

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

Reserved on: 04.06.2026

Pronounced on: 03.07.2026

Uploaded on: 03.07.2026

*Whether the operative part or full
judgment is pronounced:* **Full**

CRM(M) No.469/2024

c/w

CRM(M) No.525/2024

PARDEEP KHANNA & ORS.

VEENU KHANNA

...PETITIONER(S)

Through: - Mr. Aditya Gupta, Advocate.

Vs.

UT OF J&K & ORS.

...RESPONDENT(S)

Through: - Mr. Pawan Dev Singh, GA.

Mr. Sunil Sehti, Sr. Advocate, with

Mr. Parimoksh Seth, Advocate.

Mr. Sumit Nayyar (R4 in person)

Mr. Aseem Sahney, Advocate.

Mr. Vikas Mangotra, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) By this common judgment, the afore-titled two petitions bearing CRM(M) No 469/2024 and CRM(M) No.525/2024 filed under Section 482 Cr.P.C., challenging FIR No.57/2024 for offences under Sections 447, 353, 332, 225, 147 and 149 of the IPC, and Section 3 of the Public Property (Prevention of Damage) Act, 1985 registered with Police Station Bakshi Nagar, are proposed to be disposed of. CRM(M) No.469/2024 has been filed by petitioners Pardeep

Khanna, Rajeshwar Khanna, Parth Khanna and Aditya Khanna, whereas CRM(M) No.525/2024 has been filed by petitioner Veenu Khanna.

2) During the pendency of these petitions, the petitioners moved applications bearing CrIM Nos.315/2026 and 314/2026 seeking amendment of the petitions. The said applications were allowed vide order dated 24.03.2026, pursuant to which the petitioners incorporated the relief relating to challenge to order dated 30.12.2024 passed by the learned Forest Magistrate, Jammu, whereby their application under Section 156(3) of the Cr.P.C. seeking registration of FIR against the private respondents was dismissed.

3) It is alleged in the impugned FIR that an application came to be filed by respondent No.2, on the basis of which police of Police Post Sarwal called the petitioners for questioning, but they launched an attack upon the police party and when the police officials tried to pacify them, the petitioners raised hue and cry and attacked one of the police officials. Thereafter, the petitioner-Pardeep Khanna was taken into custody and he was booked under Section 107/151 of Cr. P. C. The other petitioners fled away from the spot. It is further alleged that the other petitioners, along

with 100-150 persons, gathered around Police Post, Sarwal, broke open the gate of the Police Post and thereafter launched an attack upon the Police Post. The assailants took photographs and videographs and gave a severe beating to ASI Mohd. Shaheen and other police officials, thereby causing serious injuries to them. Thus, offences under Section 447-A, 353, 323, 225, 149 and 149 of IPC and Section 3 of the Prevention of Damage to Public Property Act, were found disclosed against the petitioners.

4) The stand of the petitioners, on the other hand, is that on 04.05.2024 at about 08.39 AM, the brother of respondent No.2 along with respondent No.3 and six more constables came to the house of the petitioners and they brought them to Police Post, Sarwal, where respondent No.3 used a very derogatory tone against the petitioners and physically abused petitioner Pardeep Khanna. It has been further alleged that respondent No.3 directed the constables to beat the petitioners, whereupon petitioner Nos.1, 2 and 4 managed to escape but respondent No.3, along with his constables, physically assaulted petitioner No.3 and lodged him behind the bars. In this regard, the petitioners approached the Court of learned Forest Magistrate with an application under Section 156(3) of Cr. P. C, in which an

order came to be passed by the said Court on 21.05.2024, directing the Incharge P/S Bakshi Nagar, to verify the allegations made in the complaint and if cognizable offence is made out, to proceed in terms of Section 156(3) of Cr.P.C. It seems that a series of status reports were called by the learned Magistrate from SHO, P/S Bakshi Nagar and ultimately, vide impugned order dated 30.12.2024, the proceedings were closed.

