

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

Case:- CRM(M) No. 440/2020

**S. Karam Singh & Ors.**

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

Through: Mr. R. K. S. Thakur, Advocate.

**Vs**

**UT of J&K & Ors.**

.....Respondent(s)

Through: Mr. Supreet Singh Johal, Advocate for  
R-2 & 3.

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

**ORDER  
(07.05.2025)**

- 01.** The registration of FIR No. 0122 of 2020 dated 23.09.2020 by the Police Station Nowabad, Jammu for alleged commission of offences under sections 147/427/447/452/457/504/ 506 Indian Penal Code (IPC), 1860 has rendered the four petitioners herein, as an aggrieved persons, because of their names being mentioned as accused persons having indulged in the commission of alleged offences.
- 02.** The registration of FIR was at the instance of the respondents No. 2 and 3 by taking recourse to section 156(3) of the Code of Criminal Procedure (Cr.P.C), 1973.
- 03.** In the FIR, there is a recital made to an already ongoing civil litigation between the parties i.e., the appellants on the one hand and the respondents No. 2 & 3 on the other hand

with respect to property forming subject matter of allegation and accusation on the part of the respondents No. 2 and 3 against the petitioners.

- 04.** There is a civil suit going on before the court of 2<sup>nd</sup> Additional Munsiff, Jammu filed way back in July 2017 by the respondents No. 2 and 3 against the petitioner No. 1 in which the respondents No. 2 and 3 have sought a decree of permanent prohibitory injunction restraining the petitioner No. 1 from trespassing into and further restraining him, his men, servants, agents and associates from, in any manner interfering with the peaceful possession over and enjoyment by the respondents No. 2 and 3 of the property comprised of two shops alongwith kitchen, toilet and courtyard situated at Akhnoor Road opposite Bakshi Nagar Pully tehsil and district Jammu which is said to be a property forming subject matter of a sale deed dated 13.03.2000 said to have been purchased by the respondents No. 2 and 3 from one Sardar Singh S/o Ujjagar Singh.
- 05.** Petitioner No. 1 – Karam Singh is brother of said Sardar Singh, the person from whom the respondents No. 2 and 3 are said to have purchased the property forming subject matter of a civil suit.
- 06.** With respect to the civil suit so filed, the court of 2<sup>nd</sup> Additional Munsiff, Jammu is said to have placed an injunctory directions to operate by restraining the petitioner

No. 1 from interfering in peaceful possession of the respondents No. 2 and 3 with respect to two suit shops in question and also simultaneously restraining both the petitioner No. 1 and the respondents No. 2 and 3 from changing the nature of the remaining of the suit property in question i.e., kitchen, toilet and courtyard till the final disposal of the suit.

- 07.** Temporary Injunction application came to be *disposed of* by 2<sup>nd</sup> Additional Munsiff, Jammu vide an order dated 11.09.2017 against which the respondents No. 2 and 3 are said to have gone in appeal which is said to be still adjudication before the court of learned 2<sup>nd</sup> Additional District Judge, Jammu.
- 08.** The subject matter of the FIR and the alleged culpable course of action on the part of the petitioners so as to suffer the accusation so made by the respondents No. 2 and 3 in the FIR is related to the very same property forming subject matter of the civil suit meaning thereby that restraint direction placed by the civil court of 2<sup>nd</sup> Additional Munsiff, Jammu operating upon the respondents No. 2 and 3 as well as upon the petitioner No. 1 from changing the nature of the remaining of the suit property in question is said to have been breached by the petitioner No. 1 alongwith the petitioner No. 2 to 6.

- 09.** If that is so whether any contempt petition was filed by the respondents No. 2 and 3 before the trial court of 2<sup>nd</sup> Additional Munsiff, Jammu or for that matter before the 2<sup>nd</sup> Additional District Judge, Jammu being seized of the appeal preferred by the respondents No. 2 and 3 is the fact which needs to be confirmed by the learned counsel for the respondents No. 2 and 3.
- 10.** Let requisite confirmation be reported back to this Court with respect to the date and time of filing of the contempt petition be it before the trial court or before the appellate court alongwith certified copies of the contempt petition, if any, filed before either of the two courts.
- 11.** Requisite be done by or before the next date of hearing positively.
- 12.** List in continuation on **30.05.2025**.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**07.05.2025**

*Bunty*