

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU
(Through Virtual Mode)

Bail App No. 237/2024 c/w
CRM(M) No. 699/2024

Rustam

...Petitioner/ Appellant(s)

Through: Mr. Amit Gupta, Advocate

V/s

UT of J&K Th. SHO Incharge Police Station
Rajouri and Anr.

...Respondent(s)

Through: Mr. Bhanu Jasrotia, GA for R-1

CORAM: HON'BLE MR. JUSTICE MOHAMMAD YOUSUF WANI, JUDGE.

ORDER

12.12.2024

CRM(M) No. 699/2024

Respondent No. 2 is present in person.

Through the medium of the instant petition filed under the provisions of section 528 of BNSS, the petitioner has sought the quashment of the FIR No. 0365/2024 dated 16.08.2024 registered against him with the Police Station Rajouri under section 87 of BNS on the main ground that same is the outcome of the false and frivolous complaint by the respondent No.2, with the concerned police station under a state of misunderstanding.

It has been submitted in the petition that the alleged victim is already married with the petitioner namely Sarfaraz Ahmad and the couple is enjoying matrimonial tie peacefully.

That since the alleged prosecutrix was already known to the petitioner prior to her marriage, and, as such, their coincidental meeting led to a doubt and confusion in the mind of the husband of the alleged victim who got infuriated and made the respondent No. 2-father of the alleged victim to lodge an FIR with the concerned police station.

The respondent No. 2/complainant is present virtually before this Court. The alleged victim who happens to be the daughter of the respondent No. 2 is also present. They have virtually submitted before this Court that this petition may be allowed and the FIR in question which came to be registered on the basis of a complaint lodged upon misunderstanding be accordingly quashed in the ends of justice.

Petitioner is also present virtually, who in the presence of his learned counsel submitted that he has no concern with the alleged victim who is already married, and, as such, he does not know as to how he came to be involved in the FIR in question sought to be quashed.

Keeping in view the fact that the alleged victim who is the daughter of the respondent No.2/complainant is already married, this Court is of the opinion that it may meet the ends of justice in case the instant petition is allowed and the FIR bearing No. 0365/2024 dated 16.08.2024 registered with police station Rajouri is quashed.

In case the FIR is allowed to remain standing and the investigation in the same, to continue, the same may adversely affect the matrimonial life of the daughter of the complainant/respondent No.2. Otherwise also in the given circumstances, the continuance of the investigation in the case will be futile exercise.

Accordingly, this Court in exercise of its powers vested under section 528 BNSS allows the instant petition and accordingly quashes the impugned FIR No. 0365/2024 of police station Rajouri.

Petitions stands ***disposed of.***

Bail App No. 237/2024

In view of order passed in the CRM(M)699/2024 hereinabove, the instant Bail application stands rendered infructuous and is accordingly ***disposed of.***

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
12.12.2024
"S.Nuzhat"