

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

WP(C) No. 3365/2019
CM No. 7051/2019

F2Fun & Fitness India Ltd. and othersPetitioner (s)

Through :- Mr. R. K. Gupta, Sr. Advocate a/w
Mr. Vikas Magotra, Advocate
Mr. Sachin Gupta, Advocate
Mr. Durga Sabnis, Advocate
Mr. Prem Sadotra, Advocate
Mr. Pranay. P. Singh, Advocate

V/s

State of J&K and othersRespondent(s)

Through:- Mr. K. S. Johal, Sr. Advocate with
Mr. Rahul Bharti, Advocate for R- 5 & 6
Mr. Rajneesh Oswal, Advocate for R-2 to 4

CORAM :

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE

ORDER

Heard learned counsel for the parties.

The petitioners are aggrieved of the notice served upon them under Section 160 CrPC as also the initiation of the preliminary verification on the ground that the dispute between the complainant and the petitioners is essentially a dispute arising out of the commercial transaction. It is stated that there is a civil suit pending initiated at the behest of the complainant and is pending in the Court of learned City Judge, Jammu, which in essence touches the issues, which have been raised in the complaint.

Mr. Johal, learned senior Advocate & Mr. Rajneesh Oswal, Advocate after arguing for sometime however conceded that in view of the settled legal

position, notice impugned under Section 160 Cr PC could not have been issued without registration of a formal FIR.

Be that as it may, impugned notices are, therefore, stayed. Objections, if any, be filed within a period of six weeks.

List again on 04.11.2019.

Considering the averment made by the learned counsel for the petitioners that the dispute infact arise out of a commercial transaction bereft of any criminal intent, the respondents-Crime Branch shall file an affidavit as to whether in the preliminary verification, they were at all made aware of the pendency of the civil suit or not.

Status report be filed as regards the manner in which the preliminary verification had proceeded till now. This is without prejudice to the further orders that may be passed in the present petition.

(Dhiraj Singh Thakur)
Judge

JAMMU
19.09.2019
(Muneesh)