

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

**CRM(M) No.774/2022
CrIM No.1603/2022**

Date of pronouncement: 15.05.2026

Date of uploading: 18.05.2026

**Bhupinder Singh Age 48 years
S/o Sh. Karan Singh
R/o Village Ghou Manhassan
Tehsil Marh District Jammu.**

...Petitioner(s)

Through: Mr. Sumir Pandita, Advocate with
Mr. Imran Ahmed Rather, Advocate.

Vs

- 01. UT of Jammu and Kashmir,
through Superintendent of Police, Jammu.
02. Police Station Channi Himmat, Tehsil and District Jammu
Through its Station House Officer.
03. Aviraj Chopra S/o Sh. Anil Gupta
R/o Sainik Colony, Jammu.**

...Respondent(s)

Through: Ms. Shazia Asaf, Advocate vice
Mr. Pawan Dev Singh, Dy.AG for R-1 & 2.
None for R-3.

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

**JUDGMENT
15.05.2026 (ORAL)**

- 01.** Petitioner has invoked inherent jurisdiction of this Court for the quashment of order dated 16.08.2022 passed by learned Special Excise Mobile Magistrate, Jammu [“the trial Court”], vide which respondent No.2 Police Station was directed to investigate the matter.

- 02.** Background facts of the case are that respondent No.3- the complainant preferred a complaint in the trial Court under Section 156(3) Cr.P.C. alleging *inter alia* that petitioner made his father to believe that he is owner in possession of land measuring 10 kanals situated at Mishriwala, Jammu. Petitioner was in need of money, so he proposed to sell the aforesaid land and demanded Rs.30,00,000/- in advance. This land was shown to his father at Mishriwala and his father agreed to purchase it. His father transferred Rs.10,00,000 vide RTGS on 18.03.2013 in the account of the petitioner, Rs.1,50,000/- in the account of Khajuria Traders on 19.03.2013, Rs.2,00,000/- in the account of Jang Bahadur on 20.03.2013 and Rs.5,00,000/- in the account of Daljeet on 19.03.2013 in addition to the cash payment paid to the petitioner. According to respondent No.3, petitioner/accused on different dates had taken Rs.25,00,000/- from his father for the sale of the land. It was alleged that after receiving the money, the petitioner first started dilly dallying on one pretext or the other and thereafter refused the transfer of land and return the amount.
- 03.** The complainant also alleged that on 03.07.2022 at about 4:30 p.m. when petitioner met him near Ritz Manor Hotel, Channi Himmat, Jammu and he asked him to return the money taken from his father, the petitioner manhandled him and threatened him with dire consequences. On the receipt of this complaint, learned trial Court vide impugned order directed SHO, Police Station, Channi Himmat to investigate the matter.
- 04.** Heard and perused.

- 05.** This Court is vested with inherent jurisdiction to prevent the abuse of the process of any Court or to secure the ends of justice. But it is trite in law that criminal prosecution cannot be set into motion to wreak vengeance or convert a dispute purely of civil nature into a criminal prosecution.
- 06.** What is evident from a plain reading of the complaint is that a dispute purely of civil nature is sought to be given a criminal colour, which is not permissible in law. It appears that respondent No.3 has preferred a complaint in the trial Court as an instrument of oppression to secure the recovery of the amount, which on the face of it is an abuse of the process of law.
- 07.** Hence, present petition is allowed and impugned order along with all consequential proceedings is quashed.
- 08.** *Disposed of* along with connected application(s).
- 09.** Interim direction, if any, shall stand vacated.

(Rajesh Sekhri)
Judge

Jammu
15.05.2026
Eva

Whether the judgment is speaking or not?	Yes/No
Whether the judgment is reportable or not?	Yes/No