

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

CRM(M) No. 517/2023

1. Mukhtar Hussain age 19 years Appellant(s)/Petitioner(s)
S/o Abdul Aayoom
R/o Village Androoth,
Qila Darhal District
Rajouri.
2. Mohd. Riaz age 31 years
S/o Mir
R/o Village Lam
Qila Darhal District
Rajouri
3. Gaffar Hussain @ Billa
Khan age 15 years
S/o Aslam
R/o Village Chingus
District Rajouri.

Through: None

Vs

1. U.T. of J&K through Respondent(s)
Police Station Rajouri,
District Rajouri.
2. Rukhsana Kousar
D/o Mohd. Razaq
R/o village Androoth,
Qila Darhal District
Rajouri.
3. Mohd. Razaq
S/o Mithu
R/o Village Androoth,
Qila Darhal District
Rajouri.

Through: Mr. Bhanu Jasrotia, GA

Coram: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER
30.01.2026

- 1.** None for the petitioners.
- 2.** As per the status report of the case, FIR No. 225/2023 under Sections 366/376/342/354-A/109 IPC of Police Station, Rajouri has been put to investigation and on the strength of investigation, offences under Sections 366/376/342/354 were fully established against the petitioner No. 1-Mukhtar Hussain, whereas offences under Sections 109/342/366 were established against petitioner No. 2- Mohd. Riaz. Presently, petitioner No. 1-Mukhtar Hussain is on judicial remand at District Jail, Dhangri and petitioner No. 3- Gaffar Hussain, who is a minor, presented before Juvenile Justice Board, Rajouri, whereas, accused namely Pervaiz Ahmed is still absconding after committing the crime.
- 3.** It is submitted that the charge-sheet has already been filed on 28.07.2023, whereas in terms of the instant petition, a prayer has been made for quashing of the FIR. Once the FIR itself has concluded into investigation and filing of a charge-sheet, that too for an offence relating to offence under Sections 376-D, 366, 354-A and 354-B, which are not only heinous, but grave in nature.
- 4.** So much so, from the status report, it is discernible that against all the three petitioners, offences stand proved. So their claim that the complainant has lodged a false report against them, as she on her own had entered into a marriage with the petitioner No. 1-Mukhtar Hussain and that on the instigation of

her parents and local the case got registered, such defences they can similarly take in trial.

5. Whereas from the status report, it is clearly discernible that the complainant has supported the prosecution case that is why the charge-sheet has been laid. In that background, it cannot be said that the investigation is tainted or that the petitioners have been falsely implicated.

6. The petitioners have all the liberty to contest the case on the merits before the Trial Court and once the investigation has concluded and a charge-sheet stood filed in 2023, no steps were undertaken by the petitioners to question the charge-sheet. In that background, this petition does not survive, therefore, the petition is **dismissed** with a liberty to the petitioner to file a fresh petition, in case, the need arises.

7. Interim direction, if any, shall stand vacated.

(Sanjay Parihar)
Judge

Jammu
30.01.2026
Nikhil

Whether the order is reportable: Yes/No

Whether the order is speaking: Yes/No