

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

CRM(M) No. 50/2023

CrIM No. 68/2023

Lal Chand and others

.....Appellant(s)/Petitioner(s)

Through: Mr. Sumir Pandita, Advocate.

vs

UT of J&K and another

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.

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

ORDER

12.12.2025

ORAL

1. The petitioners have filed this petition for quashing FIR No. 152/2019 dated 27.07.2019 under Sections 341, 323, 447 and 147 RPC on the ground that a civil dispute is already pending before the court of learned City Judge, Jammu, wherein some interim direction has already been issued.
2. The respondent No. 1 has filed response, stating therein that on 27.07.2019, ASI Sukhbir Singh of Police Post, Phallian Mandal visited GMC, Jammu and recorded the statement of the complainant, namely, Nek Ram, who was admitted at GMC, Jammu in an injured condition. It is further stated that after recording statement of the complainant FIR No. 152/2019 under Sections 341, 323, 447 and 147 RPC was registered and investigation was started. During the investigation, it came to fore that on 26.07.2019 at about 6.00 P.M., Nek Ram along with one Maher Singh was present in his field bearing Survey No. 109

located at Village Sehora. In the meantime, the accused persons, namely, Mushtaq Ahmed, Prithpal Singh, Lal Chand and Mohd. Shafi with common intention arrived on spot and trespassed into the land of the complainant and the accused, namely, Mushtaq Ahmed assaulted the complainant with Sword like scythe and the complainant-Nek Ram sustained injuries and was referred to GMC, Jammu. The Investigating Officer has closed the investigation as challan, however, could not file charge-sheet because of the directions issued by this Court.

3. Mr. Sumir Pandita, learned counsel for the petitioners has submitted that because of a civil dispute, a false and frivolous FIR has been registered against the petitioners.

4. *Per contra*, Mr. P. D. Singh, learned Dy. AG submits that the investigation has been concluded and complicity of four accused, namely, Mushtaq Ahmed, Prithpal Singh, Lal Chand and Mohd. Shafi, has been established by the Investigating Officer.

5. **Heard and perused the record.**

6. A perusal of the status report reveals that the medical report of the complainant, namely, Nek Ram was obtained, which indicate that the injuries suffered by the complainant were simple in nature and during the course of investigation, the petitioner No. 3 was not found involved in commission of offences.

7. The contention of the petitioners that because of a civil dispute, this false and frivolous FIR has been registered, cannot be appreciated at this stage, more particularly in view of the fact that the Investigating Officer, in is status report, has specifically stated that the statement of

the complainant was recorded in GMC, Jammu and as per the medical report, injuries suffered by him were simple in nature.

8. In view of the fact that the offences under Sections 447/323/34 RPC have been established against the petitioners other than the petitioner No. 3, indulgence cannot be shown for the purpose of quashing the FIR impugned.

9. Accordingly, this petition along with the connected application is dismissed qua the petitioners other than the petitioner No. 3 and so far as the petitioner No. 3 is concerned, the present petition along with the connected application is disposed of as having been rendered infructuous.

(RAJNESH OSWAL)
JUDGE

Jammu
12.12.2025
Sahil Padha

Whether the order is speaking:
Whether the order is reportable:

Yes/No.
Yes/No.