

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

CRM(M) No. 975/2022

c/w

CRM(M) No. 695/2021

CRM(M) No. 781/2021

Date of Pronouncement: 13.02.2026

Date of uploading: 17.02.2026

Abdul Majeed & Ors.

...Petitioner/Appellant(s)

Through: Mr. Rameshwar P. Sharma, Sr. Advocate and
Mr. Rohit Gupta, Advocate in CRM(M) No. 695/2021
Mr. Anil Gupta, Advocate in CRM(M) No. 781/2021

Vs.

Union Territory of J&K and Ors.

...Respondent(s)

Through: Mr. Dewakar Sharma, DyAG
Inspector N. R. Thakur, Investigating Officer present in
person
Mr. Rameshwar P. Sharma, Sr. Advocate and
Mr. Rohit Gupta, Advocate in CRM(M) No. 781/2021
Mr. Anil Gupta, Advocate in CRM(M) Nos. 975/2022 and
695/2021

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

ORDER

13.02.2026

CRM (M) No. 695/2021

1. The petitioners, through the instant petition filed under Section 482 Cr.P.C., seek quashment of FIR No. 198/2021 dated 12.10.2021 registered at Police Station Mandi for offences under Sections 354, 323 and 382 IPC, along with consequential proceedings arising therefrom.
2. The case of the complainant, as reflected in the FIR, is that on the date of occurrence, when she was alone at her residence, the petitioners

forcibly entered her house, caught hold of her from her private parts, tore her clothes and attempted to outrage her modesty. It is further alleged that upon her raising hue and cry, the accused persons fled from the spot after threatening to strip her naked and defame her in case she encountered them again. It is also alleged that while fleeing, they snatched her golden chain.

3. The FIR came to be registered pursuant to directions issued by the Court of District Mobile Magistrate, Poonch under Section 156(3) Cr.P.C. During the course of investigation, the Investigating Agency found offences under Sections 354, 323 IPC to be made out. However, offence under Section 382 IPC was found not substantiated and was dropped. Instead, offence under Section 452 IPC was added in view of the finding that the accused had committed house-trespass after preparation for assault.
4. The petitioners contend that they have been falsely implicated in the present case as a counterblast to a forgery case registered against the husband of the complainant at the instance of petitioner No.1. It is argued that the FIR is malicious and an abuse of process of law.
5. This Court has considered the submissions advanced and perused the material available on record. The complainant has reiterated the allegations in her statement recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate. The investigation conducted does not appear to be biased or tainted, particularly in view of the fact that Section 382 IPC was dropped upon finding no supporting material.

The Investigating Agency has applied its mind to the facts and evidence collected during investigation.

6. At this stage, this Court, while exercising jurisdiction under Section 482 Cr.P.C., is not required to embark upon appreciation of evidence or adjudicate upon disputed questions of fact. The allegations made in the FIR and supported by the statement under Section 164 Cr.P.C. *prima facie* disclose commission of cognizable offences.

7. In view of the above, this Court finds no merit in the present petition.

The petition is accordingly ***dismissed***. Interim directions, if any, shall stand vacated. *Ordered accordingly.*

CRM (M) No. 781/2021

1. Briefly stated, CRM (M) No. 781/2021 has been filed by the petitioner, Bashir Ahmed, seeking quashment of FIR No. 209/2021 dated 28.10.2021 registered at Police Station Mandi under Sections 419, 420, 467, 468, 471 and 109 IPC. As per the FIR, the respondent, Rashid Mehmood Lone, lodged a complaint alleging that the petitioner Bashir Ahmed had obtained employment in the Police Department as a Special Police Officer (SPO) under Belt No. 1038 and was posted at Police Line, Poonch, on the basis of a fake 8th class certificate. It is further alleged that on the strength of the said certificate, he was appointed as Constable. The complaint led to registration of the FIR upon verification from the Principal, Government Higher Secondary School, Mandi, regarding Certificate No. 691 dated 27.09.2012

purportedly issued in favour of Bashir Ahmed S/o Ghulam Mohd., R/o Azama bad, Tehsil Mandi, District Poonch.

2. According to the Investigating Officer, as reflected in the status report of FIR No. 209/2021, the certificate bearing Serial No. 448 dated 26.06.1998 showing that the petitioner had passed the 8th class examination appears to be forged. On that basis, the case was registered. It is, however, stated that the petitioner had passed the 9th class examination from Government Boys Higher Secondary School, Mandi. The investigation is still in progress and certain statements remain to be recorded. CRM (M) No. 781/2021 concerns allegations relating to forgery and creation of a false document.

