

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

CRM(M) No. 513/2026
CrIM No. 1183/2026

Fayaz Ahmad Rather

...Appellant/Petitioner(s)

Through: None

Vs.

Qazi Manzoor

...Respondent(s)

Through: None

CORAM:

HON'BLE MR JUSTICE SANJAY PARIHAR, JUDGE

ORDER
17.09.2026

- 1.** In terms of the order dated 24th July 2026, this Court had observed that the petitioner, while filing the instant petition, had not disclosed the factum of filing of the earlier petition and its disposal. This Court had, therefore, prima facie taken the view that the same amounted to suppression of material facts/misconduct on the part of the petitioner, which was required to be taken note of. It was in this background that the record of the previous petition, being CRM(M) No. 321/2024, was directed to be tagged with the present petition.
- 2.** The Registry has since procured the record of the aforesaid CRM(M) No. 321/2024.
- 3.** In CRM(M) No. 321/2024, filed under Section 482 Cr.P.C., the petitioner had sought quashment of the complaint proceedings pending before the learned Chief Judicial Magistrate, Srinagar, on the basis of a compromise deed. In terms of the said compromise, the parties had settled the dispute forming the subject matter of the proceedings before

the Trial Court, whereby the petitioner had agreed to pay an amount of Rs. 27.50 lakhs, including an amount of Rs. 10 lakhs already paid. The balance amount was to be liquidated in monthly instalments of Rs. 1 lakh each and, in the event of default; the petitioner was liable to pay interest at the rate of 15% on the principal amount.

- 4.** It was on the basis of the aforesaid settlement that the Lok Adalat Award came to be passed. Subsequently, a Coordinate Bench of this Court, vide order dated 3rd July 2024 passed in the aforesaid petition, issued a conditional direction to the petitioner to pay an amount of Rs. 6 lakhs to the respondents in terms of the settlement. The proceedings before the Chief Judicial Magistrate were stayed, with a further direction that, in the event of failure on the part of the petitioner to comply with the said direction, the Chief Judicial Magistrate would be at liberty to proceed with the complaint in accordance with law. It was on this basis that CRM(M) No. 321/2024 came to be disposed of. In the present petition, however, the petitioner has once again sought quashment of the complaint as well as the impugned award.
- 5.** It is the case of the petitioner that the respondent has initiated execution proceedings and that the award, which had already formed the subject matter of the previous proceedings and in respect whereof the earlier petition stood disposed of, has again been called into question.
- 6.** In the present petition, there is not even a whisper regarding the directions passed by the Coordinate Bench in CRM(M) No. 321/2024. The order dated 3rd July 2024 was a consent-based and conditional order. In fact, the settlement arrived at between the parties, which culminated in the Lok Adalat Award dated 13th May 2024 and to which

the petitioner had given his consent, was required to be complied with by him.

7. Although the petitioner has disclosed the factum of disposal of the earlier petition, which was similar in nature, he has failed to disclose the material directions passed therein and has instituted the present petition with a view to stalling the proceedings before the Trial Court. Significantly, the challenge is directed against an award which was passed in his presence and with his consent. Once the said award had been given effect to by this Court in terms of the order dated 3rd July 2024, the petitioner could not be permitted to institute another petition seeking substantially the same relief with a view to thwarting the process of law. The filing of the present petition, in these circumstances, amounts to an abuse of the process of the Court.

8. Today, when the matter was taken up for consideration, there was no representation on behalf of the petitioner. The conduct of the petitioner, as noticed hereinabove, prima facie demonstrates misuse of the process of law for his own advantage by withholding material facts and directions passed in the earlier proceedings. Such conduct amounts to an abuse of the process of the Court and has the tendency to interfere with the due administration of justice. The matter, therefore, warrants consideration as to whether proceedings for contempt are required to be initiated against the petitioner.

9. Be that as it may, since there is no representation on behalf of the petitioner today and, for the reasons recorded hereinabove, the present petition is **dismissed**, having been filed by suppressing material facts and by abusing the process of the Court. The petitioner is, accordingly, warned to remain careful in future and to desist from instituting

proceedings of this nature by suppressing or withholding material facts from the Court.

(SANJAY PARIHAR)
JUDGE

SRINAGAR
17.09.2026
Shabroz

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No

