Serial No. 2
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 904/2026
CrlM No. 2056/2026

Abdul Aziz Ganie **…Petitioner(s)**

Through:
Mr Sheikh Manzoor, Advocate.

V/s.

Zahida Begum **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
02.11.2026

01. The Petitioner has invoked the extraordinary jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the proceedings initiated against him for recovery of arrears of maintenance. Besides, the Petitioner further seeks quashing of Order dated 21st of September, 2026, whereby the Court of learned Sub-Judge/ Special Mobile Magistrate, Baramulla has directed DIG, Baramulla to constitute a special team to arrest the Petitioner.

02. Heard learned Counsel appearing for the Petitioner.

03. Although, the Petitioner has taken various grounds on facts as well as on law questioning the legal pregnability of the proceedings pending before the learned Magistrate, including the process issued vide Order dated 21st of September, 2026 for the arrest of the Petitioner, however, after perusal of the Petition, it appears that precisely the Order dated 21st of September, 2026 has compelled the Petitioner to approach this Court by invoking its extraordinary jurisdiction.

04. It goes without saying that it is the duty of the Petitioner to appear before the Court where the proceedings are pending and invoking the extraordinary jurisdiction of this Court is permissible only in exceptional circumstances. However, once it is found that by circumventing the due process of law, the Petitioner has approached this Court, this Petition cannot be entertained.

05. Be that as it may, since the learned Counsel for the Petitioner seeks indulgence of this Court so as to enable the Petitioner to appear before the Trial Magistrate, therefore, it would subserve the ends of justice if the Petitioner is afforded protection till such time he approaches the Trial Magistrate.

06. In view of above, this Petition at this stage is **disposed** of by providing that the Petitioner shall approach the learned Trial Magistrate within a period of two weeks from the date of this Order. Till such time, no coercive steps shall be taken against him. It is, however, made clear that in case the Petitioner fails to appear before the Trial Magistrate within the aforesaid stipulated period of two weeks, the Trial Magistrate shall be at liberty to enforce the Order dated 21st of September, 2026.

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

(Shahzad Azeem)
Judge

SRINAGAR:
2nd November, 2026
"TAHIR"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this
document