

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

**CrlM No. 348/2026 in
CRM(M) No. 379/2020**

Hitender Singh and ors.

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

Through: Mr. Swarn Kishore Singh, Advocate
vs

UT of J&K and ors.

..... Respondent(s)

Through: Mr. Suneel Malhotra, GA

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
10.04.2026

CrlM No. 348/2026

1. This is an application seeking recalling of the order dated 30.01.2026, by virtue of which, the petition bearing CRM(M) No. 379/2020 was dismissed for non prosecution.
2. For the reasons stated in the application, the same is allowed. The order dated 30.01.2026 is recalled and the petition bearing CRM(M) No. 379/2020 is restored to its original number.
3. Application stands **disposed of**.

CRM(M) No. 379/2020

4. The main petition is taken on board.
5. This petition has been filed by the petitioner for quashing FIR No. 0081/2020 dated 03.10.2020 registered with Police Station, Basohli under Section 341, 323, 147, 504 and 506 IPC on the ground that the FIR bearing FIR No. 0081/2020 was lodged by sister of petitioner No.

1 and daughter of petitioner No. 2 in Police Station, Basohli, wherein respondent No. 4 figures as an accused. Further that it cannot be believed that 65 years old person can assault a 30 years old young man and further that one person, namely, Abhishek has been impleaded as an accused in the FIR who is a juvenile.

6. Status report stands filed by the respondents, stating therein that on 03.10.2020, pursuant to the written application filed by the complainant, namely, Mst. Bindro against six accused persons, FIR bearing FIR No. 0081/2020 under Section 341, 323, 147, 504 and 506 IPC was registered with Police Station, Basohli. During investigation, the statements of the eye witnesses were recorded and involvement of Abhishek S/o Shiv Kumar R/o Janu Tehsil Basohli was not established, however offences under Section 341, 323, 147, 504 and 506 IPC were established against Hari Dayal, Parmanand, both sons of Nek Ram, Hatinder Singh, Rudher Singh and Jivan Kumar. It is further stated that the investigation stands closed as challan but the same could not be produced due to restraint placed upon the filing of the charge sheet by this Court vide order dated 11.11.2020.
7. After having heard learned counsel appearing for the parties and examining the record, this Court finds that the contentions raised by the petitioners for quashing the FIR impugned cannot be considered at this stage being disputed questions of fact. In the status report, it is stated that Abhishek has been exonerated and the offences have been established against the other accused.

8. In view of the above, there is hardly any ground available with this Court to quash the FIR impugned.
9. This petition is found to be without merits. The same is **dismissed**.

(RAJNESH OSWAL)
JUDGE

Jammu
10.04.2026
Neha-II

Whether the order is speaking:	Yes/No
Whether the order is reportable:	Yes/No

