SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2366/2026 Phooljahan And Others --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Reituparana Joshi, learned legal aid counsel for the applicants. 2. Mr. Pradeep Lohani, learned A.G.A. for the State. 3. Present C-528 application has been filed seeking quashing of the cognizance/summoning order dated 02.09.2026 as well as the entire proceedings of the Criminal Case No.315 of 2025 udner Sections 115(2), 351(2) and 352 of B.N.S. as well as the entire criminal proceedings arising therefrom. 4. Learned legal aid counsel for the applicants would submit that the complaint was made to the police after an unexplained delay of 48 hours from the alleged incident and that the medical examination of the victim was also conducted after a delay of two days. He would further submit that no specific allegations have been levelled against applicant nos. 2 and 4; that, that applicant no. 4 was below 18 years of age at the time of the alleged incident and,

			therefore, was a juvenile in conflict with law. 5. He would further submit that the applicants are innocent and have falsely been implicated in the present matter on account of an ongoing civil dispute between the parties concerning a piece of land and on these grounds, learned counsel seeks quashing of the impugned proceedings. 6. Per contra, learned State counsel would vehemently oppose the submissions advanced by learned legal aid counsel and submit that the allegations made against the applicants disclose the commission of cognizable offences. It is further submitted that an opportunity of hearing, as contemplated under Section 223 of the B.N.S.S., was afforded to the applicants before taking cognizance. Learned State counsel would further submit that the grounds raised by the applicants involve disputed questions of fact, which are matters of trial and cannot be adjudicated in proceedings under Section 528 of the B.N.S.S. 7. Heard learned counsel for the parties and perused the material available on record. 8. Be that as it may, the allegations in the complaint, prima facie, disclose the commission of cognizable offences. At the stage of taking cognizance and issuing process, the Magistrate is only required to ascertain whether sufficient grounds exist to proceed against the accused and is not expected to conduct a detailed scrutiny of

			the evidence. The pleas regarding delay in lodging the complaint and medical examination, absence of specific allegations against certain applicants and the alleged civil dispute involve disputed questions of fact, which cannot be examined in the exercise of inherent jurisdiction under Section 528 of the B.N.S.S. The plea of juvenility raised on behalf of applicant no. 4 may be agitated before the competent authority in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015. 9. In view of the foregoing discussion, this Court does not find any sufficient ground to exercise its inherent jurisdiction under Section 528 of the B.N.S.S. Accordingly, the present C-528 application is dismissed. 10. No order as to costs. 11. Pending applications, if any, stand disposed of accordingly. **(Alok Mahra, J.)** 31.10.2026 Mamta MA MTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.11.03 11:20:25 +05'30'