

S.No.41
Regular List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1272/2025

NIHA RAINA (FATIMA)

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

Through: None

Vs.

UNION TERRITORY OF J AND K AND
ORS. (HOME)

...Respondent(s)

Through: Mr. Faheem Nisar Shah, GA for R- 1 to 2
Mr. L.A. Lateef, Advocate for R- 6 to 9

CORAM:HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

20-12-2025

1. The relief sought in the present petition is limited to restraining the respondents from arresting the petitioners or placing any restriction upon their personal liberty, harassing them, and further restraining them from causing any coercion to the family members of the petitioners.
2. This Court, vide detailed order dated 01.08.2025, had directed the official respondents to provide security to the petitioners, keeping in view the threat perception projected by them till the next date of hearing.
3. Today, Mr. Faheem Nisar Shah, learned Government Advocate, has produced a communication bearing No. 309/S-A/25/PPN dated 31.07.2025, addressed to Mr. Mohsin-ul-Showkat Qadri, learned Senior Additional Advocate General, issued by the concerned Investigating Officer, Police Post Newa, Pulwama. Learned counsel for the official respondents, relying upon the said communication,

submits that on 30.06.2025, the police post received a written complaint from one Ashok Kumar Raina, S/o Moti Lal Raina, R/o Looswani, stating therein that his daughter, namely Neha Raina, had left home for some work but did not return. Upon inquiry, it allegedly came to fore that she had been abducted by one Sajad Hassan Mir, S/o Gh. Hassan Mir, R/o Losswani, (petitioner No.2) with a view to compelling her for marriage.

4. It is submitted that consequent upon the aforesaid complaint, FIR No. 158/2025 under Section 87 of the Bharatiya Nyaya Sanhita was registered at Police Station Pulwama and investigation was taken up. During the course of investigation, the accused, namely Sajad Hassan Mir, S/o Gh. Hassan Mir, R/o Losswani, petitioner No. 2 herein, was arrested on 30.06.2025 and was subsequently released on bail by the Court of the learned Chief Judicial Magistrate, Pulwama, vide order dated 10.07.2025. It is further stated that statements of material witnesses have been recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita and the investigation of the case is presently underway. A copy of the aforesaid communication is taken on record in open Court.
5. Upon consideration the submissions advanced by learned counsel for the official respondents, and the material placed before this Court, it is evident that the relief sought in the present petition was confined to protection of personal liberty and prevention of alleged harassment. From the communication dated 31.07.2025 (supra) it is evident that a criminal case has been registered against petitioner No. 2 pursuant to a complaint alleging commission of a cognizable offence and that the

investigation is being conducted in accordance with law. It is further evident that petitioner No. 2 has already been arrested in connection with the said FIR and has been granted bail by the competent court.

6. Even today, there is no representation on behalf of the petitioners, nor has any material been placed on record to demonstrate that the official respondents are acting in excess of their authority or in violation of the procedure established by law.
7. In view of the aforesaid facts and circumstances, this Court finds merit in the submissions made by learned counsel for the official respondents. Accordingly, the present petition is dismissed. However, it is made clear that dismissal of this petition shall not come in the way of the petitioners in seeking any appropriate remedy available to them under law, if so advised.
8. Interim direction, if any, shall stand vacated.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR:
20-12-2025
Mubashir