3. Learned counsel for the petitioner submits that the investigation is tainted inasmuch as while it alleges that the 8th class certificate dated 26.06.1998 is forged, it is admitted that the petitioner passed the 9th class examination in the year 2012. It is contended by the other side, that the question whether the petitioner had actually passed the 8th class examination in 1998 and whether a certificate was duly issued is a disputed question of fact requiring investigation. This Court, in exercise of its extraordinary jurisdiction under Section 482 Cr.P.C., cannot adjudicate disputed questions of fact.

4. Though the petitioner alleges that the case has been orchestrated with *mala fide* intent, the fact remains that *prima facie* material has been found by the police agency during investigation indicating fabrication of a false document. The report dated 30.11.2021 of the Principal, Government Higher Secondary School, Mandi, states that Bashir

Ahmed S/o Ghulam Mohd. had not appeared in the 8th class examination. It was argued that the certificate had been obtained from Government Girls Higher Secondary School, Mandi, and therefore verification should have been sought from that institution instead of Government Boys Higher Secondary School, Mandi.

5. Be that as it may, the allegation is that Certificate No. 448 dated 26.06.1998 purportedly issued by the Principal, Government Higher Secondary School, Mandi, Poonch, showing the petitioner to have passed the 8th standard examination as a private candidate, is a fake document. The petitioner is also stated to have furnished an affidavit declaring that he had passed the Middle Standard Examination in the year 1998 from Government Higher Secondary School, Mandi. Thus, his claim of having passed the 8th class examination for the session 1998 is alleged to be founded on a fictitious document. These are matters requiring investigation, and the petitioner has failed to demonstrate that the proceedings initiated against him are actuated by *mala fide* or oblique motives warranting interference by this Court. Accordingly, this Court finds no merit in CRM (M) No. 781/2021. The petition is, therefore, ***dismissed*** and interim direction, if any, shall stand vacated.

CRM (M) No. 975/2022

1. The petitioners, by way of the present petition under Section 482 Cr.P.C., seek quashment of order dated 01.07.2020 passed by the learned Chief Judicial Magistrate, Poonch (hereinafter referred to as “the trial Court”), whereby cognizance has been taken for offences

punishable under Sections 147, 451 and 323 IPC on the basis of a complaint filed by respondent No. 2–Parveen Akhter.

2. The principal contention of the petitioners is that the complaint in question has been filed with *mala fide* intent at the instance of the complainant's husband, Bashir Ahmed, against whom petitioner No. 1 had sought information under the Right to Information Act regarding his educational qualification, allegedly exposing the use of a forged certificate for securing employment in the Police Department. It is contended that, as a retaliatory measure, successive criminal proceedings were initiated and as many as sixteen members of the petitioners' family were falsely implicated by making allegations of unlawful assembly, trespass and assault in respect of an occurrence dated 30.06.2020.
3. This Court has examined the complaint and the material placed on record. It is evident that specific allegations have been leveled only against four accused, namely Khurshid Ahmed, Riyaz Ahmed, Khaleda Akhter and Gulnaz Akhter. The remaining petitioners have been arrayed as accused without attribution of any specific overt act. The allegations against them are omnibus and general in nature, lacking essential particulars necessary to sustain criminal prosecution. It is also noteworthy that similar allegations in a prior FIR, including the alleged snatching of earrings, were found to be false during investigation, thereby casting doubt on the veracity of repeated assertions against the entire family.

4. The summoning of an accused in a criminal case is a serious matter and cannot be undertaken in a mechanical manner. The order taking cognizance must reflect due application of mind to the material available on record. In the present case, the impugned order does not indicate such individualized consideration insofar as the petitioners, other than the four specifically named accused, are concerned.
5. The scope of inherent jurisdiction under Section 482 Cr.P.C. is well settled. The Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal 1992 Supp (1) 335* has delineated categories of cases where criminal proceedings may be quashed, including instances where allegations are manifestly attended with *mala fide* or where the complaint does not disclose the commission of any offence against particular accused persons. Similarly, in *Kahkashan Kausar v. State of Bihar Cr Appeal No.195 of 2022*, the Apex Court cautioned against the tendency to implicate all family members on the basis of vague and omnibus allegations without specific role attribution.
6. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that while the complaint *prima facie* discloses allegations warranting trial against Khurshid Ahmed, Riyaz Ahmed, Khaleda Akhter and Gulnaz Akhter, continuation of proceedings against the remaining petitioners would amount to abuse of the process of law.
7. Accordingly, the petition is partly allowed. The order dated 01.07.2020 passed by the learned Chief Judicial Magistrate, Poonch, is quashed to the extent it relates to the petitioners against whom no

specific and individualized allegations have been made. The proceedings shall, however, continue against Khurshid Ahmed, Riyaz Ahmed, Khaleda Akhter and Gulnaz Akhter in accordance with law.

8. The petition stands ***disposed of*** in the above terms. Pending applications, if any, shall also stand disposed of.

(SANJAY PARIHAR)
JUDGE

JAMMU:
13.02.2026
Akshil Dev

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

