

Serial No. 121
Supplementary Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 594/2026
CrIM No. 1375/2026.

TAHIRA

...Petitioner (s)

Through: Mr. Haseeb Shah Banday, Advocate &
Mr. Mufti Muhtashim Ah, Advocate.

VERSUS

MOHAMMAD ISSAQ BHAT.

...Respondent(s)

CORAM:
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER
10-08-2026

01. The petitioner, through the medium of the present petition, has invoked the jurisdiction of this Court under Section 528 of the BNSS, challenging order dated 6th of June 2026 and proceedings dated 16th of July 2026 taken by the learned Judicial Magistrate 1st Class, (Sub-Judge) Srinagar (hereinafter referred to as the “trial Magistrate”), in a complaint filed by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act.

02. Heard and considered.

03. Vide the impugned order, the learned trial Magistrate, after forfeiting the bail bonds of the petitioner and noticing that the surety of the petitioner has not been able to furnish her whereabouts, directed constitution of a team of police officials for execution of warrants of arrest against the petitioner. The learned trial

Magistrate has further proceeded to issue non-bailable warrants of arrest against the petitioner.

04. The ground urged by learned counsel for the petitioner for impugning the order is that, during pendency of the complaint, a compromise was arrived at between the parties, whereby the petitioner had undertaken to pay cheque amount of Rs. 85.00 lakhs (in three complaints) in monthly instalments. It has been contended by learned counsel for the petitioner that the petitioner has already paid an amount of Rs. 4.00 lakhs to the respondent, but, in spite of this, the learned trial Magistrate has proceeded to pass the impugned order. According to the learned counsel, once the compromise was arrived at between the parties, the learned trial Magistrate was expected to pass a final order in terms of the compromise and he could not keep the complaint pending.

05. It is an admitted case that the compromise arrived at between the parties, has not matured into any judicial order passed by the learned trial Magistrate, and the offence against the petitioner has not been compounded. It is a case where the petitioner has only put up her suggestion before the learned trial Court, which has been accepted by the respondent. It is not a case where the compromise has been recorded by the learned trial Magistrate, and the case has been disposed of in terms of the compromise. In fact, the proceedings in the complaint before the trial Magistrate have not been terminated as yet, therefore, it was incumbent upon the petitioner/accused, to put in her appearance before the learned trial Magistrate on each and every date of hearing, but she failed to do so. Even her surety failed to furnish the whereabouts of the petitioner. In these

circumstances, the learned trial Magistrate had no option but to issue warrants of arrest against the petitioner.

06. For the foregoing reasons, I do not find any ground to interfere with the impugned order passed by the learned trial Magistrate. The petition lacks merit. The same is, accordingly, *dismissed*.

(Sanjay Dhar)
Judge

SRINAGAR

10-08-2026

Showkat Khan

