

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

**Case:-Bail App. No. 187/2025
c/w
CRM(M) No. 616/2025**

Date of Pronouncement: 17.02.2026
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Gafoor Ahmed and others

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

Through:- Mr. Yasser Ajaz Tak. Advocate

V/s

Union Territory of J&K

.....Respondent(s)

Through:- None

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

ORDER
17.02.2026

CRM(M) No. 616/2025

1. The petitioners have invoked the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for quashing of FIR No. 35/2025 dated 11.06.2025 registered at Police Station Sunderbani, District Rajouri, for offences under Sections 115(2), 125(2), 333 and 307 of the Bharatiya Nyaya Sanhita, 2023 (BNS). The principal contention raised is that the impugned FIR is a counterblast to FIR No. 31/2025 dated 31.05.2025 registered at the instance of petitioner Nos. 1 and 2 in respect of the same occurrence dated 29.04.2025.

2. It is not disputed that both FIRs emanate from the same incident dated 29.04.2025 at about 7:00 PM and represent rival versions. The law is well settled that cross-FIRs in respect of the same occurrence are permissible and both versions must be fairly investigated. In *Nathi Lal v. State of U.P.*, 1990 Supp SCC 145, the Supreme Court held that cross-cases should be tried by the same Court to avoid conflicting judgments. The principle has been reiterated in *Sudhir v. State of M.P.*, (2001) 2 SCC 688.
3. The parameters governing exercise of inherent jurisdiction for quashing criminal proceedings are authoritatively laid down in *Bhajan Lal v. State of Haryana*, 1992 Supp (1) SCC 335, wherein it has been held that quashing is warranted where the allegations are manifestly attended with mala fide and where the proceedings are instituted with an ulterior motive for wreaking vengeance. At the same time, such power is to be exercised sparingly and with great caution.
4. In the present case, it is borne out from the record that petitioner Nos. 1 and 2 were admittedly present at the spot at the relevant time. They have sustained injuries as reflected from the medical record, and petitioner No. 2 is stated to have suffered miscarriage. The rival version projected by respondent No. 2 alleges that petitioner Nos. 1 and 2 were aggressors. These are disputed questions of fact requiring investigation. This Court cannot, in exercise of jurisdiction under Section 528 BNSS, conduct a roving inquiry into the truthfulness of the rival allegations. The Supreme

Court in *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, (2021) 19 SCC 401, has cautioned that courts should not ordinarily stifle legitimate investigation at the threshold unless the case falls within the exceptional categories carved out in *Bhajan Lal* (supra). Thus, no ground is made out for quashing the impugned FIR insofar as petitioner Nos. 1 and 2 are concerned.

5. However, a different footing emerges qua petitioner Nos. 3 to 8. The material placed on record indicates that petitioner Nos. 3 to 8 are relatives residing at a considerable distance from the place of occurrence. Their presence at the scene is not prima facie substantiated by independent material. The record further reflects that prior to registration of the impugned FIR, the police had submitted a report indicating absence of cognizable offence. The subsequent implication of petitioner Nos. 3 to 8, without specific overt acts attributed to them, appears to be a sweeping and omnibus allegation.
6. The Supreme Court in *Bhajan Lal* (supra) has specifically held that where allegations are vague, general and do not disclose the essential ingredients of the offence, the proceedings may be quashed to prevent abuse of process. The continuation of criminal proceedings against petitioner Nos. 3 to 8, in the absence of specific material indicating their presence or participation, would amount to subjecting them to unnecessary harassment and would constitute abuse of the process of law.

7. Insofar as petitioner No. 9 is concerned, the investigating agency has already reported that he was on official Army duty at the relevant time and has been dropped from the array of accused persons.
8. Accordingly, the petition is partly allowed. FIR No. 35/2025 dated 11.06.2025 registered at Police Station Sunderbani, District Rajouri, for offences under Sections 115(2), 125(2), 333 and 307 BNS is hereby quashed qua petitioner Nos. 3 to 9. The investigation shall, however, proceed in accordance with law against petitioner Nos. 1 and 2.
9. It is clarified that any observation made herein is only for the purpose of deciding the present petition under Section 528 BNSS and shall not be construed as an expression on the merits of the case during investigation or trial.
10. The interim protection earlier granted in favour of petitioner Nos. 1 and 2 shall continue subject to their cooperation with the investigating agency and appearance before the trial court as and when required, with this the bail application no 187/2025 too shall stand disposed of.

(SANJAYPARIHAR)
JUDGE

JAMMU
17.02.2026
Nikhil

Whether the order is speaking?	Yes
Whether the order is reportable?	No