Serial No. 195
Supplementary-1 Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CrlM No. 439/2024 in
CRM (M) No. 175/2024
CrlM No. 440/2024

Hilal Ahmad Tantary

… Petitioner(s)

Through: -
Mr S. N. Ratanpuri, Advocate with
Ms Fiza Khursheed, Advocate.

V/s

Mohammad Jabar Shah

… Respondent(s)

CORAM:

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

(ORDER)

15.04.2024

CrlM No. 439/2024:

This is an application moved by the Applicant/ Petitioner seeking exemption from filing certified copy of impugned Complaint filed by the Non-Applicant/ Respondent herein.

For the reasons stated in the application, coupled with the submissions made at the Bar, the present application is **allowed** and the Applicant/ Petitioner, for the time being, is exempted from filing the certified copy of the impugned Complaint. He shall, however, do the needful within two weeks from today.

CRM (M) No. 175/2024; CrlM No. 440/2024:

The Petitioner, through the medium of present Petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.), is seeking quashment of Complaint filed by the Respondent herein under Section 138 of the Negotiable Instruments Act, 1881 titled **'Mohammad Jabar Shah v. Hilal Ahmad Tantray'**, pending before the Court of learned Chief Judicial

Magistrate, Kulgam and the Order dated 24th of August, 2021 as also the proceedings arising therefrom.

Mr S. N. Ratanpuri, the learned Counsel appearing for the Petitioner, has submitted that the Petitioner is essentially aggrieved of the issuance of non-bailable warrant and asking for details of his moveable and immoveable property from the Tehsildar concerned vide Order dated 15th of November, 2023 passed by the learned trial Court and submits that the Petitioner is facing imminent threat of being arrested. The learned Counsel submitted that the Petitioner shall feel satisfied in case he is allowed to approach the trial Court for seeking cancellation of the non-bailable warrant with some protection in the meanwhile.

Heard learned Counsel for the Petitioner.

The instant Petition, in the facts and circumstances of the case and given the submissions urged at the Bar, is **disposed** of at this stage with liberty to the Petitioner to move the trial Court within a week's period from the date of this Order, for seeking cancellation of non-bailable warrant for the reasons enumerated in this Petition and, in the meanwhile, no coercive action shall be taken against the Petitioner.

Petition is, thus, **disposed** of on the above terms, along with the connected CrlM.

As prayed for, a copy of this Order be provided to the learned Counsel for the Petitioner under the seal and signatures of the Bench Secretary of this Court today itself.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
April 15th, 2024
"TAHIR"

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this document
16.04.2024 10:50