

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

CRM(M) No. 547/2021
CrIM No. 1755/2021
CrIM No. 1756/2021

Anil Sethi

.... Petitioner/Appellant(s)

Through:- Mr. Anmol Sharma, Advocate
Mr. Rajat Sudan, Advocate

V/s

Union Territory of J&K and
others

.....Respondent(s)

Through:-

CORAM :HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

CM No. 1756/2021

For the reasons stated in the application, the same is allowed subject to filing of the certified copy of impugned orders dated 24.09.2021 and 24.06.2014 within a period of four weeks.

CRM(M) No. 547/2021 & CrIM No. 1755/2021

01. The petitioner while throwing challenge to order dated 24.06.2014 passed by the Court of learned Chief Judicial Magistrate (CJM), Jammu upon an application filed by the respondent No. 3 under section 156(3) Cr.P.C. and order dated 24.09.2014 passed by the Revisional Court, 2nd Additional Sessions Judge, Jammu has contended in the petition that an Agreement to Sell came to be executed by him with respondent No. 3 in respect of a building situated at Main Road New Plot, Jammu.

02. An amount of Rs. 22 lakh is stated to have been received by respondent No. 3 from the petitioner as sale consideration and whereupon a Sale Deed also came to be executed and registered thereof.

03. It is being stated that after execution of the sale deed one Ram Pal approached the petitioner and informed him that respondent No. 3 has in fact sold one shop of the property in question to him.

04. It is being stated that upon coming to know about the fraud committed by respondent No. 3 to the petitioner, the matter was inquired into by the petitioner from respondent No. 3, who instead, is stated to have filed Civil Suit challenging the sale deed in question on the ground that he has not signed the same and was not in Jammu at that relevant point of time. The said suit is stated to be pending before the Court of 1st Additional Sessions Judge, Jammu.

05. It is being next stated that a complaint as well came to be filed by respondent No. 3 before the CJM, Jammu in this behalf which came to be forwarded to Crime Branch for inquiry/investigation and that the said investigation/inquiry came to be subsequently closed by Crime Branch and status report whereof was filed on 04.06.2015 before the CJM, Jammu.

06. It is being next stated that despite closure of the investigation/inquiry by the Crime Branch, respondent No. 2 has now again started reopening and reinvestigating the matter without any justification.

07. According to the counsel for the petitioner, respondent No. 2 for extraneous consideration has under taken fresh investigation/inquiry

into the complaint of respondent No. 3 despite the closure report submitted earlier by the Crime Branch to the CJM. According to the learned counsel, respondent No. 2 has under taken reinvestigation/fresh inquiry without any competence and jurisdiction and in disregard to the closure report earlier submitted and undertaking a fresh investigation/inquiry into the matter would cause grave prejudice to the rights and interest of the petitioner.

Heard learned counsel for the petitioner and perused the record.

08. Issue notice to the respondents in the main petition and in CrIM as well, returnable within a period of three weeks. Requisite steps within one week.

09. List on 21.10.2021.

10. In the meantime, subject to objections and till next date of hearing, investigation/inquiry into the complaint of respondent No. 3 by respondent No. 2 shall stay. Modification, alteration and vacation on motion.

(Javed Iqbal Wani)
Judge

JAMMU
21.09.2021
Angita