

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

**CRM(M) No.239/2020
CrIM No.855/2020
CrIM No.917/2020**

Date of pronouncement: 31.01.2026

Date of uploading: 31.01.2026

01. Vishno Parkash

S/o Fangu Ram

02. Paryari Devi

W/o Vishno Parkash

.....Petitioner/Appellant(s)

Both R/o Opposite SBI Bank

Akhnoor

03. Ravinder Kumar

S/o Sansar Chand

R/o Sohil Akhnoor, Nowshera

04. Abinash

S/o Vishno Parkash

05. Vinay Basan

S/o Vishno Parkash

Both R/o Opposite SBI Bank,

Akhnoor.

Through: **Mr. G.S. Thakur, Advocate.**

Vs

**01. UT of J&K through Incharge Police Station Nowshera,
District Rajouri.**

02. Shmasher Chand S/o Nand Lal

R/o W.No.13 Qasba Pain, Nowshera

...Respondent(s)

District Rajouri.

Through: **Mr. Bhanu Jasrotia, GA for R-1.
Mr. Rohit Verma, Advocate for R-2.**

CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE

JUDGMENT

31.01.2026 (ORAL)

- 01.** Petitioners have invoked inherent jurisdiction of this Court for the quashment of FIR No.43/2020 registered with Police Station Nowshera, primarily on the ground that it is a counterblast to an FIR lodged by petitioner No.1 against the private respondent.

- 02.** Background facts of the case are that on 19.03.2020, a written application came to be filed by the private respondent against the petitioners stating *inter alia* that daughter of petitioner No.1 was married to his son. It was alleged by the complainant that in-laws of his son-the petitioners pressurized him to live with them and on 02.03.2020 at 12.00 hours, the petitioners/accused in furtherance of common criminal intention entered into his house, beat him, used filthy language, damaged his vehicle and stole some household items. On the receipt of this report, impugned FIR came to be registered against the petitioners.
- 03.** Heard arguments and perused the file.
- 04.** This Court is vested with inherent jurisdiction to prevent the abuse of the process of law and miscarriage of justice. However, it is settled proposition of law that if allegations contained in the FIR or the complaint, as the case may be, *prima facie* disclose the commission of cognizable offence/offences, investigation of the case cannot be scuttled at the threshold.
- 05.** A perusal of the status report reveals that investigating agency during investigation has recorded statement of material witnesses including the complainant, his wife and son. The investigation of the case has concluded. Offence under Section 382 IPC is not made out and came to be dropped. However, offences under Sections 452/147/427/323/506 IPC have been established against the petitioners.
- 06.** Petitioners are aggrieved of the impugned FIR, primarily on the ground of false implication and that it is a counterblast to an FIR lodged by petitioner No.1 against the private respondent.

07. This Court in exercise of inherent jurisdiction cannot embark upon an enquiry or a mini trial as to the genuineness or otherwise of the allegations contained in the FIR.
08. The allegations contained in the impugned FIR *prima facie* disclose the commission of cognizable offences against the petitioners. The plea raised by the petitioners in the present petition can be gone into and decided by the trial Court at the appropriate stage.
09. For the foregoing reasons, present petition is found devoid of merits and hence, dismissed along with connected application(s).
10. Interim direction, if any, shall stand vacated.
11. Investigating Officer shall be at liberty to file charge sheet in the competent Court.
12. *Disposed of.*

(Rajesh Sekhri)
Judge

Jammu
31.01.2026
Eva

Whether the order is speaking or not?	Yes
Whether the order is reportable or not?	Yes