

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

CRM(M) No. 310/2022

Ghulam Nabi Ul Din & Ors.

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

Through: Mr. Nitin Verma, Advocate.

vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Suneel Malhotra, GA.
Mr. Abhishek Gupta, Advocate.

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

ORDER
07.10.2025

01. Petitioners have invoked inherent jurisdiction of this Court for quashment of FIR No.458/2021 registered with Police Station, Kathua for offences under Sections 451/336/147/504/506 IPC, primarily, on the ground of false implication and that a civil dispute is sought to be given a criminal colour which is not permissible in law.

02. An overview of the background facts is that on 21.10.2021, the private respondent lodged a written report in the Police Station alleging, inter alia, that at about 7:15 a.m. the petitioners in furtherance of common criminal intention came in front of his house and started hurling filthy abuses to him and his family members. They pelted stones on his house, due to which window glasses of his house, wall and floor tiles were broken. The complainant goes on to allege that petitioners thereafter trespassed into his house and beaten him with fists, blows and kicks, due to which, they received internal injuries. On their raising hue and cry, persons from the vicinity reached the spot and accused fled away.

03. Petitioners have assailed the impugned FIR, inter alia, on the ground that it is a counterblast to a long standing civil litigation between the parties and if the allegations made in the FIR are taken at their face value and accepted in entirety, *prima facie*, it does not disclose the commission of any cognizable offence.

04. This Court is vested with inherent jurisdiction under Section 482 Cr.P.C. to prevent the abuse of process of any Court or to secure the ends of justice. It is by far crystallized that criminal law cannot be used as an instrument of operation and nobody can be allowed to stretch the contours of a civil dispute to give it a criminal texture. However, it is equally trite that if the contents of FIR *prima facie* disclose the commission of a cognizable offence, this court cannot embark upon a mini trial as to the genuineness of the allegations and scuttle the investigation at the threshold. The scope of interference of this Court in exercise of inherent jurisdiction, as such, is very limited and is to be exercised with circumspection.

05. As per latest status of the investigation, the investigating agency has recorded statements of witnesses and seized broken pieces of glasses, bricks and stones from the scene of occurrence. Medical reports of the victims, namely, Mohd. Shahid and Suraj Din- the private respondent have been received by the investigating officer and, as per the medical report, the injuries received by injured Mohd. Shahid are simple in nature, whereas injuries received by the private respondent are grievous in nature. According to the Investigating Officer, offences under Sections 451/323/336/147/504/506 IPC are made out against the petitioners/accused.

06. A perusal of the status report filed by the official respondents indicates that impugned FIR *prima facie* discloses the commission of cognizable offence against

the petitioners. Therefore, present petition is found bereft of merit, hence, **dismissed** along with connected application(s).

Interim direction, if any, shall stand vacated.

(RAJESH SEKHRI)
JUDGE

Jammu
07.10.2025
Eva

