

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 1040/2026
CrIM No. 1902/2026

Dheeraj Sharma and anr.

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

Through: Mr. M.K Sharma, Advocate

vs

UT of J&K and ors.

..... Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

ORDER

18.09.2026

1. Through the medium of this petition, the petitioners seek quashment of FIR No. 0377/2026 dated 26.07.2026 registered at Police Station, Kathua for offences under Sections 126 (2), 115(2), 351(2) & 352 of BNSS and all consequential proceedings emanating therefrom.
2. The case set up by the petitioners is that FIR No. 0374/2026 was registered first, on 25.07.2026, on the complaint lodged by petitioner No. 2 against respondent No. 3 and the other persons named therein, whereas the impugned FIR No. 0377/2026 came to be registered only on 26.07.2026 on the complaint of respondent No. 3 against the present petitioners. Thus, within a day of registration of the first FIR, respondent No. 3 lodged a counter-version of the same occurrence, seeking to portray the persons who had first approached the police as the aggressors
3. The ground on which the petitioners are seeking quashment of the impugned FIR is that the impugned FIR is mala-fide and is a

counterblast to its earlier complaint arising out of same incident which came to be lodged at his instance being FIR No.0374/2026.

4. The principal argument of the petitioners is that the FIR on hand which is registered against them out of same incident is lodged belatedly which shows mala-fide intention of the respondents.
5. Precisely, the petitioners have sought to draw the distinction in respect of both the FIRs lodged at the instance of the petitioners and other one lodged at the instance of respondent No. 3 on the ground that there is a time lag in lodging the FIR, therefore, same is abuse of process of the Court.
6. Heard and considered.
7. Having regard to the averments contained in the petition and submissions made at bar, it seems that the petitioners' precise grievance is that in order to keep the consistency in respect of the evidence collected during the investigation in regard to both the FIRs which are germane to same facts and circumstances, the matter requires indulgence.
8. Since, it is not in dispute that there are two FIRs as on date existing in respect of the same alleged occurrence, therefore, it is too early to return any finding in the present proceedings, as to who of the two is the aggressor party, which can only be seen on completion of investigation and of course would be a subject matter of trial, therefore, at this stage, in order to ensure that none of the parties is prejudiced and further to ensure that the truth is unravelled without

leaving any room for the parties to take advantage of any conflicting statement or material regarding same occurrence, both the FIRs are required to be investigated by one Investigating Officer. More so, because at this stage staying of investigation in one FIR would not only prejudice either of the parties, but would amount to interdicting the statutory power of investigation. The allegations as they stand do not warrant putting fetters on the statutory duty of the police to investigate the matter, particularly when prima facie cognizable offence is alleged to have been committed.

9. Accordingly, in view of the above, this petition is disposed of with a direction to SSP Kathua to appoint one investigating officer to investigate the FIR Nos. 0377/2026 and 0374/2026 and to proceed strictly in accordance with law.
10. Disposed of.

(Shahzad Azeem)
Judge

Jammu
18.09.2026
Tarun