

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

(THROUGH VIRTUAL MODE)

CRM(M) 306/2021

CrIM(918/2021)

CrIM(919/2021)

Harvinder Singh

...Petitioner(s)

Through:- Mr. Deepak Mahajan, Advocate

v/s

Union Territory of J&K and others

....Respondent(s)

Through:-Mr. Aseem Sawhney, AAG

**Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**

1. By way of instant petition, the petitioner has challenged FIR No. 17/2021 for offences under Sections 420, 406, 403 IPC and Sections 3(1)(II) & 3(1)(XI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered with Police Station, City Jammu.
2. Issue notice to the respondents. Mr. Aseem Sawhney, learned AAG accepts notice on behalf of respondent No.1 and seeks time to file the response. Learned counsel for the petitioners is directed to furnish a copy of the petition to Mr. Sawhney, who shall file his response by or before the next date of hearing.
3. Notice be issued to private respondents through concerned police station.
4. It is case of the petitioner that the contents of the impugned FIR even if taken at their face value do not disclose commission of any offence against

the petitioner. It is submitted that in the impugned FIR, the complainants have admitted that they had taken loan from the petitioner to meet expenses on account of their medical treatment. It is further submitted that even the issuance of cheques as security for the loan has been admitted by the complainants in the impugned FIR. The petitioner has gone on to submit that when the complainants failed to repay the loan amount within the stipulated time, he, after serving statutory notice upon the complaints, filed complaints under Section 138 Negotiable Instrument, Act against the complainants before the learned Magistrate. According to learned counsel for the petitioner, as a counter blast to the aforesaid proceedings the complainant has lodged the impugned FIR, which is false and frivolous. Learned counsel has further highlighted the fact that neither the cases filed by the petitioner against the respondents can be termed as vexatious in nature nor there is anything in the impugned FIR to remotely suggest that the petitioner has used any derogatory words or expressions against the complainants. Learned counsel has contended that mere exercise of legitimate right to take recourse to legal remedies against a member of Scheduled Caste community does not make out any offence under any provision of law against the person seeking such remedy.

5. Having heard learned counsel for the petitioner and having heard Mr. Aseem Sawhney, learned AAG appearing for the official respondents, there appears to be some merit in the contentions advanced by learned counsel for the petitioner which are supported by the documents placed on record, a case for grant of interim indulgence is made out.

6. Accordingly, till next date of hearing before the Bench, the investigation in the impugned FIR shall stay.

7. List on 10.08.2021.

**(SANJAY DHAR)**  
**JUDGE**

JAMMU  
04.06.2021  
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