

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

**CrIM No. 363/2026 in**  
**CRM(M) No. 753/2022**

Zakir Hussain Shah and Ors.

.... Petitioner(s)

Through:- Mr. S. K. Anand, Advocate.

V/s

UT of J&K &Anr.

.....Respondent(s)

Through:- Mr. Eishaan Dadhichi, GA.

**CORAM : HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

**ORDER**  
**10.04.2026**

**CrIM No. 363/2026**

1. Notice. Notice is waived by Mr. Eishaan Dadhichi, learned GA on behalf of the respondent No. 1. He submits that he has no objection to the submissions made by Mr. S. K. Anand, learned counsel.

2. Accordingly, the instant application is **allowed** and order dated 26.12.2025 is recalled.

**CRM(M) No. 753/2022**

1. Heard learned counsel for the parties.

2. This petition has been filed by the petitioners for quashing the FIR No. 107/2022 dated 01.09.2022 registered with Police Station Gursai, Tehsil Mendhar, District Poonch under Sections 341, 332, 147, 336, 504 & 506 RPC against the petitioners.

3. Quashing the FIR is sought on the ground that FIR impugned is counter blast to the FIR No. 0104/2022 registered by petitioner No. 2 against the accused persons including respondent No. 2.

4. Status report has been filed by respondent No. 1 and objections have been filed by respondent No. 2.

5. In the status report, it is stated that on 01.09.2022, one person, namely, Sadaq Hussain Shah submitted a written application with the Police Station duly endorsed by Learned Chief Judicial Magistrate, Poonch under section 156(3) Cr.P.C. against Muzaffar Hussain Shah and eight others. It is further stated that on 23.08.2022 at about 12:30 Hrs. President of Ahle Tashia Community Muzaffar Hussain Shah called vice President of Ahle Tashia Community, namely, Azeem Abass Jafri along with Abrar Hussain Shah and others and discussed with them that a road was to be constructed in their area and in that regard, JCB machine was ordered. Secretary, Ahle Tashia Community, namely, Sajad Hussain Shah was informed not to install machine in rainy season and install a machine after a month and build a road for construction of Masjid Sharief. He alleged that he along with other was going towards Mohalla Lapara and the alleged accused persons with criminal intension restrained the way of complainant and started beating with fists and blows and pelted stones upon him. On hue and cry, some people came on spot and rescued him from the clutches of accused. On receipt of this application, a case FIR No. 107/2022 under sections 341/323/147/336/504/506 IPC was registered and investigation of the case was entrusted to IHC Mohd. Yaqoob.

6. During the course of the investigation, the Investigating Officer recorded the statements of the witnesses under Section 161 Cr. P. C and also obtained the medical report from SDH Mendhar. The Medical Officer has mentioned in his report that injury No. 1, 2 and 3 are simple in nature caused by blunt object and injury No. 04 and 05 are simple in nature caused by sharp object. As per the medical report, offence under Section 324 IPC has been proved against the accused persons. The accused were arrested and were released on bail.

7. After examining the status report and more particularly, in view of the specific averment made in the status report regarding the medical opinion obtained from SDH, Mendhar, it cannot be stated at present that FIR impugned has been lodged as a counter blast to FIR No. 0104/2022 and no offence is made out against the petitioners.

8. At this stage, Mr. Eishaan Dadhichi, learned GA submits that the charge-sheet against the petitioners has been filed and in turn, Mr. Anand, learned counsel for the petitioners submits that the petitioners be permitted to avail charge-sheet.

9. In view of the above, the FIR impugned cannot be quashed and the petitioner is left free to assail the charge-sheet, if so advised.

10. **Disposed of**, accordingly.

**(Rajnish Oswal)**  
**Judge**

**JAMMU**  
**10.04.2026**  
**NEHA-1**