SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2487/2026 Rahul Pant --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Dharmendra Barthwal and Ms. Aditi Dalakoti, Advocates for the applicant. Mr. Pramod Chandra Tewari, A.G.A. for the State of Uttarakhand. 2. This criminal misc. application has been filed by the applicant seeking quashing of the charge sheet dated 13.09.2026, summoning order dated 17.10.2026 as well as the entire proceedings of Criminal Case No.754 of 2026, pending before the Court of the learned Chief Judicial Magistrate, Almora. 3. An F.I.R. was lodged by respondent no. 2, inter alia, alleging therein that an amount of ₹2,67,899/- had been transferred from his bank account to another account without any debit voucher or instructions from the complainant authorising such transfer. Upon coming to know of the aforesaid transaction, the complainant lodged the F.I.R. During the course of investigation, statements of the complainant under Sections 180 and 183 of the BNSS, 2023, were recorded. Upon completion of the investigation, the Investigating Officer submitted a charge-sheet against the applicant. Thereafter, learned Magistrate, upon considering the material available on record, passed the impugned summoning order, thereby summoning the applicant to face trial. Hence, the present criminal miscellaneous application. 4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is contended that, at the relevant point of time, the applicant was posted as Branch Manager of the concerned bank and was not the beneficiary of the amount allegedly transferred. It is further submitted that the transfer in question was made on the oral instructions of the complainant himself and, therefore, no criminal liability can be fastened upon the applicant. Learned counsel further submits that the complainant is himself a person of questionable conduct and that the F.I.R. was lodged only after his account was declared as a Non-Performing Asset (N.P.A.). It is also contended that, in view of the protection

afforded under Section 32 of the SARFAESI Act, 2002, no prosecution can be initiated against the applicant in respect of any act done in good faith in the discharge of his official duties. On these grounds, learned counsel submits that the criminal proceedings initiated against the applicant are an abuse of the process of law and are liable to be quashed.

5. Per contra, learned State Counsel opposes the application and submits that, during the course of investigation, it was revealed that an amount of ₹2,67,899/- had been transferred from the complainant's account to another account without there being any debit voucher or valid instructions from the account holder authorising such transfer. It is further submitted that the statements of the complainant as well as the dealing clerk of the bank lend support to the prosecution case. Learned State Counsel contends that transferring money from a customer's account without any valid authorisation, whether in writing or through an authenticated electronic instruction, cannot, at this stage, be construed as an act performed in good faith in the discharge of official duties. Accordingly, it is submitted that the applicant's plea of statutory immunity under Section 32 of the SARFAESI Act, 2002, cannot be accepted without examination of the relevant facts and circumstances. He submits that there is no scope for interference in the matter, in view of parameters laid down by Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal, reported in 1992 Supp. (1) SCC 335, as reiterated in M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & others, reported in AIR 2021 SC 1918.

6. Heard learned counsel for the parties and perused the record. Learned Magistrate, upon consideration of the allegations contained in the F.I.R., the material collected during investigation and the charge-sheet submitted by the Investigating Officer, has recorded satisfaction regarding the existence of a prima facie case and has accordingly proceeded to summon the applicant to face trial.

7. It is a well-settled principle of law that, while exercising jurisdiction at the stage of summoning, the Court is required to examine whether the allegations and the material placed on record disclose sufficient grounds for proceeding against the accused. At this stage, the Court is not required to undertake a meticulous examination of the evidence or to determine the truthfulness or otherwise of the allegations. The defence of the accused and disputed questions of fact are ordinarily matters to be considered during the course of trial.

8. In the present case, the specific allegation against the applicant is that an amount of ₹2,67,899/- was transferred from the complainant's bank account without any debit voucher or valid authorisation from the account holder. The statements recorded during investigation, including that of the dealing clerk of the bank, are also stated to support the prosecution version. Whether the transfer was actually made on the oral instructions of the complainant, whether the applicant acted in good faith in the discharge of his official duties and whether he is

entitled to the protection contemplated under Section 32 of the SARFAESI Act, 2002, are all questions which would require consideration of the relevant evidence and surrounding circumstances. The plea of statutory immunity raised by the applicant cannot, in the facts and circumstances of the present case, be accepted as an undisputed legal defence at this preliminary stage, particularly when the very question as to whether the act complained of was performed in good faith is itself a matter of controversy.

9. The inherent jurisdiction of this Court under Section 528 of the BNSS, 2023, is undoubtedly wide, but the same is required to be exercised sparingly and with circumspection, particularly where the allegations in the F.I.R. and the material collected during investigation disclose a prima facie case requiring adjudication. This Court, while exercising such jurisdiction, cannot conduct a mini-trial or embark upon an appreciation of the defence evidence.

10. In view of the aforesaid facts and circumstances, this Court does not find any patent illegality, perversity or jurisdictional infirmity in the impugned summoning order or in the continuation of the criminal proceedings which may warrant interference in exercise of the inherent jurisdiction of this Court under Section 528 of the BNSS, 2023.

11. Consequently, the criminal miscellaneous application, being devoid of merit, is hereby dismissed.

(Alok Mahra, J.)
04.11.2026

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