Court of the learned Additional Chief Judicial Magistrate/1st Additional Senior Civil Judge, Haridwar/court concerned for fresh consideration of the complaint in accordance with law after duly considering the statements recorded under Sections 200 and 202 Cr.P.C., the medical evidence and other documentary evidence available on record and after affording an opportunity of hearing to the petitioner/complainant. 13. The writ petition is, accordingly, allowed to the aforesaid extent. 14. Pending applications, if any, shall also stand disposed of.
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(Alok Mahra, J.)
13.07.2026