

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

CRM(M) No. 102/2025

CrIM No. 1540/2025, 188/2025, 189/2025

Amir Alam and another

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

Through: Mr. Azmat Ullah Parihar, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Mr. P. D. Singh, Dy. AG

HC-Mr. Yousif Ali (Present in person)

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

ORDER

14.11.2025

ORAL

1. The instant petition has been filed by the petitioners for quashing FIR No. 0363/2024 dated 29.12.2024 registered with Police Station, Bahu Fort for commission of offences under Sections 329(3), 115(2), 352, 351(2), 191(2) of BNS, at the instance of respondent No. 2.
2. It is contended that the FIR impugned does not disclose commission of any offence and the same has been registered without application of mind. It is further urged that the petitioners are the owners in possession of the property, as such, there can be no question of committing any offence of trespassing and the dispute, if any, is purely civil in nature.
3. Status report dated 21.07.2025 has been produced in the open court for perusal of this Court. The same is taken on record.

4. In the status report, it is stated that the FIR No. 363/2024 under Section 329(3), 115(2), 352, 351(2), 191(2) of BNS has been registered with Police Station, Bahu Fort in compliance to order passed by the learned Chief Judicial Magistrate. During the course of investigation, Investigating Officer visited the spot, prepared the site plan and drew map of the location. The statements of the witnesses under Section 180 of BNSS were recorded and the complainant was also served notice under Section 179 of BNSS for appearance before the Investigating Officer. As per investigation, it was found that the mother of the complainant had purchased a land at Narwal Bala in 2006 under Survey No. 206 and portion of this land was also claimed by Yasir Hussain. A litigation is already pending adjudication in the court of law. It is further stated that till date the complainant has neither provided any document with respect to the disputed land nor produced any witness in respect the occurrence. It is further stated that medical report of the complainant is yet to be obtained and the investigation is still in progress.
5. This Court has also perused the CD file.
6. Heard and perused the record.
7. It is contended by the learned counsel for the petitioners that there was no direction by the learned Chief Judicial Magistrate in respect of registration of FIR, but still FIR has been registered.
8. It is settled law that if any information is received by the Investigating Officer in respect of commission of a cognizable offence, either orally

or in writing, he is under statutory obligation to register FIR and investigate the same in accordance with law.

9. After examining the CD file, this Court finds that there is medical report also in respect of injury suffered by the respondent No. 2, though simple in nature.
10. The contention of the learned counsel for the petitioners that the land is owned by the petitioners and the respondent No. 2 has nothing to do with the same, is a matter of investigation and equally true is that at this stage it cannot be said that no offence is made out, more particularly in view of the medical report forming part of the CD file.
11. In view of the above, the present petition is disposed of by permitting the petitioners to put forth their defence before the Investigating Officer and in the event any such defence is put forth by the petitioners before the Investigating Officer, the same shall be considered in accordance with law.
12. **Disposed of along with the connected applications.**

(RAJNESH OSWAL)
JUDGE

Jammu
14.11.2025
Sahil Padha

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