

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRMC No. 62/2018 c/w
CRMC No. 81/2018

Date of pronouncement: **06.02.2026**
Date of uploading: **07.02.2026**

1. Tariq Ahmed Wani, age 56 years Appellant(s)/Petitioner(s)
S/o Ghulam Mohd Wani
R/o Gund Adal Kote Banihal, Distt.
Ramban
(in CRMC No. 62/2018)
2. Bashir Ahmed
S/o Nazir Ahmed
R/o Bathindi, District Jammu
(in CRMC No. 81/2018)

Through: Mr. Rahul Raina, Advocate
(in CRMC Nos. 81/2018)
Ms. Sacchi Sharma, Advocate
(in CRMC No. 62/2018)

Vs

1. State of J&K through, Senior Respondent(s)
Superintendent of Police, Crime Branch,
Jammu
(in both the petitions)

Through: Ms. Nazia Fazal, Advocate vice
Ms. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE
ORDER
06.02.2026

1. By way of aforesaid two petitions a challenge is thrown to FIR No. 3 of 2018 dated 18.01.2018 registered with Police Station, Crime Branch, Jammu for offences under Sections 420, 467, 468, 471, 169 and 120-B RPC read with Section 5(2) of the Prevention of Corruption Act and Section 6 of the J&K Forest Act. The FIR came to be registered pursuant to a complaint

alleging large-scale fraud in relation to sale of land. The petitioners contend that they have been falsely implicated; that no offence is made out against them; that the FIR is an abuse of process of law; and that the criminal proceedings have been initiated with mala fide intention to pressurize the petitioners and their relatives in connection with pending civil litigation between the parties.

2. The case of the respondent–Investigating Agency, as emerging from the complaint, is that one Zayad Ahmed S/o Aziz Joo, resident of Gund Adal Koot Banihal, District Ramban, residing at Green Hill Colony, Sunjwan, Jammu, lodged a written complaint alleging that the accused persons, namely Tariq Ahmed and Javed Ahmed Katoch, induced him to purchase 15 Marla's of land at Green Hill Colony, Sunjwan, Nawa bad (Bathindi), Jammu. Believing their representation, the complainant paid an amount of Rs. 20.00 lakhs approximately fourteen years ago. Despite repeated requests, the accused allegedly failed to provide valid title documents. It was further alleged that the accused were habitual land grabbers who had encroached upon forest and State land and were selling the same to innocent purchasers. According to the complainant, the land demarcated and sold to him was in fact forest land, and when he demanded documents, he was threatened with dire consequences. The complaint also alleged that several other persons from the Chenab and Peer Panjal regions had similarly been duped.
3. Upon receipt of the complaint, the respondent conducted a preliminary enquiry, which prima facie substantiated the allegations, leading to

registration of the impugned FIR. During enquiry, forest officials and revenue authorities reportedly stated that the land measuring 13 kanals, where Green Hill Colony has been established, falls under Khasra No. 249 comprising 460 kanals and is recorded as forest land. In contrast, Khasra No. 366, mentioned in the agreement to sell dated 11.04.1995, is stated to be custodian land under the possession and control of Army authorities. It was alleged that the accused, in furtherance of criminal intention, deliberately mentioned Khasra No. 366 instead of Khasra No. 249 in order to mislead purchasers and facilitate illegal sale of forest land.

4. During the course of hearing the ld. counsel for the petitioners, when confronted with the status report filed by the respondent, failed to demonstrate that the allegations were wholly baseless or unsupported by material. A bare perusal of the FIR discloses commission of cognizable offences requiring investigation in accordance with law. The contention of the petitioners that the dispute is purely civil in nature does not, even if accepted at face value, warrant quashing of the FIR at this stage. The jurisdiction to quash criminal proceedings is to be exercised sparingly and in exceptional circumstances, as laid down by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal* 1992 SCC (Cri) 426 wherein specific categories have been enumerated for exercise of such power.
5. The complaint prima facie indicates that the complainant was induced to part with a substantial sum of money on the representation that the accused were competent to sell the land in question. Investigation so far suggests that the land purportedly sold did not belong to the accused and, in fact,

forms part of forest or custodian land. The preliminary verification discloses acts of omission and commission suggesting fraudulent conduct and deception.

6. Although the petitioners alleged mala fides and personal vengeance, they have not produced any material to substantiate that the investigation is actuated by malice. The status report reflects that the agreement to sell allegedly contained incorrect Khasra particulars, substituting Khasra No. 366 for Khasra No. 249, thereby misleading the complainant. It has also been reported that a false affidavit was submitted for obtaining an electric connection by projecting the land as falling under Khasra No. 366, whereas it was allegedly forest land.
7. The material collected during investigation indicates that the land claimed to be under Khasra No. 366 of Village Bathindi actually falls under Khasra No. 249 and is recorded as “Ghair Mumkin Jhar” under the occupation of the Forest Department. Khasra No. 366, on the other hand, is custodian land under the occupation of Army authorities. Prima facie, it appears that false documentation was prepared in connivance with certain public servants to project forest land as proprietary land and to induce the complainant and others to purchase the same.
8. In the aforesaid factual backdrop, this Court is of the considered view that the petitioners have failed to make out a case for interference with the investigation. The argument that no independent action has been initiated by the Forest Department does not dilute the criminality alleged in the complaint. The only consideration at this stage is whether the FIR discloses

commission of a cognizable offence warranting investigation. The answer, in the present case, is clearly in the affirmative.

9. The status report further indicates dishonest acts and misappropriation of Government property by the petitioners and co-accused, resulting in inducement of the complainant to part with his hard-earned money. The case does not fall within any of the categories enumerated in *Bhajan Lal* (supra) warranting quashing of proceedings.
10. Accordingly, both the petitions are found to be devoid of merit and are dismissed. Interim directions, if any, shall stand vacated. The respondent—Investigating Agency shall proceed with the investigation and file the charge-sheet after observing due process of law.

(Sanjay Parihar)

Judge

Jammu
06.02.2026
Vishal Sharma

Whether the order is reportable? Yes

Whether the order is speaking? Yes