

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

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CRM(M) No. 670/2024

Kewal Krishan and others

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

Through: Mr. Nakul Sharma, Adv.

vs

U. T. of J&K and another

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy.AG for No. 1

Mr. Rohan Kedar Sharma, Adv. for No. 2

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

ORDER (ORAL)

26.12.2025

1. The instant petition has been filed by the petitioners for quashing of FIR No. 83/2024 dated 12.08.2024, registered at Police Station, Miran Sahib, Jammu for the commission of offences under Sections 333, 191, 351 of the BNS and 4/25 of the Arms Act at the instance of respondent No. 2.
2. It is averred by the petitioners that on 09.08.2024 at about 3.30 PM when petitioner No. 7 entered a temple situated near his house, respondent No. 2, who was armed with a sharp-edged weapon, began abusing him. Thereafter, he attacked petitioner No. 7, however, he managed to save himself. When he tried to escape from the spot, respondent No. 2 along with two other persons i.e. his father and wife caught hold of him and assaulted with fists and blows, thereby causing injuries to petitioner No. 7.
3. The petitioner No. 7 was subsequently shifted to CHC, R. S. Pura, where MLC case was registered. A complaint was lodged before respondent No. 1

against respondent No. 2 and the other assailants, however, no action was taken. Thereafter, petitioner No. 7 approached the Senior Superintendent of Police, Jammu, by way of a written complaint.

4. The quashing of the FIR is sought on the ground that imaginary story has been cooked by respondent No. 2 just to harass the petitioners, which is substantiated by the fact that no injury was caused to respondent No. 2. In essence, the contention of the petitioners is that no such occurrence, as alleged by respondent No. 2, ever took place. On the contrary, it was respondent No. 2, along with his father and wife, who attacked petitioner No. 7 in the manner detailed hereinabove.
5. Respondent No. 1 has filed the response stating therein that on 09.08.2024, an application was submitted by Smt. Suresh Kumari Sharma W/o. Sh. Kedar Nath Sharma. During the enquiry conducted on the said application, statement of witness, namely, Rohan Kedar Sharma S/o. Kedar Nath Sharma, respondent No. 2 herein, was recorded, wherein he stated that one of his clients, namely, Sunil Sharma, had lodged a complaint with Police Station, Miran Sahib. He had drafted the complaint for the said client. At around 3.30 p.m., he received phone call from the said client, who told him that one Ankush Raina S/o Darshan Lal came to their temple and threatened him to withdraw the complaint lodged at Police Station, Miran Sahib. Thereupon, respondent No. 2 came out of the home and from lawn asked Ankush Raina not to harass his client and also advised his client to lodge a complaint against Ankush Raina at Police Station, Miran Sahib. Thereafter, Mr. Ankush Raina started abusing him in rage and anger before leaving the spot. At about 4.00 PM, when respondent No. 2 was working in his

chambers, the said Ankush Raina along with others, entered his chamber. Mr. Ankush Raina was carrying khokri in his hand and others were carrying sticks and hockey sticks in their hands. To save himself, respondent No. 2 started moving towards his room and when he was moving towards his room, Ankush Raina threatened to kill him.

6. On receipt of this information, FIR No. 83/2024 for offences under sections 191, 351, 333, 79 and 238 BNS and 4/25 Arms Act was registered with Police Station, Miran Sahib. It is further stated that during investigation, abovementioned offences have been proved against Mr. Ankush Raina, petitioner No. 7 herein, whereas offences under sections 351, 333 and 79 of the BNS have been proved against other accused.
7. Respondent No. 2 has also filed the response opposing the petition at hand.
8. Learned counsel for the petitioners has vehemently argued that a false and frivolous FIR has been lodged just to harass the petitioners and the same is nothing but an abuse of process of law.
9. Heard and perused the record.
10. The contention of the petitioners is that the impugned FIR has been lodged just to harass them, particularly when the petitioner No. 7-Ankush Raina himself sustained injury and was medically examined at CHC R. S. Pura. He has drawn the attention of this Court towards MLC No. 18100 annexed as Annexure R-3 to the petition, to substantiate his contention. However, the contention so raised involve disputed questions of fact and relate to matter requiring investigation, which cannot be adjudicated upon at this stage while exercising jurisdiction for quashment of the FIR.

11. In view of the above, the present petition is disposed of with a direction to the Investigating Officer, who is present in Court, to consider the plea of the petitioners as well, particularly the medical report of petitioner No. 7 during course of investigation and proceed further strictly in accordance with law.
12. Disposed of.

(RAJNESH OSWAL)
JUDGE

Jammu
26.12.2025
Rakesh