5) The petitioners have challenged the impugned FIR on the grounds that the same is fabricated and it has been lodged only with a view to harass them and to create a defence for the alleged illegal acts committed by the private respondents. It has been contended that the case of the petitioners squarely falls within the parameters laid down by the Supreme Court in ***State of Haryana v. Bhajan Lal*** 1992 Suppl (1) SCC 335, for quashment of an FIR. It has been contended that the CCTV footage of the incident, which has been placed on record, clearly shows that the petitioners were unnecessarily called to the police station and they were beaten up by the respondents and other police officials present over there, without any rhyme and reason. It has further been contended that because the impugned FIR has been lodged with a view to wreak vengeance upon the

petitioners, therefore, it is the duty of the Court to go beyond the contents of the FIR and read in between lines. It has been also contended that there are serious gaps and infirmities in the story projected by the police in the impugned FIR which clearly goes on to show that the contents of the impugned FIR are absolutely false and frivolous.

6) Regarding the impugned order passed by the learned Magistrate, it has been contended that the same is not in accordance with law as the learned Magistrate has ignored the statements of the eyewitnesses and that it was obligatory upon the learned Magistrate to direct registration of FIR as the allegations made in the complaint clearly disclosed cognizable offences.

7) To support of the contentions raised in the petitions, learned counsel for the petitioners has placed heavy reliance upon the judgments of the Supreme Court in **Salib alias Shalu alias Salim v. State of Uttar Pradesh and Ors.** (2023) 20 SCC 194; **Pradeep Kumar Kesarwani v. State of Uttar Pradesh**, 2025 SCC OnLine SC 1947; and **Sajal Bose v. State of West Bengal and Others**, 2026 SCC OnLine SC 525.

8) The respondents, on the other hand, have submitted that the content of the impugned FIR clearly disclose

commission of cognizable offences and after investigation of the case, the said allegations have been substantiated by the material collected by the investigating agency. Therefore, this Court cannot undertake a mini-trial to go into the veracity of the allegations made in the impugned FIR and to test the reliability or otherwise of the material collected by the investigating agency. It has been contended that power of this Court under Section 482 of the Cr. P. C is limited and the present petitions cannot be converted into a mini-trial.

9) I have heard learned counsel for the parties and perused the material on record.

10) Before dealing with the contentions raised by learned counsel for the parties, it would be apt to notice the legal position as regards the power of the Court to quash criminal proceedings while exercising its jurisdiction under Section 482 of the Cr. P. C.

11) In its celebrated judgment delivered in the case of **State of Haryana v. Bhajan Lal**, 1992 Supp (1) SCC 335, the Supreme Court has illustrated the circumstances in which the High Court would be justified in quashing the criminal proceedings. The same are reproduced as under:

i) Where the allegations made in the first information report or the complaint, even if they are taken at their

face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

ii) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

iii) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

iv) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

v) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

vi) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party; and,

vii) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

12) The Supreme Court and various High Courts of the Country have consistently followed the aforesaid ratio laid

down in **Bhajan Lal's** case (supra). Recently, the Supreme Court has, in **Pradeep Kumar Kesarwani's** case (supra), after noticing the legal position on the issue, laid down the steps that should ordinarily determine the veracity of the prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 420 of the Cr. P. CRPC. The relevant extracts of the judgment are reproduced as under:

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. (See: Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013).

13) With the aforesaid legal position in mind, let us now proceed to determine the merits of the contentions raised in these petitions seeking quashment of the impugned FIR. It is the contention of the petitioners that they were called by the police to the police station without any justification and they were thrashed over there by the police officials and the private respondents. It is their contention that the impugned FIR is just a shield projected by the respondents to their illegal actions. The petitioners, to support their contention, have placed heavy reliance upon the CCTV footage of the incident, which has been placed on record. It has been contended that the Supreme Court in the case of **Sajal Bose** (supra) has held that, while exercising power under Section 482 of Cr. P. C, CCTV footage can be relied upon by the High Court for the purpose of ascertaining truth behind the allegations made by the prosecution.

14) A perusal of the impugned FIR clearly discloses commission of cognizable offences against the petitioners. If we have a look at the contents of the impugned FIR, it is specifically alleged that the petitioners ransacked the police station, they gave a beating to police officials and they also forcibly rescued one of the petitioners from the lockup. These allegations are supported by the statements of witnesses

recorded during the investigation of the case. The medical report of injured police officials shows that they have received injuries. The photographs showing damage to the building of the police station and the photographs showing a mob of people trying to forcibly enter the police station are all part of the Case Diary. Thus, there is sufficient material on record of the case to show that the allegations made in the impugned FIR are well founded. Hence it cannot be stated that the allegations levelled in the impugned FIR are not supported by the material collected by the investigating agency.

