

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

CRM(M) No. 533/2026

Aejaz Hussain Shah

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

Through: Mr. Bhavesh Bhshan, Advocate
Mr. Goutam Sharma, Advocate

vs

Mohd. Ashfaq

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER
29.05.2026

- 01.** Petitioner has invoked inherent jurisdiction of this Court for the quashment of impugned complaint titled “*Mohd. Ashfaq vs. Aejaz Hussain Shah and Anr.*”, pending on the files of learned Special Mobile Magistrate (13th FC), Jammu [“the trial Court”], under Section 138 of the Negotiable Instruments Act, 1881 primarily on the ground that contents of the FIR, even if taken on their face value, would not disclose the commission of any cognizable offence against him because he has not drawn any cheque on any bank account maintained by him for the payment of money to the respondent/complainant. It is also contention of the petitioner that the complainant is neither the payee nor holder of the cheque within the meaning of Section 7 of Negotiable Instruments Act.
- 02.** *Prima facie*, case for indulgence is made out.
- 03.** Issue notice to the respondent, returnable within four weeks. Requisite steps for service be taken within one week.
- 04.** List on **18.08.2026**.
- 05.** Meanwhile, proceedings before the trial Court *qua* the petitioner, shall stay.

(Rajesh Sekhri)
Judge

Jammu
29.05.2026
Riya