

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRIINAGAR

CRM(M) 778/2024 CrIM(1804/2024) CrIM(1839/2024)

GULZAR AHMAD MALIK ...Petitioner(s)/Appellant(s)

Through: Mr. Aswad Attar, Advocate

Vs

NASEER AHMAD MAGRAY ...Respondent(s)

Through:

CORAM:
HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
30.12.2024

1. In the instant petition, petitioner herein has challenged a complaint titled "*Naseer Ahmad Magray v. Gulzar Ahmad Malik*" in File bearing CNR No. JKAN030021932022 pending before learned Judicial Magistrate, Anantnag and orders dated 16.02.2023 and 04.10.2024 arising out of the complaint instituted under Section 138 of Negotiable Instruments Act.
2. It is stated that the learned Judicial Magistrate, Anantnag without appreciating the fact that parties had entered into a compromise, has passed the impugned orders dated 16.02.2023 and 04.10.2024, without due application of mind.
3. Learned counsel for the petitioner states that admittedly petitioner is under an obligation to pay Rs. 21.00 lacs to the respondent as per the compromise dated 27.01.2023, but in terms of the impugned orders dated 16.02.2023 and 04.10.2024, learned Judicial Magistrate has directed the petitioner to pay an actual amount i.e., 31.00 lacs to the respondent.
4. Notice to the respondent returnable within four weeks. Requisite steps for service within one week.
5. List on 17.02.2025.
6. Meanwhile, subject to payment of Rs. 21.00 lacs to the respondent within a period of 10 days from the date of passing of this order,

impugned orders dated 16.02.2023 and 04.10.2024 shall remain stayed. It is made clear that if the petitioner fails to pay the amount of Rs. 21.00 lacs within 10 days to the respondent herein, the stay shall not be operated.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
30.12.2024
Aamir

