Serial No. 109
Supplementary Cause List-I

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM (M) No. 969/2026
CrlM No. 2199/2026

Azad Hussain Zargar **…Petitioner(s)**

Through:
Mr M. D. Bhat, Advocate.

V/s.

Mukhtar Ahmad Sheikh **...Respondent(s)**

Through:

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

ORDER
13.11.2026

01. Heard learned Counsel for the Petitioner.

02. The Petitioner has thrown challenge to the proceedings in a Complaint titled **'Mukhtar Ahmad Sheikh v. Azad Hussain Zargar'**, arising under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881, pending on the docket of the learned Judicial Magistrate 1st Class, Pampore. However, during the course of proceedings before the Trial Magistrate, it appears the Petitioner-accused has filed an undertaking dated 25th of June, 2026, thereby undertaking to pay a total amount of ₹9.00 lakhs as per the calendar mentioned therein towards full and final settlement of the outstanding amount, that is the subject matter of the Complaint.

03. It appears that no order was passed by the learned Trial Court on the undertaking so filed by the Petitioner, but the Trial Court, vide Order dated 5th of August, 2026, issued levy warrants for recovery of an amount to the tune of ₹1.60 lakhs.

04. The aforesaid Order dated 5th of August, 2026 was assailed by the Petitioner before the Appellate Court and the Appellate Court, vide Order dated 1st of September, 2026, allowed the appeal, setting aside the Order dated 5th of August, 2026, whereby the Trial Magistrate had issued

levy warrants for recovery of ₹1.60 lakhs and directed the Magistrate to finally dispose of the Complaint.

05. Instead of joining the proceedings before the Trial Court, even after the Order issuing levy warrants has been set aside by the Appellate Court, the Petitioner has again invoked the extraordinary jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [BNSS], thereby assailing the proceedings pending before the learned Magistrate, on the ground that once he has filed the undertaking, the Trial Court was duty bound to accept the same and dispose of the Complaint, accordingly.

06. It is well settled proposition of law that any compromise entered between the parties is always subject to just and proper conditions laid down therein and, only after drawing the requisite satisfaction, the Court can accept or reject the said compromise.

07. However, in the case on hand, there is no Order passed by the Trial Court, either accepting the purported compromise having been entered into between the parties or any Order contrary thereto. But, before arriving at such a stage, the Petitioner has indulged in dilatory tactics by first assailing the Order dated 5th of August, 2026 passed by the Trial Court; whereby levy warrants were issued against him, before the Appellate Court and even when the said Order dated 5th of August, 2026 was set aside, still he is not willing to join the proceedings before the Trial Magistrate with all available pleas. Therefore, the conduct of the Petitioner speaks for itself and amounts to abuse of the process of the Court.

08. For the foregoing reasons, this Petition being premature and utterly misconceived, the same is **dismissed** in *limine*, together with the connected CrlM.

(Shahzad Azeem)
Judge

SRINAGAR:
November 13th, 2026
"TAHIR"

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