

Serial No. 108

ADMISSION

IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR
(THROUGH VIRTUAL MODE)

CrIM No. 566/2020
in CRM(M) No. 151/2020

Ghulam Ahmad Khutoo

Petitioner(s)

Through:- Mr. Mohammad Altaf Khan, Adv.

Vs.

UT through PS Harwan and anr.

Respondent(s)

Through:- None.

CORAM:-

Hon'ble Mr. Justice Sanjay Dhar, Judge.

(O R D E R)

16-09-2020

CrIM No. 566/2020:

Instant application seeking extension of time for annexing/depositing the requisite court fee with the writ petition, in view of the grounds urged therein, is allowed., The petitioner shall deposit the requisites court fee with the Registry of this Court within a period of one week from the date of announcement of lifting of lockdown on account of Covid-19 by the Government.

CM disposed of.

CRM(M) No. 151/2020:

01. Petitioner through medium of instant petition has challenged FIR No. 50/2017 for the offences under Sections 420, 406, 506 IPC registered with Police Station, Harwan, Srinagar. It has been contended by the petitioner that the complainant (respondent No. 2) had engaged him as counsel to render legal advice in various matters pertaining to the business of travel agency that was being run by the complainant

(respondent No. 2). It is further contended that the petitioner has also undertaken mediation between the complainant (respondent No. 2) and the public who had paid to the complainant (respondent No. 2) for providing them Haj and Umrah services. According to the petitioner when the complainant (respondent NO. 2) failed to pay back the agreed amount to the public, the petitioner refused to render any legal advice to the complainant (respondent No. 2) and he also demanded his balance legal professional fees which was refused by the complainant (respondent No. 2). It is alleged that a legal notice in this regard was served by the petitioner upon the complainant (respondent No. 2) who as a counter to the said legal notice, filed a false and frivolous complaint against the petitioner before Police Station, Harwan on the basis of which the impugned FIR came to be registered.

02. I have heard learned counsel for the petitioner and perused the record. From perusal of the contents of the impugned FIR, it appears that the complainant (respondent NO. 2) had engaged the services of the petitioner for rendering him the legal advice. It is also mentioned in the FIR that there were some monetary transactions between the complainant (respondent No. 2) and the petitioner, who has placed on record copy of the legal notice dated 15.06.2012 to substantiate this fact. It appears that there is a dispute relating to the monetary transactions between the parties which was essentially of a civil nature. A case is made out for grant of interim indulgence in favour of the petitioner.

03. Issue notice to the respondents. In the meantime, further proceedings in the impugned FIR shall remain stayed.

04. List on 28th October, 2020.

(Sanjay Dhar)
Judge

SRINAGAR

16.09.2020

"Aasif"

Whether the order is speaking : Yes / No
Whether the order is reportable : Yes / No

