

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

CRM(M) No. 52/2022

Mohd. Maroof and others

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

Through: None

Vs

UT of J&K and others

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA

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

ORDER
31.08.2026

1. None appears for the petitioners.
2. Through the medium of the instant petition, the petitioners have sought the following relief: -
 - a. ***“Quash the impugned second First Information Report No. 0003 dated 14.01.2022 registered against the petitioners under Section 498-A, 103 and 323 of Indian Penal Code, 1860 with Police Station, Women Cell, Rajouri;***
 - b. ***Pass any other Order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.***
 - c. ***The costs of the petition under Section 482 of the Code of Criminal Procedure, 1973 be also awarded in favour of the petitioners and against the respondents.”***
3. The latest compliance report stands filed on behalf of the respondents in which the respondents have taken a specific stand, which is reproduced as under:

“3 During the course of investigation, I/O visited the spot, prepared site plan, of the place of occurrence I/O also recorded the statement of the complainant as well as the statement of the witnesses U/s 161/ Criminal Procedure Code. On the basis of the statement of the complainant and the witnesses recorded by the concerned I/O U/S 161/ Criminal Procedure Code facts and circumstances of the investigation, offence U/s 498-A, 323, Indian Penal Code has been fully

proved and establish against accused No. 1, namely Mohd. Mahroof S/o Sakhi Mohd. Caste Domal, R/o Kalali Tehsil Manjakote, District Rajouri and offence U/s 498-A, 109, Indian Penal Code have been fully approved and establish against accused No. 2, namely Mohd. Farooq, S/o Sakhi Mohd. 03. Smt. Rukhsana Kouser, D/o Sakhi Mohd. Caste Domal, R/o Kalali, Tehsil Manjakote, District Rajouri. The above named accused persons are not co-operating in the investigation of the instant case till date. All the accused persons are neither approached to any Hon'ble Court for getting bail order. Whereas, the accused No. 1, namely Mohd. Mahroof, S/o Sakhi Mohd. who is working in the Jal Shakti, Department, Civil Secretariat, Jammu. Many notices, U/s 160, Criminal Procedure Code were served to the above said accused person for getting bail order from the Hon'ble Court of law but neither he produce his bail order nor he reported at Women Police Station, Rajouri till date due to which no progress has been made of the instant Case. Moreover, the challan of the instant case has been stayed by the Hon'ble High Court of J&K, Jammu vide order No. CRM(M) No. 52/2022, CrIM No. 105/2022, dated 03.02.2022."

4. Thus, in the light of the stand taken by the respondents, whereby the respondents have specifically pleaded that after conducting the investigation and recording the statement of the complainant as well as the statement of witnesses under Section 161 of the Code of Criminal Procedure, the alleged offences under Section 498-A and 323 of Indian Penal Code have been *prima facie* proved and established against accused No. 1, whereas the offences under Section 498-A and 109 of Indian Penal Code have been *prima facie* established against accused Nos. 2 and 3 as well.
5. Having heard learned counsel for the respondents and upon perusal of the material placed on record, this Court is of the considered view that the allegations contained in the FIR, read with the material collected during

the course of investigation, *prima facie* disclose the commission of the offences alleged against the petitioners/accused.

6. In the aforesaid backdrop, the investigating agency shall, therefore, be at liberty to file the challan/ final report before the court of Competent jurisdiction, as may be warranted on the basis of the material collected. Subject to filing of the challan, the petitioners shall be at liberty to raise all such factual and legal objections/grounds as may be available to them in law before the Competent Court. The competent Court thereafter shall consider the same independently and strictly in accordance with law.
7. It is, however, made clear that the observations contained in this order are *prima facie* in nature and confined solely to the adjudication of the present petition and shall not be construed as an expression of opinion on the ultimate guilt or innocence of petitioners/accused. Nor shall the competent Court be influenced by any observation made hereinabove while considering the challan/final report or any subsequent proceeding.
8. The writ petition, in the aforesaid backdrop, is ***disposed of*** in the above terms.

(Wasim Sadiq Nargal)
Judge

Jammu
31.08.2026
Rahul Sharma