

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

Case:- CRM(M) No. 467/2024
CrlM No. 948/2024

Birty Shah

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

Through: Mr. Ravi Abrol, Advocate.

Vs

UT of J&K and others

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

(21.06.2024)

1. This is a petition under section 482 of the Code of Criminal Procedure, 1973 for seeking quashment of a police report/challan No. 89/2023 dated 19.05.2023 produced by the Police Station, Domana which has been taken on file No. 663/2023 dated 22.05.2023 by the court of Judicial Magistrate 1st Class (Munsiff), Jammu.

2. Learned counsel for the petitioner submits that a civil dispute related to a plot of land of which the petitioner himself is an owner by virtue of a duly registered sale deed is being sought to be given colour of criminal case by the respondent No. 2 who otherwise is locked in an already filed civil litigation with the petitioner before going forward with registration of the criminal case against the petitioner resorting to course of action under section 156(3) of the Code of Criminal Procedure, 1973.

3. Learned counsel for the petitioner submits that till date no charge has been framed in the case by the court below.

4. *Prima facie* case is made out.
5. Issue notice to the respondent No. 2 only.
6. Petitioner to furnish registered postal cover for the service of the respondent No. 2 within seven days, whereupon the Registrar Judicial, Jammu to issue notice to the respondent No. 2.
7. The respondent No. 3 is not a necessary party as the petitioner is seeking quashment of the criminal challan in which the Tehsildar Jammu does not figure in any way as party, thus, the respondent No. 2 is dispensed with.
8. Send for the scanned record from the court of Judicial Magistrate 1st Class (Munsiff), Jammu.
9. List on 26.07.2024.
10. In the meantime, further proceedings in the criminal case pending before the court of Judicial Magistrate 1st Class (Munsiff), Jammu shall remain stayed. This order is, however, subject to objections from the other side.

(RAHUL BHARTI)
JUDGE

JAMMU
21.06.2024
Shivalee