SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2622/2026 Kohinoor Enterprises --Applicant **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. Sagar Kothari, Advocate for the applicant. Mr. Dinesh Chauhan, A.G.A. for the State of Uttarakhand. 2. The present Criminal Misc. Application has been filed by the applicant seeking quashing of the summoning order dated 09.03.2026, passed by learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, in Complaint Case No.86 of 2026, as well as the judgment and order dated 05.09.2026, passed by learned 2nd Additional Sessions Judge, Roorkee, District Haridwar, in Criminal Revision No.56 of 2026. 3. Briefly stated, respondent no.2 instituted a complaint against the applicant, pursuant to which learned Magistrate, vide order dated 09.03.2026, summoned the applicant to face trial. Aggrieved by the said summoning order, the applicant preferred a criminal revision, which also came to be dismissed by learned

			2nd Additional Sessions Judge, Roorkee, District Haridwar, vide judgment and order dated 05.09.2026. Hence, the present Criminal Misc. Application. 4. Learned counsel for the applicant submits that the complaint itself is not maintainable, as the same has been instituted by showing two proprietors, whereas the concerned firm is, in fact, a partnership firm. He further submits that the legal notice was also issued on behalf of the partnership firm, and the defect in the description and status of the complainant goes to the root of the maintainability of the complaint. 5. Heard learned counsel for the parties and perused the record. Upon perusal of the record, this Court finds that the principal objection raised by the applicant relates to the constitution and legal status of the firm on whose behalf the complaint has been instituted, as well as the authority and competence of the person who has initiated the proceedings. These issues involve questions of fact and law, which require examination in the light of the relevant documents and evidence. It is further noticed that the legal notice in question was issued on behalf of the partnership firm. However, the effect of the description of the complainant in the complaint, and the objection raised by the applicant regarding the status of the firm, are matters which can appropriately be examined by the learned trial Court at the stage of consideration of the defence. This Court, while exercising its jurisdiction under Section 528 of the Bharatiya

Nagarik Suraksha Sanhita, 2023, cannot undertake a detailed appreciation of disputed questions of fact or assume the role of the trial Court.

6. In view of the foregoing, no interference is called for by this Court at this stage. The Criminal Misc. Application is accordingly disposed of.

(Alok Mahra, J.)
25.11.2026

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