

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

**Pronounced on : 12.08.2026
Uploaded on : 13.08.2026**

**CRM(M) No. 840/2026
CrlM No. 1513/2026**

**Vijay Kumar, age 48 years,
S/O Sh. Kaka Ram,
R/O Balgara,
Tehsil Akhnoor, District Jammu**

.....Petitioner(s)

Through: Mr. Ajay Bakshi, Advocate.

Vs

**Chaman Lal,
S/O Dharam Chand,
R/O Targah,
Tehsil Maira, Mandrian,
District Jammu**

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

**ORDER
(12.08.2026)**

- 1.** The petitioner, through the medium of the present petition, seeks quashing of order dated 05.08.2026 passed by the court of learned Judicial Magistrate, Akhnoor, (for short, 'learned Magistrate') in an application filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, titled "**Chaman Lal Vs. Vijay Kumar**", whereby registration of case has been directed, against the petitioner herein on the complaint of respondent herein.

2. Learned counsel for the petitioner submits that the petitioner is aggrieved of the impugned order dated 05.08.2026, passed by the learned Magistrate, on the grounds that learned Magistrate vide order dated 12.11.2024, had called the 'action taken report' from In-charge Police Station, Akhnoor, and on consideration of the preliminary report dated 10.12.2024 while taking cognizance vide order dated 13.03.2025, concerned Police Station was directed to register a case ; that aggrieved of the order dated 13.03.2025, the petitioner/respondent herein, had assailed the order by filing a Revision Petition before the court of learned 2nd Additional Sessions Judge, Jammu, who, vide order dated 07.05.2026, set aside the order dated 13.03.2025, passed by the learned Magistrate, by directing the court below to re-hear the petitioner/respondent herein, in the matter after providing reasonable opportunity of being heard, before passing fresh orders.

3. He further submits that the learned Magistrate has passed the impugned order after hearing counsel for the respondent, and straightway directed to lodge an FIR without considering the 'action taken report' from the In-charge Police Station, Akhnoor, and that the mutation of inheritance had been attested by the revenue authorities in favour of Rano Devi and Kamlo Devi, both legal heirs of Dharmo Devi, as both of them were mothers of the parties, as such, there was no illegality in the attestation of the mutation ; that the Will Deed was executed in favour of the respondent herein, however, the petitioner's mother had challenged the said deed before the court of learned Munsiff, Akhnoor. Consequently,

the respondent herein had filed the complaint to counter the civil suit and tried to give the criminal colour, in order to settle the score ; that the learned Magistrate has passed the impugned order without giving reasons and prayed that the impugned order be set aside, for the grounds, pleaded in the petition.

4. Heard and considered.

5. The learned Magistrate, upon remand of the matter by the Revisional Court, vide the impugned order, considered the matter by stating that the allegation against the accused-petitioner herein was that, he in connivance with revenue officials got a mutation attested in his name illegally by forging signatures and also stating the same to have been attested in a camp at village Manda, which did not corroborate with the entries in the Roznamcha Register of the Patwari and that there was no record of Mutation No. 176 in the Mutation Register and that the complainant-respondent herein, had become a victim of fraud played by the accused-petitioner herein, in connivance with the revenue officials, who willfully forged signatures and used those forged documents, in a civil suit against the complainant.

6. The order passed by the learned Magistrate, is a reasoned one, indicating that the complaint discloses the commission of the offences as signatures were alleged to have been forged and the mutation was stated to have been attested by the revenue officials having connived with the petitioner herein, as such, the direction passed by the learned Magistrate for

registration of the case cannot be said to be a misuse of the process of law and is a legal order, which in the considered opinion of the Court, does not call for any interference from this Court. Mere pendency of a civil dispute between the parties, the criminal offences committed, during the period cannot be allowed to be not investigated.

7. Therefore, in view of the foregoing discussion, no case is made out for interference by this Court, as such, the present petition is *dismissed in limine*, alongwith connected application(s).

JAMMU
12.08.2026
SUNIL

(M A CHOWDHARY)
JUDGE

Whether the order is speaking ? : Yes
Whether the order is reportable ? : Yes