

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 286/2023

Irshad Ahmed Natnoo

.... Petitioner(s)

Through:- Mr. M. A Bhat, Advocate.

V/s

SHO, Police Station Doda & Anr.

.....Respondent(s)

Through:- None.

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE
ORDER

29.09.2025

1. The present writ petition has been filed by the petitioner seeking quashment of FIR No. 0043/2023 dated 10.03.2023 registered at Police Station Doda, for the offences allegedly committed under Section 195-A of the Indian Penal Code(IPC), on the ground that the same is an abuse of the process of law.

2. The brief facts necessary for adjudication of the present petition are that, on the complaint of the respondent No. 2, who was a witness in a criminal case, it was alleged that he had been threatened by the petitioner. On this basis, the aforesaid FIR came to be registered.

3. In the complaint of the respondents, who was a witness in a case, it was alleged that he was threatened by the petitioner on the basis of which FIR No. 43/ 2023 dated 10.03.2023 was registered at Police Station Doda.

4. The complainant deposed that on 21.02.2023, while proceeding to Jammu to appear before the NIA Court in a case titled *State vs. Firdous Ahmed Natnoo*, he was stopped at Doda Bus Stand by the petitioner,

namely, Irshad Ahmed Natnoo, who allegedly threatened him with dire consequences in the event he made any statement adverse to the accused Firdous Ahmed before the said Court. It was further alleged by the complainant that he also received telephonic threats from the petitioner and, owing to such intimidation, he made false statements before the NIA Court. Subsequently, upon realizing his mistake, he desired to correct his statement, but claimed that he was unable to do so due to continued threats by the petitioner. On the basis of these allegations, the aforementioned FIR was registered.

5. The main allegation against the petitioner is that he threatened the complainant to make false statements before the NIA Court. The relevant statutory provision governing such conduct is Section 195-A of the Indian Penal Code, which reads as under:

“Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both; and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentenced in the same manner and to the same extent as such innocent person is punished and sentenced.”

6. Section 195(1)(a) of the Code of Criminal Procedure, 1973, deals with prosecution for contempt of lawful authority of public servants and offences against public justice. The said provision reads as under:

“No Court shall take cognizance—

- (i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or;
- (ii) of any abetment of, attempt to commit, such offence, or

(iii) of any criminal conspiracy to commit, such offence, Except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.”

7. From a conjoint reading of the above provisions, it is evident that cognizance of an offence under Section 195-A IPC can be taken only on a complaint filed by the aggrieved witness himself before the competent court. The legislative intent is clear, that prosecution for such an offence must originate from a formal complaint by the witness concerned, and not merely on the basis of a police report or an FIR.

8. In the instant case, the allegations made by the respondent No. 2 are that the petitioner coerced him to make false statements before the NIA Court, Jammu, in a case where the petitioner's brother, Firdous Ahmed Natnoo, is one of the accused. It is alleged that false statements were made due to such threats. However, if that were so, the complainant ought to have disclosed the truth at the time of recording his deposition before the NIA Court. The belated claim that his statement was false on account of alleged threats appears to be an afterthought and forms the very basis of the impugned FIR.

9. In view of the above discussion, this Court is of the considered opinion that FIR No. 43/2023 dated 10.03.2023 registered at Police Station Doda is manifestly an abuse of the process of law and, therefore, deserves to be quashed.

10. Accordingly, FIR No. 43/2023 dated 10.03.2023 registered at Police Station Doda is hereby **quashed**. However, the respondent No. 2 shall remain at liberty to initiate appropriate proceedings, if so advised, by way of a complaint before the competent trial Court in respect of any actual

threats allegedly made to him by the petitioner concerning statements before the NIA Court.

11. The writ petition is, accordingly, **disposed of**.

(Vinod Chatterji Koul)
Judge

Jammu:
29.09.2025
Javid Iqbal

