

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

Case: CrlM No.1089/2025 in
CRM(M) No.401/2025

M/S Chenab Enterprises

..... Petitioner(s)

Through :- Mr. Umar Shakeel, Advocate vice
Mr. A. M. Malik, Advocate

Vs

M/S Hyber High Tech Innovative
Engineering and Infrastructure Pvt. Ltd.
and another

.....Respondent(s)

Through :- Ms. Sameena Kousar, Advocate

CORAM:

HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER

01.07.2025

01. Through the medium of the instant petition having been filed under the provisions of Section 528 of Bharatiya Nagrik Suraksha Sanhita 2023 (for short BNSS), the petitioner has sought the quashment of the complaint/application dated 11.04.2025 filed by the respondent No.1 before the Court of learned Judicial Magistrate (Sub-Judge) Jammu (hereinafter referred to as the Magistrate for short), along with the orders dated 11.04.2025, 19.04.2025 & 03.05.2025, on the grounds mentioned in the petition. It is submitted by the learned counsel for the respondent No.1 Ms. Sameena Kousar, Advocate that she has no objection, in case, the petition is allowed and the impugned application/complaint filed in terms of Section 175(3) BNSS and pending disposal before the learned Magistrate is quashed.

02. A formal application supported with an affidavit bearing CrlM No.1089/2025 has also been filed by the respondent/complainant to the effect that

she has got no objection regarding quashment of the complaint/application sought by the present petitioner.

03. It is submitted by the learned counsel for the respondent No.1/complainant in the open Court that she has got no objection in allowing the petition seeking quashment of the pending application/complaint. Her statement is taken on record. It is further submitted by the learned counsel for the contesting respondent No.1/complainant that the petitioner and the respondents were having contractual relation and as such, the complaint/application under Section 175(3) of BNSS came to be filed by the contesting respondent No.1/complainant under a misconception, who has now no objection in the quashment of the said application pending before the learned Magistrate.

04. It is also submitted by the learned counsel for the respondent No.1/complainant that there is no conflict of interest between the respondents 1 & 2, who are the partners of the business firm M/S Hyber High Tech Innovative Engineering and Infrastructure Pvt. Ltd. Although, the respondent No.1/complainant has not arrayed the present petitioner as accused as per the title of the complaint yet the same in essence is against him.

05. In the facts and circumstances of the case, this Court is of the considered opinion that it may meet the ends of justice, in case the petition is allowed and the impugned application/complaint filed under Section 175(3) BNSS by the contesting respondent No.1/complainant against the petitioner and pending before the learned Magistrate is quashed. The same is likely to keep the relations between the parties smooth and cordial. Otherwise also, in the backdrop of the conduct exhibited by the respondent No.1/complainant regarding her “**No Objection**”, the criminal case if allowed to go as per the law is likely to end in failure.

06. Accordingly, the petition is allowed and the impugned applicant/complaint is ***quashed***.

07. Interim direction, if any, shall stand vacated.

08. Disposed of.

(MOHD. YOUSUF WANI)
JUDGE

JAMMU
01.07.2025
Shammi

