SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/104/2026 ***Order Reserved on: 05.10.2026*** ***Order Delivered on: 04.11.2026*** Amit Sharma --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Rakesh Thapliyal, J.** 1. Mr. Pankaj Kumar Sharma, learned counsel for the applicant. 2. Mr. Himanshu Sain, learned A.G.A. for the State. 3. The instant petition is preferred under section 528 of BNSS, 2023 on behalf of the applicant 'Amit Sharma' for challenging the proceeding of Complaint Case No. 3122 of 2023 'Dr. Samrat Sharma vs. Amit Sharma', wherein, the applicant is summoned to face the trial for the offence punishable under section 500 of IPC. 4. The brief facts of the case are that the respondent no. 2 Dr. Samrat Sharma filed a complaint against the applicant in the court of ACJM, Roorkee, with the allegations that on 20.07.2023 at about 4:30 PM the applicant had gone to the Police Station for giving complaint against Dr. Anil Kumar Sharma and Ajay Kaushik where the media persons were present and a statement was made that he was terminated from service due to sexual harassment and an attempt was made to defame him in the Society. On such complaint the statements were recorded under sections 200 and 202 of Cr.P.C. and the learned Judicial Magistrate I Roorkee, District Haridwar took cognizance and summon the applicant to face the trial for the offence punishable under section 500 of IPC by order dated 04.12.2023. Against the summoning order the applicant preferred a revision before the learned District and Session Judge and the same was also dismissed on

			08.01.2026 and now being aggrieved the instant petition is preferred. 5. It is argued by learned counsel for the applicant that firstly no cognizable offence is made out against the applicant and the learned Judicial Magistrate in a cursory manner summoned him to face the trial and even the Revisional Court had not carefully examined the order of the Trial Court in summoning the applicant. He submits that proceeding as initiated is completely an abuse of process of law and the same is liable to be quashed. 6. After hearing the submissions of learned counsel for the applicant and after gone through the record since both the Trial Court and the Session Court found sufficient ground to proceed against the applicant, therefore, this court under its inherent power decline to interfere with the concurrent findings of both the courts below. The argument regarding the truth of statement and lack of malicious intent cannot be examined in a petition preferred under section 528 of BNSS, 2023 and all these are the defences which can be proved during the stage of the trial and the applicant is free to take all defense plea before the Trial Court. 7. Hence, there is no merit in the instant petition and the same is dismissed accordingly. **(Rakesh Thapliyal, J.)** 04.11.2026 PR
