

S.No. 36
Supplementary List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

FAO No. 24/2022

CM No. 6602/2022

Caveat No. 2212/2022

Baqir Ali Malik.

.....Appellant (s)

Through: Mr S.A. Naik, Advocate .
V/s

Junaid Nazir Deva.

..... Respondent(s)

Through: None.

Coram:

Hon'ble Mr. Justice Mohammad Yousuf Wani, Judge.

ORDER

08.05.2024

FAO No. 24.2022.

Mr. S.A. Naik, Advocate learned counsel for the appellant has submitted at Bar that he withdraws from the prosecution of the instant appeal unconditionally as the parties have already compromised outside the Court and settled their controversy at rest. In support of his contention, learned counsel has furnished copies of compromises reported to have entered into by the parties which are taken on record.

It is needful be mention that learned counsel for the respondent had appeared on last date of hearing and had been given liberty to ascertain the fact of the compromise having been entered into between the parties from his client irrespective of the fact that this Court was not bound to give him opportunity as the appellant has every right to seek unconditional withdrawal of his matter but despite the learned counsel for the respondent has chosen not to appear on today.

The statement of the learned counsel appearing for the appellant is also taken on record.

The instant appeal is, accordingly dismissed as withdrawn along with connected CMs. Interim direction, if any, shall stand vacated.

CRM (M) No. 325/2023.

CrIM No. 1346/2023, CM No. 4024/2023.

Ali Mohammad Malik (Petitioner)

Vs.

Nazir Ahmad Deva (Respondent)

Mr. S.A. Naik, Advocate for Petitioner.

None for Respondent..

Mr. S.A. Naik, Advocate learned counsel for the petitioner seeks withdrawal of the instant petition on the ground that parties have entered into the mutual compromise and have settled their controversy. In support of his contention, learned counsel has furnished copies of some compromise deeds which have been placed on record of lead file.

Since, the instant petition under Section 482 Cr.P.C basically arises from a complaint filed under Negotiable Instruments Act in respect of the alleged commission of offences under Section 138 read with Section 142 of the Act which are compoundable, therefore, there seems to be no bar under law in allowing the withdrawal of the instant petition, pursuant to the compromise of the parties.

Accordingly, the instant petition is dismissed as withdrawn along with connected CMs, if any. Interim direction, if any, shall stand vacated.

CRM (M) No. 333/2023

CrIM No. 809/2023

Baqir Ali Malik (Petitioner)

Vs

Junaid Nazir Deva (Respondent)

Mr. S.A. Naik, Advocate for Petitioner.

None for Respondent..

Mr. S.A. Naik, Advocate learned counsel for the petitioner seeks withdrawal of the instant petition on the ground that parties have entered into the mutual compromise and have settled their controversy. In support of his contention, learned counsel have furnished copies of some compromise deeds which have been placed on record of lead file.

Since, the instant petition under Section 482 Cr.PC basically arises from a complaint filed under Negotiable Instruments Act in respect of the alleged commission of offences under Section 138 read with Section 142 of the Act which are compoundable, therefore, there seems to be no bar under law in allowing the withdrawal of the instant petition, pursuant to the compromise of the parties.

Accordingly, the instant petition is dismissed as withdrawn along with connected CMs, if any. Interim direction, if any, shall stand vacated.

RFA No. 09/2024

CM Nos. 603/2024, 604/2024

Caveat No. 90/2024.

Ali Mohammad Malik (Appellant)

Vs

Nazir Ahmad Deva (Respondent)

Mr. S.A. Naik, Advocate for Appellant.

None for Respondent..

Mr. S.A. Naik, Advocate learned counsel for the appellant has submitted at Bar that he withdraws from the prosecution of the instant appeal unconditionally as the parties have already compromised outside the Court and settled their controversy at rest. In support of his contention, learned counsel has furnished copies of compromises reported to have been entered into by the parties which are taken on record.

It is needful be mention that learned counsel for the respondent had appeared on last date of hearing and had been given liberty to ascertain the fact of the compromise having been entered into between the parties from his client irrespective of the fact that this Court was not bound to give him opportunity as the appellant has every right to seek unconditional withdrawal of his matter, but despite the learned counsel for the respondent has chosen not to appear on today.

The statement of the learned counsel appearing for the appellant is also taken on record.

The instant appeal is, accordingly dismissed as withdrawn along with connected CMs. Interim direction, if any, shall stand vacated

RFA No. 10/2024

CM Nos. 605/2024, 606/2024

Baqir Ali Malik (Appellant)

Vs.

Junaid Nazir Deva (Respondent)

Mr. S.A. Naik, Advocate for Appellant.

None for Respondent..

Mr. S.A. Naik, Advocate learned counsel for the appellant has submitted at Bar that he withdraws from the prosecution of the instant appeal unconditionally as the parties have already compromised outside the Court and settled their controversy at rest. In support of this contention, learned counsel has furnished copies of compromises reported to have been entered into by the parties which are taken on record.

It is needful be mention that learned counsel for the respondent had appeared on last date of hearing and had been given liberty to ascertain the fact of the compromise having been entered into between the parties from his client irrespective of the fact that this Court was not bound to give him opportunity as the appellant has every right to seek unconditional withdrawal of his matter but despite the learned counsel for the respondent has chosen not to appear on today.

The statement of the learned counsel appearing for the appellant is also taken on record.

The instant appeal is, accordingly dismissed as withdrawn along with connected CMs. Interim direction, if any, shall stand vacated.

(Mohammad Yousuf Wani)
Judge

SRINAGAR

08.05.2024.

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