15) So far as the recording of the CCTV footage placed on record by the petitioners is concerned, the veracity of the same cannot be determined by this Court in these proceedings. In **Sajal Bose's** case (supra), the Court was dealing with CCTV footage filed by the prosecution along with the charge sheet before the trial court. It was a material the veracity of which was admitted by the prosecution. In the present case, the charge sheet is yet to be filed and the veracity of CCTV footage is yet to be ascertained by the investigating agency. So, it is not an admitted material of sterling quality on which this Court can place reliance in these proceedings. Therefore, the requirement of very first

step as laid down in **Pradeep Kumar Kesarwani's** case (supra) is not satisfied in the present case. The impugned FIR, as such, cannot be quashed as the same would amount to stifling a genuine prosecution, which is impermissible in law.

16) There is, however, yet another aspect of the matter which is required to be noticed. The petitioners allege that they were beaten up by the police along with the private respondents. It is being alleged that the petitioners were unnecessarily dragged to the police station as there was some money transaction between one of the petitioners and one of the private respondents. It has been alleged that respondent No.2, the then in charge of the police post, Sarwal, was having friendly relations with private respondents and for this purpose, he was trying to pressurize the petitioners to pay the money to private respondents. In this regard, the petitioners had lodged a complaint under Section 156(3) of Cr. P. C with learned Forest Magistrate, Jammu.

17) It appears that the learned Forest Magistrate has not dealt with the aforesaid complaint of the petitioners strictly in accordance with the law. The petitioners, in their complaint, had given a counter version of the occurrence,

which was subject matter of the impugned FIR. If the learned Magistrate did not find any substance in the allegations made in the complaint under Section 156(3) of Cr. P. C, it was incumbent upon the learned Magistrate to decide the said complaint with a reasoned order. Instead of doing so, the learned Magistrate closed the proceedings vide his impugned order dated 30.12.2024 by stating that application of the complainants was only for calling status report from the concerned police station and once the status report has been filed, no further proceedings are to be taken in the matter.

18) I am afraid the approach adopted by the learned Magistrate is not in accordance with law. The very first order passed by the learned Magistrate on the complaint of the petitioners was in the nature of a direction to SHO, Police Station, Bakshi Nagar, to verify the allegations made in the complaint and if cognizable offence is made out, to proceed in terms of Section 156(3) of the Cr. P. C. Thereafter, it seems, status reports were submitted by the SHO before the learned Magistrate and the petitioners also filed their protest petition against the report submitted by SHO Police Station, Bakshi Nagar. Without dealing with the objections raised by the petitioners in their protest petition, it was not open to

the learned Magistrate to close the proceedings by remaining satisfied with the status reports filed by the S.H.O. Without dealing with the merits of the contentions raised by the petitioners in their protest petition, the proceedings could not have been closed by the learned Magistrate.

19) The aforesaid approach of the learned Magistrate has led to a situation where the counter version of the occurrence projected by the petitioners has remained uninvestigated. It is permissible in law to register two FIRs in respect of the same incident on the basis of rival versions projected by the opposing parties involved in the incident. It was also open to the learned Magistrate to take cognizance of the offences on the basis of the material that may have been placed by the petitioners/complainants before him or even to close the proceedings but only after recording reasons for doing so. Having omitted to adopt any of the aforementioned options, the learned Magistrate has failed to exercise his jurisdiction properly. The impugned order passed by the learned Magistrate is, therefore, not sustainable in law.

20) For what has been discussed hereinbefore, the petitions are partly allowed. While dismissing the petitions to the extent of challenge to the impugned FIR, the petitions to the extent of challenge to order dated 30.12.2024 passed

by the learned Magistrate, are allowed and the said order is set aside. The matter is remanded to the learned Magistrate with the direction to revive the complaint filed by petitioners under Section 156(3) of the Cr. P. C and to pass appropriate fresh orders thereon in the light of what has been discussed hereinbefore.

21) The Case Diary be returned to learned counsel for official respondents.

(Sanjay Dhar)
Judge

SRINAGAR
03.07.2026
“Dhat Altaf-Secretary”

Whether the **judgment** is reportable: **YES/NO**

