

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

WP (CrI) No. 40/2026

Date of pronouncement: 13.05.2026
Date of uploading:

Mareedan Alias Merida Begum

.....Applicant(s)/Petitioner(s)

Through :- Mr. Kartikay Sharma, Advocate

v/s

UT of J&K

.....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
13.05.2026

1. By this petition, the petitioner herein is seeking a direction upon the respondent to re-record her statement under Section 164 of Code of Criminal Procedure, 1973.
2. Learned counsel for the petitioner states that an FIR bearing No. 0118/2023, for the commission of offences under Sections 452 and 366 of the Indian Penal Code, 1860, came to be registered against the petitioner, at Police Station, Hiranagar on the basis of a complaint filed by her husband, thereafter the police has arrested the petitioner from Jarai, i.e., the area which falls under the jurisdiction of Police Station, Kathua.
3. After the arrest of the petitioner, the Investigating Officer took the petitioner before the concerned learned Judicial Magistrate for getting her statement recorded under Section 164 of the Code of Criminal Procedure. It is stated by learned counsel for the petitioner

that the petitioner was under a shock after she was arrested and the petitioner made a statement before the learned Judicial Magistrate under the trauma of the incident and due to the trauma, she failed to give her proper statement before the Magistrate. Now she desires to make truthful and voluntary statement before the Magistrate, but the Investigating Officer has refused to get her statement re-recorded.

4. Issue notice to the respondent.
5. Ms. Monika Kohli, learned Sr. AAG waives notice on behalf of the respondent and submits that she is not averse, if similar order is passed in this case as has been passed by a Coordinate Bench in CRM (M) No. 218/2020
6. Having regard to the limited nature of prayer made by the petitioner, the instant petition can be disposed of at its threshold by issuing appropriate directions to the Investigating Officer.
7. It is a settled law that the Code of Criminal Procedure does not prohibit recording of statement of a witness either under Section 161 Cr.P.C. or under Section 164 Cr.P.C. more than once, if the situation warrants so. The discretion entirely lies with the Investigating Officer in this regard, who has to take a decision having regard to the attending circumstances in the particular case.
8. In view of the above position of law, the present petition is disposed of with liberty to the concerned Investigating Officer to accord consideration to the prayer made by the petitioner and thereafter take a decision with regard to the necessity of getting her statement recorded under Section 164-A Cr.P.C. having regard to the attending

circumstances of the case and the averments made by the petitioner in the instant petition.

9. Accordingly, the present petition is disposed of in above terms.
10. Copy of this order be sent to the respondent for information and compliance.

(Moksha Khajuria Kazmi)
Judge

JAMMU
13.05.2026
Manik

