

**HIGH COURT OF JAMMU AND KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 83/2020

**Reserved on 06.03.2026
Pronounced on 10.04.2026
Uploaded on 10.04.2026**

Whether the operative part or full
judgment is pronounced: Full

Sanjay Kakru and anotherAppellant(s)/Petitioner(s)

Through: Mr. K. L. Pandita, Adv.

vs

Mansoor Ahmed Bhat Respondent(s)

Through: None

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

JUDGMENT

1. Petitioner No. 1, an Executive Engineer, LKHEP Thathri (JKSPDC) and the petitioner No. 2, serving with Civil Construction Division 2, LKHEP Thathri (JKSPDC) have impugned the order dated 02.11.2019 and order dated 16.12.2019, whereby the process has been issued against the petitioners for commission of offence punishable under section 506 IPC.
2. It is stated that a contract was executed between the Jammu and Kashmir State Power Development Corporation (JKSPDC) and M/s Coastal Projects Ltd. A-102 Sector 65 Noida regarding supply of plant and equipment including type test charges and mandatory spares for implementation of Engineering Procurement and Construction (EPC) contract package for Lower Kalnai Hydro Electric Project 2x24 MW.

3. It is stated that the respondent, who claims to be the authorized agent of M/s Mantena Constructions Company, had filed two complaints each dated 02.11.2019 before the learned Chief Judicial Magistrate Doda under sections 341 and 506 IPC against the petitioners and the learned CJM transferred the aforesaid complaints to the SHO Police Station, Gandoh and SHO Police Station Thathri for investigation respectively.
4. The SHO Police Station, Thathri summoned the petitioners and conducted a thorough investigation and ultimately concluded the matter by holding that the complaint filed by the respondent is baseless and submitted the report to the learned CJM. It is stated in other complaint filed by the respondent referred to SHO Gandoh, the Investigating Officer concluded that *prima facie* case against the petitioners under section 506 IPC was established and submitted the report to the learned CJM and after recording the statement of the witness, namely, Nazir Ahmed, the learned CJM vide order dated 16.12.2019 issued process against the petitioners. It is stated that the respondent in order to harass and torture the petitioners filed the aforesaid two complaints on the same cause of action in which even the date of occurrence has not been mentioned, and the petitioners are being harassed for none of their fault.
5. Despite service, none has appeared to object the instant petition, as such, the matter was taken up for consideration.
6. Heard the learned counsel for the petitioners at length.
7. The record of another complaint filed by the same respondent, titled, “Mansoor Ahmed Bhat vs. Vinay Gupta and others” was also summoned and a perusal of the same reveals that the allegations levelled in the present

complaint are verbatim reproduction of the allegations levelled in another complaint. The record further depicts that another complaint, titled, 'Manzoor Ahmed Bhat vs. Vinay Gupta and others' bearing No. 118 of 2019 stands dismissed by the court of learned CJM/Sub Judge, Doda vide order dated 06.07.2023.

8. As previously stated, the allegations in both complaints are identical; there is not a single point of divergence between them. The respondent cannot maintain two separate complaints based on the same cause of action before the same court. Given that one complaint has already been dismissed, the continuation of the proceedings in the second, impugned in this petition, constitutes a clear abuse of the process of law.

9. In view of the above, this Court is of the considered view that the proceedings of the complaint titled "Mansoor Ahmed Bhat versus Vinay Gupta & Ors" pending before learned Chief Judicial Magistrate, Doda as well as the proceedings emanating therefrom, are required to be quashed.

Ordered accordingly.

(Rajnish Oswal)
Judge

JAMMU
10.04.2026
Rakesh PS

Whether the order is speaking:	Yes
Whether the order is reportable:	No