

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CRM(M) 60/2026 Cr1M (139/2026)

Nadeem Ahmed Mayer

...Petitioner(s)/Appellant(s).

Through: Mr. A.M. Dar, Sr. Advocate with
Ms. Ahra Syed, Advocate and Ms. Monisa, Advocate.

Vs.

**Sajjad Haider Ansari And
Another**

...Respondent(s).

Through: Mr. T.H. Khawja, Sr. Advocate with
Mr. Iman Abdul Muiz, and Mr. Badrul Duja, Advocates.

CORAM:

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

23.02.2026

1. Through the medium of the instant petition having been filed in terms of the provisions of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS' for short), the petitioner has sought the quashment/setting-aside of the orders dated 24.01.2026 and 14.02.2026 passed by the Court of learned Chief Judicial Magistrate, Srinagar, on a complaint filed by the respondent No. 1 against the petitioner under Section 138 of the Negotiable Instruments Act on the main ground that the same are the outcome of misuse and abuse of the powers of the Court .
2. The learned counsel for the respondent No. 1 (the complainant in the trial complaint) fairly conceded the illegality of both the orders except to the extent of issuance of non-bailable warrant of arrest against the petitioner/accused for his absence at the proceedings.
3. The Court also perused both the impugned orders which apparently look to be illegal and perverse, reflecting the abuse of process of law.
4. Accordingly, both the impugned orders are set-aside/quashed. The respondent No. 2-SHO Police Station, Nishat Srinagar, shall immediately restore the possession of the vehicle bearing registration No. JK01VL-

8009, which he has wrongly and illegally lifted by misusing and misinterpreting the direction of the Trial Magistrate being itself adjudged as illegal.

5. The learned counsel for both the parties submitted that the trial complaint may be assigned for further disposal under law to any other competent Court.

6. Accordingly, the learned Principal Sessions Judge, Srinagar, is directed to withdraw the complaint in question from the learned Trial Court for the assignment thereof to any other competent Court preferably a Judicial Magistrate of Senior Division for further disposal under law.

7. The setting aside of the impugned orders shall in no way prejudice the rights of the complainant-respondent No. 1 to have legal recourse in respect of the cheque for an amount of Rs. 10 lacs reported to have been issued to him by the petitioner/accused and referred to in the order dated 24.01.2026, now set aside.

8. Since the respondent No. 2 appears to have misused the direction of the Trial Magistrate regarding execution of levy warrant by lifting the vehicle of a third person who allegedly had come to the home of the petitioner/accused as a guest, as such, Ld. Registrar Judicial of this Court is directed to frame a Robkar against the said officer and issue notice in the first instance in the same to the concerned to explain the matter. A scanned copy of the writ petition shall form an annexure to the Robkar.

9. The court of Ld. Principal Sessions Judge upon transfer of the complaint shall intimate the learned counsel for both the parties about the date of hearing before the learned Transferee Court.

10. Disposed of.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
23.02.2026
Shahid Manzoor