

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 745/2025
CrIM No.1856/2025

UMAR AZHAR KAKROO

.....Petitioner(s)

Through: Mr.Mohammad Amin Bhat, Advocate.

V/s

MOHAMMAD MUDASIR.

... ..Respondent(s)

Through : None

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

28.11.2025

1. The petitioner through the medium of present petition has challenged orders dated 28.05.2025, 16.09.2025 and 28.11.2025 passed by learned Judicial Magistrate 1st Class Uri in execution petition filed by the respondent against the petitioner.
2. Heard learned counsel for the petitioner and perused the record.
3. It appears that a complaint for offence under Section 138 of Negotiable Instruments Act came to be filed by the respondent against the petitioner before the Court of learned Judicial Magistrate 1st Class, Uri (hereafter for short "JMJC Uri"). The said complaint came to be disposed of in terms of settlement arrived at between the parties and, accordingly, order dated 20.12.2024 came to be passed by learned JMJC Uri. As per the

terms of compromise, the respondent had transferred an amount of Rs.1,25,000/- to the account of counsel for the complainant and had undertaken to pay the balance amount of Rs.1,25,000/- on 19.01.2025. It seems that the petitioner did not honour his commitment which prompted the respondent to file an execution petition before the learned JMFC Uri. The Executing Court vide impugned order dated 28.05.2025, directed the Tehsildar Baramulla to attach the immovable property of the petitioner for realizing the outstanding amount. Another order came to be passed by the learned Executing Court on 16.07.2025, whereby direction with regard to attachment of immovable property of the petitioner was repeated. Ultimately, vide order dated 18.11.2025, non-bailable warrant of arrest was issued against the petitioner as the warrant of attachment did not bear any fruit.

4. The petitioner has challenged the impugned orders on the ground that he has already paid the balance amount of Rs.1,25,000/- to the respondent in cash, as such, nothing is due against him. On this ground it has been submitted that the execution proceedings initiated against the petitioner are liable to be quashed and the impugned orders passed by learned Executing Court deserve to be set aside.

5. In support of the assertion of the petitioner that he has paid the balance outstanding to the respondent in cash, no document

has been placed on record by him. He has not even mentioned the date on which he has paid the amount to the respondent in cash. In the face of this vague and unsubstantiated assertion of the petitioner, it would not be appropriate for this Court to rely upon the same and interfere with the execution proceedings pending before learned JMIC Uri. If at all the petitioner has paid any amount to the respondent, he is at liberty to prove the same before the learned Executing Court by producing cogent and convincing material in support of his assertion.

6. For the foregoing reasons, I do not find any ground to interfere with the impugned orders passed by learned JMIC Uri nor do I find any ground to interfere with the Execution proceedings pending before the learned Executing Court. The petition is accordingly dismissed.

(SANJAY DHAR)
JUDGE

SRINAGAR

28.11.2025

Sarveeda Nissar

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No