

S.No.167

Supp. Case List

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(C) 982/2026 CM(2570/2026)

SHAKIR ALI KUCHAY

...Petitioner(s)/Appellant(s).

Through: Ms. Anjum, Advocate

Vs.

UNION TERRITORY OF J AND K
AND OTHERS

...Respondent(s).

Through: Mr. Mohsin-ul-Showkat Qadiri, Sr. AAG

Mr. Faheem Nisar Shah, GA for official respondents

CORAM: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

06.05.2026

1. Heard learned counsel for the petitioner as also Mr. Mohsin-ul-Showkat Qadiri, learned Sr. AAG, and perused the material available on record.
2. Station House Officer, Police Station Khanyar, Srinagar, is also present in the Court.
3. During the course of arguments, Mr. Mohsin-ul-Showkat Qadiri, learned Sr. AAG, submitted that FIR No. 21/2026 came to be registered on 07.04.2026 under Section 318(4) of the BNS, against the petitioner, and that the registration of the said FIR has been deliberately concealed by the petitioner while filing the instant petition, despite the petitioner having full knowledge thereof.
4. Learned counsel for the respondents has also produced a copy of an application seeking issuance of search warrants, submitted by the SHO, Police Station Khanyar, Srinagar, before the Court of learned Chief Judicial Magistrate, Srinagar. A perusal of the said application reveals that search warrants were sought in favour of the Investigating Officer/SHO, Police Station Khanyar, authorizing search of the shop/workshop of the accused (petitioner) situated at Khayam Chowk, Khanyar, operating under the names and style of M/s SR Enterprises and M/s New Enterprises, as well as his residential house situated at Chisti Colony, Mulfaaq, Srinagar, with a prayer to seize relevant documents, records, electronic devices, and other incriminating material connected with the investigation of the case. It was alleged therein that the accused/petitioner, in connivance with certain bank

officials, had cheated more than 40 customers on the pretext of arranging bank loans for purchase of E-Rickshaws. It was further alleged that although the bank had sanctioned an amount of Rs. 3.39 lakhs per E-Rickshaw, the said amount was not disbursed to the customers and was dishonestly misappropriated by the accused, thereby causing wrongful loss to the customers and wrongful gain to himself. A copy of the application along with a copy of the FIR is taken on record.

5. From the perusal of the aforesaid report/application, it is evident that on the basis of FIR No. 21/2026 under the relevant provisions of the BNS registered at Police Station Khanyar, investigation has already been set into motion.
6. However, from the perusal of the instant petition, it *prima facie* appears that the petitioner has filed the present petition by way of camouflage, inasmuch as the factum of registration of the aforesaid FIR against him, which was registered prior to the filing of the present petition, has been deliberately suppressed. The said concealment appears to have been made with a view to secure an interim order in the accompanying application, wherein the petitioner had prayed that the respondents, particularly the official respondents, be restrained from summoning him to the police station, making repeated telephonic calls, visiting his residence, or adopting any coercive or intimidatory measures against him at the behest of the private respondents, and further from taking any adverse or coercive action against him.
7. Thus, *prima facie*, this Court is of the opinion that the petitioner was fully aware of the registration of the aforesaid FIR and yet deliberately concealed the said fact while filing the present petition, apparently with a view to obtain interim relief from this Court.
8. Before proceeding further in the matter, this Court directs the personal appearance of the petitioner on the next date of hearing. Learned counsel for the petitioner undertakes to produce the petitioner before this Court on the next date. The SHO concerned shall also remain present on the next date of hearing along with the case diary.
9. List on 08.05.2026.

(WASIM SADIQ NARGAL)
JUDGE