

09
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 375/2025

CrIM No. 881/2025

Zafar Ahmad Bhat

..... Petitioner (s)

Through: Mr. F A Vaida, Adv.

V/s

Nazir Ahmad Bhat

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

07.07.2025

1. The petitioner has challenged orders dated 12.04.2025, 29.01.2025 and 13.12.2024 passed by the learned Chief Judicial Magistrate, Sopore in a complaint filed by the respondent against the petitioner alleging commission of offence under Section 316 of BNS. Challenge has also been thrown to the aforesaid complaint.
2. Learned counsel for the petitioner submits that the transaction between the petitioner and the respondent is purely of civil nature inasmuch as the petitioner has purchased vehicle crawler excavator (Volvo EC21D) from

the respondent regarding which there is a dispute relating to payment of sale consideration going on between the parties. According to the petitioner he has paid substantial portion of the sale consideration and only 20,000/- remains to be paid to the respondent whereas the respondent disputes the same and claims that Rs. 9.00 lacs are due from the petitioner. The learned counsel has submitted that because the dispute is purely of civil nature as such, it was not open to the police to seize the vehicle in question from the possession of the petitioner and it was not open to the learned trial Magistrate to take cognizance of the offences.

3. Issue notice to the respondent
4. Notice be sent to the respondent through process serving agency of District court, Kupwara.
5. In the meantime, seized vehicle crawler excavator (Volvo EC21D) bearing machine serial No. VCEC210DC00252528, engine serial No. 12658013, HSN No. 84295200 equipped with breaker prime (Volvo HB22) bearing machine serial No. 210C196, engine serial No. 84314990 and also equipped with Miller Quick Coupler bearing machine serial

- No. 610325 which is stated to be in possession of the Police Station, Sopore is directed to be released in favour of the petitioner subject to furnishing of an undertaking before the learned Chief Judicial Magistrate, Sopore that he will not transfer the said vehicle nor shall he change its specification. It is further directed that the proceedings in the impugned complaint pending before the learned Chief Judicial Magistrate, Sopore shall remain stayed.
6. Xerox copy of the trial court record be summoned from the court below.
 7. List on 08.09.2025.

(Sanjay Dhar)
Judge

SRINAGAR
07.07.2025
Aasif