Serial No. 56
Supplementary Cause List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 939/2026
CrlM No. 2132/2026

Nazir Ahmad Sofi & Anr. **…Petitioner(s)**

Through:
Mr Aadil Manzoor Beigh, Advocate.

V/s.

Union Territory of Jammu & Kashmir and Anr. **...Respondent(s)**

Through:

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

ORDER
06.11.2026

01. The Petitioners have thrown challenge to the Order dated 24th of September, 2026 passed by the learned Judicial Magistrate 1st Class, Pattan, in an application under Section 175 (3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], whereby a direction was sought upon the Station House Officer (SHO), Police Station Pattan for proceeding against the accused persons and lodging FIR under the relevant provisions of law.

02. The principal ground urged by the learned Counsel for the Petitioners is that there was a civil transaction between the parties in respect of land and house constructed thereon situate in Srinagar, which has given rise to a civil dispute and a resultant Complaint under Section 138 of the Negotiable Instruments Act pending disposal before the same Court.

03. Learned Counsel for the Petitioners submits that, in order to hoodwink the process of Court, the Respondent No.2 has again approached the learned Magistrate with an application under Section 175 (3) of the BNSS, which is sheer abuse of the process of the Court.

04. Heard learned Counsel for the Petitioners.

05. A perusal of the impugned Order shows that the Respondent No.2 has filed an application under Section 175 (3) of the BNSS and, while entertaining the said application, the learned Magistrate, vide the impugned Order dated 24th of September, 2026, directed the Station House Officer (SHO), Police Station Pattan to submit a report to the extent that whether the applicant has submitted the application seeking registration of FIR in Police Station Pattan, if so what steps have been taken in this regard and the matter was posted to 5th of October, 2026.

06. Learned Counsel for the Petitioners submits that on 5th of October, 2026, the report was not submitted and the matter was further posted to 16th of this month and this amounts to harassment of the Petitioners herein.

06. Admittedly, no order has been passed by the learned Magistrate on the merits of the application, much less having any effect on the legal or constitutional rights of the Petitioners, as is averred in the Petition itself. It appears that the learned Magistrate has, vide the impugned Order, directed the Station House Officer (SHO) concerned to submit a report, so as to satisfy himself as to whether a case is made out for proceeding ahead or not. Therefore, without waiting for such report from the police concerned or in absence of any order on the merits, intervention at this stage is uncalled for. It is too early in the day to perceive as to what order the Court is going to pass. The process of the Court cannot be scuttled at the threshold.

07. Accordingly, this Petition being premature is **dismissed**, along with the connected CrlM. However, the Petitioners shall be at liberty to avail appropriate remedy, if any assailable order is passed by the learned Magistrate.

(Shahzad Azeem)
Judge

SRINAGAR:
November 6th, 2026
"TAHIR"

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