

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

Case: CRM(M) No. 164/2020
CrIM No. 503/2020

01. Jatinder Singh S/o Chanchal Singh ...Petitioner(s)/Appellant(s)
R/o Village Gurha Slathia Garh Mandi,
Tehsil Vijaypur, District Samba.

Through: Mr. Jagpaal Singh, Advocate.

V/s

01. Union Territory of J&K Respondent(s)
Through Senior Superintendent of Police
Samba.

02. Station House Officer, Vijaypur,
District Samba.

Through: Mr. Vishal Bharti, Dy. AG.

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

ORDER

07.05.2025

01. Petitioner has invoked inherent jurisdiction of this Court, under Section 482 of the Code of Criminal Procedure, 1989 ["Cr. P.C"], for quashment of FIR No. 0145, dated 26.09.2019, under Sections 447 A RPC and 156 of J&K Water Resources (Regulation and Management) Act, 2010 (for short, 'the Act') primarily on the ground that complainant- respondent No. 2 has levelled omnibus and vague allegations without the revenue record.

02. The background facts lie in a narrow compass. Respondent No. 2 lodged a complaint against the petitioner, alleging *inter alia* that he had encroached upon a Government land and built a Karate, using steel wire mesh, at Gurha Slathia, near Bari Kamila Village.

03. Section 482 Cr. P.C saves inherent jurisdiction of High Court, to prevent the abuse of process of law and to secure the ends of justice.

04. Respondent has filed latest status report, a perusal whereof, reveals that revenue authorities were approached for demarcation of the subject land, the demarcation was conducted and it revealed that it is not a State land and Steel Karate is built on the Proprietary land, registered in the name of different owners. The demarcation report is part of the status report, which also reflects names of the owners of the land.

05. Section 447-A RPC deals with criminal trespass of public premises, within the meaning of Section 441 A RPC, which for the ease of reference, is reproduced as under:-

“441-A. Criminal trespass of public premises.—
Whoever— (a) unlawfully enters into or occupies any
public premises or having been evicted from any public
premises under any law for the time being in force, again
occupies the premises without authority for such
occupation; or.....”

06. The petitioner has also been charged with Section 156 of the Act which deals with offences related to irrigation or hydraulic works of the Government.

07. It is manifest from a perusal of Section 441-A RPC read with Section 447-A RPC and Section 156 of the Act that they can be invoked in cases of encroachment of public premises or offences related to irrigation or hydraulic works, constructed, maintained or controlled by the Government for the usage or storage of water or irrigation purposes. As per the status report, subject land is not a Government land and is a Proprietary land. As such, both the offences are not made out against the petitioner.

08. In view of the above, present petition is allowed and impugned FIR is quashed.

09. Petition is, accordingly **‘disposed of’** along with connected application(s).

10. Interim order, if any, shall stand vacated.

(RAJESH SEKHRI)
JUDGE

Jammu
07.05.2025
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Whether the Order is speaking?	Yes.
Whether the Order is reportable?	No.

