

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

CRM(M) No. 348/20213

Pronounced on: 29.04.2026

Uploaded on : 04.05.2026

Sushil Kumar & Anr.

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

Through: Mr. A.S Kotwal, Advocate.

vs

UT of J&K & Anr.

.....Respondent(s)

Through: None.

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

JUDGMENT

29.04.2026

(ORAL)

01. Petitioners have invoked inherent jurisdiction of this Court for quashment of FIR No. 103/2021 registered with Police Station Doda for offences under Sections 380/454/506 read with Section 34 IPC, primarily on the ground of false implication. It is contention of the petitioners that allegations contained in the FIR, even if taken at their face value, would not disclose the commission of any offence against them. According to the petitioners, impugned FIR is a counterblast to civil litigations between them and the private respondent.

02. As the prosecution story would unfurl, on 08.06.2021, respondent no. 2 lodged a written complaint stating *inter alia* that on 04.06.2021 at about 1712 hours, accused Sushil Kumar and Anjali Devi, the petitioners herein, in furtherance of common intention and object, broke open the locks, entered her house, and stole a sewing machine and valuable utensils. On the receipt of this report, impugned FIR came to be registered.

03. Petitioners are aggrieved of the impugned FIR *inter alia* on the following grounds:-

- “a. That the FIR impugned is bad in the eyes of law and such is not sustainable and liable to be quashed.*
- b. That the FIR lodged by the respondent no 2 is a figment of imagination and has been filed on very false grounds in order to coerce the petitioners to withdraw the suit and subsequent proceedings. In catena of judgments of Hon'ble Supreme Court it is settled that any FIR lodged as Counter blast is an abuse of process of law. In the present case the FIR is a counter blast to the proceedings before the Learned Trial Court and the allegations can never be accepted by any prudent person.*
- c. That a bare perusal of the FIR impugned may reveal that the contents of the FIR are quite improbable and the conduct of the respondent no. 2 in lodging the FIR is not normal.*
- d. That the respondent no. 2 has been operated upon and is still on medication as such the probability of her going to the house of respondent no. 2 and causing theft etc. is beyond Imagination.*
- e. That a bare perusal of the contents of the FIR clearly reveals that the allegations levelled against the petitioners are just a figment of imagination to wreck vengeance on the petitioners. Hence the FIR is not sustainable and liable to be quashed.*
- f. That the instant case falls in the guidelines as provided in Bhajan Lai's Case, where the Hon'ble Courts have to show indulgence so that there is not abuse of process of law.*
- g. That the impugned FIR needs to be quashed as the registration of it cannot be allowed to be used as a tool of coercion against the petitioners.*
- h. That the conduct of the respondent no. 2 in lodging the impugned FIR is self explanatory to the fact that a long planning has gone in filing the FIR in the present case.*
- i. That it is also submitted that the Hon'ble Supreme Court in catena of judgments which follow Bhajan Lai's case, the Hon'ble Courts have been apt to show indulgence so that any investigation cannot be allowed to be used as a tool for settling personal scores.*
- j. That the petitioners reserve their right to argue additional grounds in support of their claim at the time of hearing of this petition with the kind permission of this Hon'ble Court”*

04. Countervailing the stand of the petitioner, official respondents are affront with the contention that allegations against the petitioners stand established during investigation and disputed facts raised by the petitioners in the present petition cannot be entertained and adjudicated upon by this Court in exercise of its inherent jurisdiction.

05. Section 482 Cr.P.C, recognizes and preserves the powers, which are inherent in the High Court, to prevent abuse of the process of any court or to secure the ends of justice. It is a reminder to the High Court that it is a court of justice not merely in law but possess inherent powers to remove injustice. In the circumstances, court is obliged to evaluate whether ends of justice would justify the exercise of powers which inhere in it, before it embarks to form an opinion whether a criminal proceeding or a complaint or an FIR could be quashed or not.

06. It is settled proposition of law that while examining the FIR or complaint sought to be quashed under Section 482 Cr.P.C., High Court cannot embark upon an enquiry or a mini trial as to the genuineness or otherwise of the allegations contained therein. In other words, this Court in exercise of its criminal jurisdiction under Section 482 Cr.P.C. cannot go into the merits of the allegations contained in the FIR or the complaint.

07. During investigation, the investigating agency recorded statements of material witnesses in terms of Section 161 CrPC and it was established that on 04.06.2021 at about 1710 hours, the petitioners, with common object and intention, committed criminal trespass by breaking open the locks and entering the house of the complainant. They stole an Usha sweing machine worth Rs. 1200, brass utensils (2 in number), bowls (3 large and 3 medium size) and plates (3 full size). The utensils worth Rs. 7,000/- were stolen and offences under Section 454, 380, 506, 334, 201 IPC were established against the petitioners. In the circumstances, disputed questions of fact urged by the petitioners in the present petition cannot be resolved by this Court in exercise of its inherent jurisdiction.

08. For the foregoing reasons, present petition is found to be devoid of merit and is, accordingly, dismissed.

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

10. Investigating agency shall be at liberty to file charge-sheet in the competent Court.

11. Disposed of.

(Rajesh Sekhri)
Judge

Jammu
29.04.2026
Abinash

