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Supp

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Date of Pronouncement: 26.12.2025
Uploaded on 26.12.2025

CrIM(2086/2025) IN CRM(M) 826/2025
CrIM(2087/2025)

SAJAD AHMAD MALIK Petitioner (s)

Through: Mr. Mir Umar, Advocate.

V/s

GULZAR AHMAD WANI Respondent(s)

Through:

Coram:
Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER
26.12.2025

CrIM No. 2086/2025:

For the reasons stated in the application, the same is allowed and the requirement of filing certified copies of complaint and order dated 09.12.2025 is dispensed with.

CrIM disposed of.

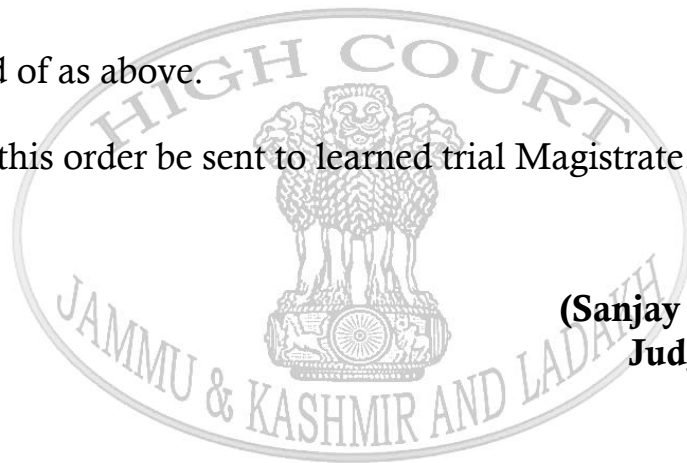
CRM (M) No. 826/2025:

1. The petitioner, through the medium of present petition, has challenged order dated 09.12.2025 passed by the learned trial Magistrate (Additional Special Mobile Magistrate, Beerwah) whereby warrants have been issued against him.

2. Heard learned counsel for the petitioner and perused the material on record.
3. It appears that the respondent has, filed a complaint under Section 138 of the Negotiable Instruments Act, before the learned trial Magistrate and subject matter of the complaint is he cheque for an amount of Rs. 17,18,000/- issued by the petitioner in favour of the respondent. It also appears that during the pendency of the complaint, a compromise was arrived at between the parties vide compromise deed dated 15.10.2024. In terms of the compromise, the petitioner had undertaken to pay an amount of Rs. 5.00 lacs/- to respondent on 17.10.2025, an amount of Rs. 3.00 lacs through cheque on 15.11.2025 and rest of the amount was to be paid in monthly installments of Rs. 1.50 lacs. It appears that the learned trial Magistrate, recorded the statement of the parties, in support of the compromise on 06.11.2024, but instead of disposing of the complaint in terms of the compromise, the learned trial Magistrate has proceeded to monitor adherence of terms of the compromise by the petitioner by acting as an executing court. The proper course for the learned trial Magistrate should have been to dispose of the complaint in terms of the compromise and thereafter if the petitioner would not have adhered to terms of the compromise, the respondent should have been given liberty to file execution petition on which the learned trial Magistrate could have

proceeded against the petitioner by taking resort to provisions contained in Section 421 of Cr.PC. The procedure adopted by the learned trial Magistrate, is not in accordance with law.

4. In view of the above, the petition is disposed of with a direction to the learned trial Magistrate to proceed in the matter as indicated hereinbefore.
5. Disposed of as above.
6. Copy of this order be sent to learned trial Magistrate.



(Sanjay Dhar)
Judge

SRINAGAR

26.12.2025

Aasif

Whether the order is speaking Yes/No

Whether the order is reportable Yes/No