SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2384/2026 Beena Sajwan --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Nivesh Bahuguna, learned counsel for the applicant. 2. Mr. Himanshu Sain and Ms. Meenakshi Sharma, learned Brief Holders for the State. 3. Present C-528 application has been filed to quash the notice/order dated 03.10.2026 passed under Section 131 of B.N.S.S. in Criminal Case No.70 of 2026 and the entire proceedings of the instant case being tried under Section 126/135 of B.N.S.S. pending before the court of learned Sub Divisional Magistrate, Tehri, District Tehri Garhwal. 4. Learned counsel for the applicant would submit that the applicant is residing at House No.39/04, New Tehri, District Tehri Garhwal, and an Ashram is also situated in the vicinity of her residence, which is being managed by the private respondent in the capacity of Manager. He would further submit that, under the garb of the said

			Ashram, its officials have illegally encroached upon a public pathway/public property by constructing a tin shed, thereby causing inconvenience to the local residents, including children and senior citizens. 5. He would further submit that aggrieved by the aforesaid encroachment, the applicant, along with other residents of the locality, submitted a written complaint dated 22.06.2026 before the District Magistrate, Tehri Garhwal; that, pursuant thereto, vide order dated 24.06.2026, the District Magistrate constituted a committee comprising the Deputy Managing Director, Rehabilitation, New Tehri; Tehsildar, Tehri; Executive Engineer, Nagar Palika, New Tehri; and In-charge Inspector, Kotwali, New Tehri, to examine the matter and take appropriate action in accordance with law. 6. Learned counsel would further submit that, owing to personal grudge and with a mala fide intention to retaliate against the applicant, the private respondent submitted a complaint dated 13.07.2026 containing false and frivolous allegations against the applicant and her husband. He would further submit that a detailed inquiry was conducted into the said complaint, wherein it was found that

			no offence was made out against the applicant and that no police action was warranted, as the dispute was essentially civil in nature, however, despite the aforesaid inquiry report, the Senior Sub-Inspector/Investigating Officer, Kotwali, Tehri, District Tehri Garhwal, submitted a challani report dated 18.09.2026 against the applicant, without there being any sufficient basis for the same. Thereafter, on the basis of the said report, proceedings were initiated against the applicant before the learned Sub-Divisional Magistrate, Tehri, who issued the impugned notice/order dated 03.10.2026, calling upon the applicant to show cause as to why she should not be directed to execute a personal bond of ₹25,000/- along with two sureties of the like amount for maintaining peace and public tranquillity and for good behaviour for a period of one year. 7. Learned counsel would also submit that the applicant challenged the aforesaid notice/order dated 03.10.2026 before the learned District and Sessions Judge, Tehri Garhwal, by way of a criminal revision; however, the same was dismissed as not maintainable on the ground that the impugned order was interlocutory in nature and, therefore, not amenable to revisional jurisdiction. He would submit that the proceedings initiated against

			the applicant are wholly unwarranted and liable to be quashed. 8. Per contra, learned State counsel would vehemently oppose the present C-528 application and support the proceedings initiated against the applicant. 9. At this stage, learned counsel for the applicant, on instructions, would submit that the applicant does not press the present application on merits at this stage and may be permitted to submit her reply/objections to the show-cause notice before the learned Sub-Divisional Magistrate, who may thereafter consider the same and proceed further in accordance with law. 10. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court is of the view that the applicant may avail the opportunity of submitting her reply/objections to the show-cause notice before the learned Magistrate. Accordingly, the applicant is permitted to submit her reply/objections to the notice/order dated 03.10.2026 within a period of two weeks from today. 11. The learned Sub-Divisional Magistrate concerned shall consider the reply/objections so submitted by the applicant and pass an appropriate order, after affording due opportunity of hearing to the applicant, strictly in

			accordance with law. It is further clarified that the proceedings under Section 135 of the BNSS shall be conducted in accordance with the procedure prescribed therein, and the question as to whether the applicant is required to furnish security under Section 136 of the BNSS shall be decided by the learned Magistrate on the basis of the material and evidence available on record. 12. It is also clarified that the mere issuance of the show-cause notice shall not, by itself, be construed as a direction requiring the applicant to furnish the proposed bond and sureties. Any direction for furnishing security during the pendency of the inquiry shall be governed by the statutory requirements under Section 135(3) of the BNSS. 14. With the aforesaid observations and directions, the present C-528 application stands disposed of. 15. Pending applications, if any, also stand disposed of. **(Alok Mahra, J.)** 29.10.2026 Mamta