

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

CRM(M) No. 608/2026

Date of Pronouncement: 30.06.2026

Faqir Chand

.....Petitioner(s)

Through: Mr. Ajay Bakshi, Advocate.

Vs

UT of J&K

.....Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(30.06.2026)

- 01.** The petitioner, through the medium of this petition, moved under section 528 of BNSS seeks quashment of order dated 26.05.2026 passed by the learned Judicial Magistrate, Akhnoor, whereby a complaint under section 175(3) of BNSS, 2023 titled Faqir Chand Vs. SHO Police Station, Akhnoor was rejected and seeking directions to the trial court to proceed with the complaint, in accordance with law.
- 02.** Petitioner claims to have moved a criminal complaint, asserting that he was owner in possession of the land bearing khasra No. 2105/1423 situated at village

Bhambarwan Ambaran, over which one room along with store room was constructed by him and was being used to store agricultural products as well as agricultural tools and that he also kept one trunk to keep household items and other essential items in the said room, which has been constructed at a small distance from his residential house; that the accused having their evil eyes over the said property of the petitioner attempted to take forcible possession of the property of the petitioner, however, the same was prevented by him with his timely intervention.

- 03.** It was alleged that on 25.03.2026 at about 9.00 AM, all the accused persons armed with sharp edged weapons, broke the lock that had been fixed by the petitioner to his room and thereafter unlawfully entered into the said room with an intention to intimidate, annoy or insult the petitioner and with common intention to take forcibly possession of the said property and thereby committed criminal trespass over the property of the petitioner; that on his reaching the site, the petitioner was illegally restrained from entering his own building by the accused, as he was threatened of dire consequences; that the accused No. 1, 2 and 5 were having sharp edged weapons in their hands and the wife of accused No. 2 along with

other accused No. 3 started beating him with fists and blows, who was later rescued from the accused by some villagers; that he was taken to SDH, Akhnoor by his family members for treatment as the petitioner had suffered several injuries, as per MLC No. 8972 dated 25.03.2026 issued by the doctor.

- 04.** The petitioner has further alleged that on the same day i.e., 25.03.2026, he reported the matter to the concerned Police Station, Akhnoor for lodging of FIR against the accused persons; that the court below had called the action taken report from the Incharge Police Station, Akhnoor. It was stated in the report that on 13.04.2026, he had visited the spot and recorded the statements of some persons from where it came forth that there was contradiction between the allegations made in the complaint and version given by the applicant himself as in the complaint it was alleged that he was beaten with fists and blows by the accused, however, in their statements, Faquir Chand and Shakuntla Devi stated that Faquir Chand was only pushed by Dilbagh Raj, as such, this serious contradiction had raised doubt about the veracity of the allegations leveled in the application. Besides, the examination of the CCTV footage revealed

that Faquir Chand himself had pushed one Sita Ram out of the house and after some time, the non-applicants had arrived at spot; that there was no incident of any person pushing or assaulting the complainant-Faquir Chand and only verbal altercation had taken place between the parties and no physical fight or assault was visible in the CCTV footage; that in fact the parties has a land dispute regarding which the case was subjudice before the court of learned 3rd Civil Subordinate Judge, Jammu who had directed the parties to maintain status quo on spot with respect to the suit property.

- 05.** Learned counsel for the petitioner submits that the court below, on the basis of the action taken report, had passed the impugned order by holding that the complaint was giving the criminal colour to the matter and in view of the embellishments and exaggerations made in the application, the bonafide of the applicant are doubtful hence did not find any case for registration of FIR; that the court below had been swayed by the aforestated legal position and had not appreciated the fact that MLC has been registered in the case by the Medical Officer which created a bonafide belief that there was a scuffle between

the parties and the trial court, without considering the same, passed the impugned order.

06. Learned counsel for the petitioner, however, argued that the complaint moved by the petitioner against the accused persons was required to be examined and the allegations raised therein were required to be investigated so as to bring the culprits to book and that the court below, without consideration of the legal principles, had rejected the application to order investigation of the case and it was prayed that the impugned order be set aside with a direction to the learned Judicial Magistrate to consider the matter afresh for direction to the concerned police for registration of the case for investigation of the matter.

07. Heard and considered.

08. The petitioner, as complainant, has moved the application raising different accusations against Tarsem Kumar, Dilbag Raj @ Baggi, Harbans Lal, Sarla Devi, Ashish and Sita Ram to register a case against them alleging that he was assaulted on 25.03.2026 at about 9.00 AM by all of them, who had broken the lock of his room and unlawfully entered therein with an intention to

intimidate, annoy or insult him and with the common intention to take forcible possession of the suit property.

09. The learned Magistrate called the report from the concerned police who, on an enquiry after visiting the place of occurrence and recording the statement of some persons and the examination of the CCTV footage, had reported that the parties had a land dispute regarding which a civil case was pending before a civil court at Jammu and that it was not a case of attack on the petitioner/complainant Faquir Chand. Besides examination of the CCTV footage revealed that it was Faquir Chand himself who had pushed one of the alleged accused, namely, Sita Ram and that there was nothing of the sort so as to show that there was a physical fight or assault made by any of the alleged accused upon the complainant.

10. The petitioner has also not placed on record the MLC, though reference to the same had been made by the trial court in its order, indicating that there was no injury on the person of the complainant. Had he been attacked by any of the accused, who were alleged to have been armed with sharp edged weapons, it cannot be stated that any

of the offences alleged to have been committed are prima facie disclosed.

- 11.** The trial court has rightly observed that the complainant-petitioner has tried to give a criminal colour to a civil dispute between the parties so as to pressurize the other side.
- 12.** Having regard to the aforementioned reasons and the discussion made hereinabove, this Court is of the considered opinion that the impugned order does not suffer from any illegality or perversity, so as to call for any intervention by this Court under its inherent jurisdiction.
- 13.** The petition found to be without any merit and substance is, thus, liable to be rejected. As a result, the petition is dismissed and the impugned order is upheld.

(M A CHOWDHARY)
JUDGE

JAMMU
30.06.2026
NARESH