

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

**WP(C) 2966/2022
CM(7457/2022)**

Mushtaq Ahmad Khan and Anr.

...Petitioner(s)

Through: Mr. Ahmad Javid, Advocate

Vs.

Union Territory of J&K & Ors.

...Respondent(s)

Through: Mr. Mohsin Qadri, Sr. AAG with
Ms. Maha Majeed, Assisting Counsel
Mr. Sheikh Manzoor, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER

19.12.2025

1. In this petition, the petitioners have *inter alia* prayed for the following reliefs:

- (i) *A writ of mandamus commanding upon the official respondents No. 1 to 3 to provide much needed protection to the petitioners, who are being harassing and threatened by the Official Respondents 4 & 5 at the behest of private respondents.*
- (ii) *A writ of mandamus commanding upon the respondent No. 2 & 3 for initiation of thorough investigate in the matter, so that the truth may come to surface that the matter is purely civil in nature.*
- (iii) *A writ of mandamus commanding upon the official respondents 4 & 5 to refrain from causing any sort of harassment to the petitioners.*

2. The aforesaid reliefs have been prayed by the petitioners primarily alleging that the respondents 4 & 5 are interfering in a civil dispute between them and the respondents No. 6 & 9. It is submitted that although there is no FIR registered in the Police Station, yet the petitioners are being called and harassed by the Police of the Police Station, Kupwara.

3. On being put on notice, the official respondents have filed their objections. It has been stated by the official respondents that respondents No. 6 to 9 had approached the Police Station with a complaint that the petitioners had fraudulently deprived them of their land and money and, therefore, sought action against them in accordance with law. However, the Police Station, Kupwara after making the parties sit together and attempting to settle the matter amicably, referred the dispute to the Executive Magistrate, 1st Class where proceedings under Section 107 Cr.P.C have been initiated. It is further submitted that whatever proceedings have been initiated by the Executive Magistrate, 1st Class, are being carried out by the Police Station in accordance with law.

4. Having heard learned counsel for the parties and perused the material on record, I am of the considered opinion that this petition by subsequent development as also by efflux of time, has been rendered infructuous.

5. The allegations were leveled against one Manzoor Ahmad Lone, SHO and Mr. Ghulam Nabi, Munshi of Police Station Kupwara who have since been transferred. As a matter

of fact, at the time of filing of reply by the official respondents,

both the officers were not stationed in the aforesaid Police Station. That apart, it is the categoric stand of the official respondents that there is no complaint or FIR registered against the petitioners in the Police Station and, therefore, there is no question of putting the petitioners to any sort of harassment. It has been reported that the proceedings under Section 107 Cr.P.C are initiated by the Executive Magistrate, 1st Class, Kupwara which the petitioners can contest in accordance with law.

6. Having regard to the aforesaid facts and circumstances, there remains nothing more in this petition to be adjudicated upon and the same is, accordingly, disposed of.

7. **Disposed of.**

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

19.12.2025

"Mir Arif"