

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

CRM(M) No. 665/2022
CrIM No. 1394/2022

Sachin Bharat Sharma

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

Through: Mr. Ajaz Choudhary, Advocate

Vs

UT of J&K and ors.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. A.G
Mr. Ankush Sharma, Advocate.

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

ORDER

The petitioner has challenged the FIR bearing No. 0080/2022 for the commission of offences under Sections 406/415/417/420/464/465/467/468 & 471 IPC registered with Police Station, Bakshi Nagar, Jammu. It is contended by learned counsel for the petitioner that the loan which is subject matter of the impugned FIR has been sanctioned in favour of respondent No. 2 and even the machinery has been purchased in his name. It has been submitted that it is improbable that the respondent No. 2 would have taken loan in his own name just to help the complainant. It has been submitted that even if the contents of the impugned FIR are taken to be true, the same at best would constitute a commercial dispute between the petitioner and the complainant, with no criminal colour to it.

Having heard learned counsel for the petitioner and having perused the material on record, a case for grant of interim indulgence is made out.

Issue notice to the respondents.

Mr. Pawan Dev Singh, learned Dy. A.G accepts notice on behalf of the respondent No. 1.

Mr. Ankush Sharma, Advocate accepts notice on behalf of respondent Nos. 2 & 3.

Learned counsel for the petitioner is directed to furnish a copy of the petition to learned counsel for the respondents, who may file response by or before next date of hearing.

Be listed on 10.10.2022.

In the meantime, it is provided that the investigation in the impugned FIR may go on, however, in case, respondent No. 1 intends to file a challan against the petitioner, the same shall not be done without prior permission of this Court.

**(SANJAY DHAR)
JUDGE**

Jammu
12.09.2022
Tarun

