

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

...
CRM(M) 479/2025
CrIM(1155/2025)

RIYAZ AHMAD GEELANI

.....Petitioner(s)

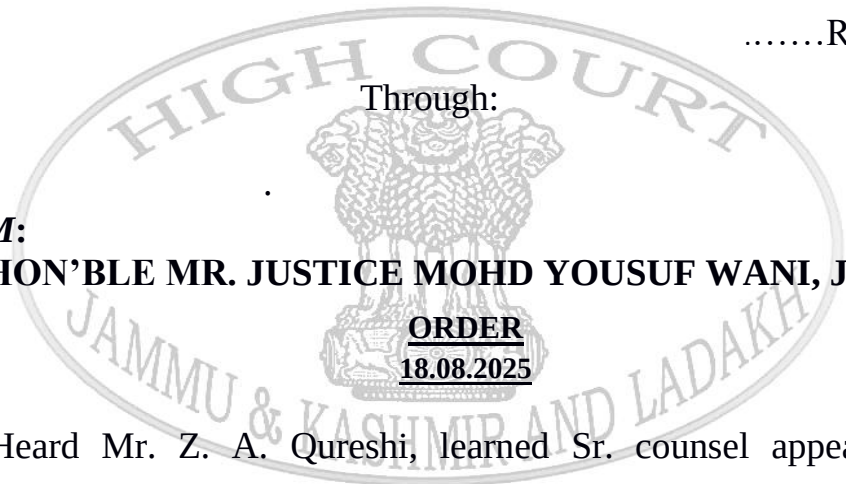
Through:
*Mr. Z. A. Qureshi, Sr. Adv. with
Mr. Anurag Verma, Adv.*

Versus

UNION TERRITORY THROUGH POLICE STATION HANDWARA AND ANR.

.....Respondent(s)

Through:
CORAM:
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE



ORDER
18.08.2025

1. Heard Mr. Z. A. Qureshi, learned Sr. counsel appearing for the petitioner.
2. Through the medium of the instant petition filed under the provisions of Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short BNSS), the petitioner has sought the setting aside of the order dated 29.07.2025 passed by the court of learned Additional Sessions Judge, Handwara (for short the trial court) in File No. 262/G titled as “*UT of J&K Th. P/S Handwara vs. Riyaz Ahmed Geelani*” by virtue of which order he has been charged for offences punishable under Sections 69,89,351(2) BNS in case FIR No. 15/2025 of Police Station Handwara and his consequent discharge under said offences.
3. The case of the petitioner/accused is that he was arrested in case FIR No. 15/2025 of Police Station Handwara for offences under Sections

69,89,351(2) BNS on 11.01.2025. That the FIR was registered on a complaint filed by the respondent No. 2 who prior to the same had also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short the DV Act) against him before the court of learned Chief Judicial Magistrate, Handwara pleading therein to be his wife as per the marriage having been taken place on 11.07.2024. That he appeared before the concerned Magistrate and filed objections to the said application. That he was granted interim bail in the aforesaid case FIR. That the final report/challan in respect of the aforementioned case FIR stands also presented before the learned trial court. That the learned trial court framed charges against him under Sections 69,89,351(2) BNS vide order dated 29.07.2025 and has accordingly put him to trial in the case. That he is innocent and has not committed any overt act which would warrant his involvement in the said offences.

4. It is submitted by Mr. Z. A. Qureshi, learned Sr. Advocate that since the respondent No. 2/complainant prior to the lodging of the FIR/complaint, had preferred an application under Section 12 of the DV Act before the concerned Magistrate thereby admitting her to be the wife of the petitioner, therefore, the registration of the FIR against him under Sections 69 BNS is bad under law. Learned Sr. counsel further contended that the learned trial court framed charges against the petitioner also under Sections 89,351(2) BNS without there being any evidence at all. That the learned trial court in the impugned order also discussed the arguments of the counsel for the petitioner/accused.
5. In the facts and circumstances of the case, this court is of the opinion that the matter can be disposed of at this threshold stage by passing of

such appropriate orders which are not likely to prejudice the rights and interests of any of the parties.

6. Learned Trial Court is empowered in view of the provisions of Section 403 BNSS to make a review of the impugned order in the light of the facts and circumstances of the case and arguments put forth by the learned counsel for the petitioner/accused. The charge otherwise also can be altered in view of the provisions of Section 239 BNSS at any stage before passing of the final judgment.
7. The matter is taken up for final disposal and is accordingly disposed of with the direction to the learned trial court to re-visit the impugned order in the facts and circumstances of the case, after affording a fresh opportunity of being heard to both the parties and to pass the appropriate orders warranted in the facto legal scenario of the case without being influenced by its earlier observations.
8. ***Disposed of.***

(MOHD YOUSUF WANI)
JUDGE

Srinagar
18.08.2025
"SAKEENA-PS"