

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 280/2024

c/w

Bail App No. 85/2024

Munish Sharma

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

Through: Mr. Rakesh Sharma, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Mohd. Irfan Inqlabi, GA.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
01.05.2024

CRM(M) No. 280/2024

1. The present petition has been filed by the petitioner for quashing FIR No. 38/2024 dated 07.02.2024 registered with Police Station, Kishtwar for commission of offences under Sections 379, 403 IPC.
2. Learned counsel for the petitioner submits that the respondent No. 3 very cleverly issued the cheque in favour of the company in order to discharge his debt on account of goods purchased by him and also falsely intimated his banker to stop the payment of cheque on the ground of loss of cheque. He has further submitted that the company has already initiated proceedings against the respondent No. 3 on account of dishonour of cheque and the falsity of the claim of the respondent No. 3 is evident from the fact that in his reply to the notice issued by the company under Section 138 Negotiable Instruments Act, it was stated by the respondent

No. 3 that the cheque was stolen by one Ramesh Chand, whereas in the FIR impugned it is alleged that the petitioner has stolen the cheque.

3. Prima facie case for indulgence is made out.
4. Issue notice to the respondents.
5. Mr. Mohd. Irfan Inqlabi, learned GA enters appearance and waives notice on behalf of respondent Nos. 1 and 2.
6. Now the notice shall go only to respondent No. 3, subject to petitioner's taking necessary steps within a period of one week.
7. Mr. Mohd. Irfan Inqlabi, learned GA seeks and is granted time to file response.
8. List on **10.07.2024**.
9. In the meanwhile, subject to objections from the other side and till next date of hearing before the Bench, investigation in FIR No. 38/2024 dated 07.02.2024 registered with Police Station, Kishtwar for commission of offences under Sections 379, 403 IPC qua the petitioner shall remain stayed.

Bail App No. 85/2024

10. Learned counsel for the petitioner submits that the petitioner does not want to press the instant bail application at this stage.
11. His submission is taken on record.
12. In view of the submission made by learned counsel for the petitioner, the instant bail application is **dismissed as withdrawn**.

(RAJNESH OSWAL)
JUDGE

Jammu
01.05.2024
Sahil Padha

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